

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR
JOINTLY WITH COMMITTEE ON EDUCATION

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APRIL 30, 2018
Start: 1:60 p.m.
Recess: 4:10 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: Daniel Dromm
Chairperson

Mark Treyger
Chairperson

COUNCIL MEMBERS: Adrienne Adams
Alan N. Maisel
Eric A. Ulrich
Jumaane D. Williams
Andrew Cohen
Justin Brannan
Deborah Rose
Rafael Salamanca Jr.
Stephen T. Levin
Chaim M. Deutsch
Brad Lander
Benjamin Kallos
Ydanis Rodriguez
Mark Levine
Robert E. Cornegy Jr.

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

Robert W. Lynn, Commissioner NYC Office of Labor Relations

Renee Campion, First Deputy Commissioner, NYC Office of Labor Relations

Michael Mulgrew, President, United Federation of Teachers

Jessica Jean-Marie, NYC Teacher, UFT Member

Emily James, NYC Teacher, UFT Member

Carolyn Duggan, NYC Teacher, UFT Member

Eric Ruben-Perez, NYC School Counselor, UFT Member

Melissa Dorsimus, Teacher, NYC Department of Education

Kai Sid, Outreach Specialist, NYC Department of Education

Eric Williams, New York Paid Leave Coalition

Molly Weston-Williamson, Lawyer, A Better Balance

1 COMMITTEE ON CIVIL SERVICE AND LABOR JOINTLY WITH
COMMITTEE ON EDUCATION 4

2 RAFAEL PEREZ: Testing one-two, testing
3 one-two, this is a test for the Committee on Civil
4 Service and Labor jointly with the Committee on
5 Education. Today's date is March 30th, 2018. The
6 meeting is being recorded by Rafael Perez.

7 CHAIRPERSON DROMM: [gavel] Good
8 afternoon. I am Council Member Daniel Dromm and I'll
9 be chairing the Committee on Civil Service and Labor
10 for today's hearing. I know the topic of paid
11 parental leave for New York City's Municipal
12 workforce is an important one to the Chair of this
13 Committee, my fellow colleague, I. Daneek Miller. But
14 unfortunately he is not able to join us here today. I
15 would also like to extend a welcome to the Chair of
16 the Committee on Education, Mark Treyger, to whom I
17 know this is also an important issue that the City
18 needs to tackle. Finally, I'd like to thank everyone
19 here today for coming out this afternoon to this
20 hearing. Today, we will be holding a joint oversight
21 hearing with the Committee on Education as well as
22 hearing two resolutions. The oversight topic will be,
23 paid parental leave for New York City's municipal
24 employees and the resolutions will be Resolution 311,
25 and Resolution 312. Resolution 311 introduced by

3 Council Members Cumbo, Treyger, Powers and Levin,
4 calls upon the City of New York to extend paid family
5 leave benefits to all City employees represented by a
6 municipal union. Currently, only a small fraction of
7 the New York City Government workforce enjoys such a
8 benefit. The Majority leader will speak to this
9 resolution shortly. Resolution 312, which was
10 introduced by Council Member Treyger, calls upon the
11 New York Legislature and the Governor to sign
12 legislation to amend the State Paid Family Leave Act
13 to provide employees covered by the act with a
14 benefit equal 100 percent of such employee's average
15 weekly wage. While Council Member Treyger will speak
16 more specifically to policies within the Department
17 of Education, I'd like to take a few minutes to speak
18 to paid family leave in general. Not many may be
19 aware of this extremely disappointing fact, but the
20 United States is the only developed country in the
21 world to not have a national paid parental leave
22 policy. Consider this sobering fact; as of 2017 only
23 5 states offered paid family leave programs.
24 California, New York, New Jersey, for private
25 employers only. Rhode Island and Washington as well
as the District of Columbia. It is clear that states

3 and municipalities including this one has so much
4 more to do. New York City has always been at the
5 forefront of innovative policy solutions to
6 intractable problems that have served as a model to
7 the rest of the country. As it often goes, what New
8 York City does, others will follow. We should be
9 leading on this important issue. What exactly is paid
10 parental leave? Paid parental leave is providing paid
11 time off to new parent employees to recover from the
12 birth of a child or to care for or bond with a new
13 child. Separate from other paid time off programs
14 like vacation and sick time. These programs typically
15 apply to both mothers and fathers. Case studies and
16 examples from implemented the policies across the
17 world are clear in one simple fact, the benefits of a
18 paid parental leave policy outweigh the cost. More
19 importantly, these policies fill a critical gap in
20 the safety net. A 2011 study that analyzed the
21 relationship between social policy and global health
22 in 141 countries with paid leave policies found that
23 paid parental leave can reduce infant mortality by as
24 much as 10 percent. Further studies have shown that
25 paid parental leave policies have led to increased
infant immunizations and increases in the rate and

3 duration of breast feeding. According to the Federal
4 Centers for Disease Control and Prevention, babies
5 that are breastfed are less likely to get a variety
6 of infections and are at lower risk for sudden infant
7 death syndrome. There are benefits to mothers too,
8 for example, according to the CDC, mothers who breast
9 feed are less likely to get cancer, ovarian cancer,
10 type II diabetes and heart disease. Clearly the
11 benefits to public health and wellbeing of mothers,
12 fathers and children cannot be overstated. The United
13 States is completely lacking in this support system
14 as compared to other countries. For example, in
15 Finland, mothers are guaranteed approximately four
16 months of paid leave and fathers are covered for 9
17 weeks immediately following the birth of a child. In
18 Norway, 46 weeks of parental leave at 100 percent of
19 pay is provided of which up to 14 can be taken by the
20 father. In the United Kingdom, eligible employees can
21 be paid up to 39 weeks of statutory maternity pay and
22 in Canada one year paid maternal leave. The world is
23 leading on this issue. In 1991 President Bill Clinton
24 signed into law the Family and Medical Leave Act
25 which is a federal law that provides certain
employees with up to 12 weeks of unpaid job protected

3 leave per year. While also requiring that their group
4 benefits be maintained during the leave. However, the
5 Family Medical Leave Act does not do enough due to
6 the strict requirements accompanied by the law with
7 an estimated 40 percent of American workers not
8 qualifying for Family Medical Leave Act. This
9 ultimately hurts the American family due to a lack of
10 time and compensation to raise a new child. When the
11 Family Medical Leave Act came into existence, many
12 activists and politicians believed that Family
13 Medical Leave Act coverage and parental leave
14 policies as a whole would expand to the majority of
15 workers and become paid leave. This, however, has not
16 occurred leaving a large gap in parental leave
17 policies throughout the nation. Notably in 2018,
18 comprehensive Paid Family Leave Policy for private
19 employees throughout New York State took effect.
20 However, this employee funded program does not
21 provide 100 percent of pay and it does not apply to
22 public sector workers unless their employer opts in.
23 This has left a large group of people uncovered and
24 without access to paid parental leave policies. New
25 York City municipal employees are left out of this
state mandate. Our hearing today looks at this large

3 exclusion of New York City's municipal employees from
4 receiving paid parental leave. Increasingly we have
5 seen numerous stories of New York City municipal
6 employees who have no form of paid parental leave and
7 are forced to choose between work and family
8 ultimately hurting the workforce and families all
9 together. Most notably we have seen numerous reports
10 of teachers under the Department of Education that
11 have no paid parental leave and are forced to use all
12 of the accumulated vacation and or sick time, in
13 order to simply care for their child. Efforts have
14 been made by the City to change this dynamic, yet
15 more needs to be done. In 2016 Mayor de Blasio signed
16 a personnel order providing six weeks of paid
17 parental leave to approximately 20,000 non-
18 represented New York City employees. However, this
19 does not apply to City employees that are covered by
20 collective bargaining agreement. This order, although
21 well intended, has not effectively dealt with the
22 problem. The lack of paid parental leave within the
23 New York City Government workforce. This hearing
24 today will help us further examine this issued and I
25 certainly look forward to hearing from today's
witnesses on what can be done to provide this

3 critically needed health benefit to our government
4 workers. I would like to thank my colleague, Council
5 Member Treyger for jointly holding today's hearing.
6 My staff, the staff on both committees for preparing
7 this hearing, as well as the Committee on Civil
8 Service and Labor staff. Malcolm, our Council, Kevin
9 the Policy Analyst and Kendall the Finance Analyst. I
10 now turn to my colleague, the Chair of the Committee
11 on Education, Council Member Mark Treyger for his
12 opening remark.

13 CHAIRPERSON TREYGER: Thank you, Chair
14 Dromm. And before I begin my opening statement I'd
15 like to express my disappointment that the New York
16 City Department of Education chose not to attend
17 today's hearing. A department that boasts of equity
18 and excellence for all, a department that testified
19 at my budget hearing that it is concerned about the
20 retention of quality educators in our system, chose
21 not to attend today's hearing on paid parental leave.
22 That choice and that decision speaks volume to this
23 committee and to this council. Good afternoon. I'm
24 pleased to welcome you today to today's oversight
25 hearing on paid parental leave for New York City
municipal employees. I want to thank Chair Miller for

3 his unwavering effort with fighting for the rights of
4 City employees. I'd like to also thank Council Member
5 Daniel Dromm for co-chairing this hearing today on
6 behalf of Council Member Miller and also thank him
7 for his advocacy for paid parental leave for New York
8 City municipal employees. Providing employees with
9 paid parental leave is not only morally right, but it
10 is also proven by research to be beneficial for
11 families. Studies show that mothers who take paid
12 parental leave experience fewer postpartum depression
13 symptoms, and have stronger bonds with their
14 children. In addition to increasing breast feeding as
15 explained by my co-chair. Paid parental leave also
16 increases the likelihood of newborns receiving well
17 baby care and vaccinations. I'd like to also
18 highlight that paid parental leave, when inclusive of
19 fathers, promotes gender equity in the workplace and
20 at home. According to the U.S. Department of Labor,
21 fathers taking paternity leave may increase income
22 for mothers and can have a positive effect on women's
23 wages and labor participation. Further, paid parental
24 leave is positively associated with producing
25 benefits for vulnerable populations. A study found
that California's Paid Family Leave Program resulted

3 in an increase of unmarried, minority, and less
4 educated mothers taking leave and according to the
5 U.S. Department of Labor, this suggests that
6 California's program may give children from
7 challenging backgrounds early life health benefits.
8 With all of these benefits of paid parental leave, we
9 applaud the Mayor's efforts on establishing a paid
10 parental leave policy by personnel ordering. However,
11 we must acknowledge that the policy falls woefully
12 short of reaching the majority of our City workers.
13 In fact, the Mayor's policy which only effects 20,000
14 New York City employees does not include unionized
15 municipal employees represent 91 percent of the
16 City's workforce. Our unionized municipal employees
17 represent some of the hardest working employees in
18 our City. They include our police officers, our fire
19 fighters, our teachers, and many others who keep our
20 City safe and functioning properly for its over 8
21 million residents. These dedicated City workers
22 should not have to sacrifice their hard earned income
23 to care for their newborn child. As a former
24 educator, I would also like to express my concern
25 about the parental leave policies effecting employees
at the Department of Education. Particularly teachers

3 who must use their sick time during parental leave.

4 DOE's maternal leave policy allows birth mothers to
5 use their accrued sick time of which they accrue 10
6 days per year for up to six weeks after child birth
7 and up to eight weeks if they receive a C-section.

8 With DOE's policy, it could take a teacher three
9 years to accrue enough sick days to take maternal
10 leave and four years if they require a C-section. DOE

11 teachers who do not have enough sick days to cover
12 their leave can borrow up to 20 sick days, but this
13 could also be problematic. For example, after

14 borrowing 20 sick days to bond with their newborn
15 child, teachers will not have any sick days left and
16 teachers who cannot afford to lose a day's pay may be

17 forced to go into work sick or while their child is
18 sick. Furthermore, it can take teachers two years or
19 more to pay back the sick days they owe DOE. Let me

20 be very clear, caring for a child is not a sickness
21 or disability and it is unfair to require teachers to
22 use their sick time during their parental leave. It

23 is also concerning that DOE's parental leave policy
24 for teachers is not inclusive of fathers, foster
25 parents or adoptive parents who would also benefit

from paid parental leave. Our City celebrates

3 inclusion, gender equity, intolerance and parental
4 leave policies should reflect these values.

5 Furthermore, our teachers dedicate their lives to
6 caring for, nurturing and supporting our City's
7 children. They should not endure financial hurdles
8 when trying to do the same for their own. As a former
9 teacher I know of many great educators who love
10 teaching, but chose to leave the profession because
11 of DOE's current parental leave policy. Many of them
12 have cited hardships with accumulating enough sick
13 days to take maternity leave. Recent reports have
14 also highlight that DOE is having difficulty
15 retaining their teachers and I am particularly
16 interested in learning more about how DOE's lack of
17 paid parental leave policy impacts DOE's overall
18 teach retention. As my co-chair mentioned, our
19 country is the only developed country in the world to
20 not offer paid parental leave to employees. Simply
21 put, it is alarming that in the 21st Century, all
22 municipal employees who work in one of the richest
23 cities in the world do not have access to paid
24 parental leave while many of their private sector
25 counterparts do. Many private companies operating in
our City such as Amazon, American Express, and Ernst

3 & Young, have joined the rest of the world by
4 offering paid parental leave to their employees that
5 is inclusive of fathers, adoptive parents and foster
6 parents. New York City must do the same for our
7 municipal employees. I'd like to say how pleased I am
8 to be the prime sponsor of Resolution 312 which calls
9 upon the New York State Legislature to pass and the
10 Governor to sign legislation to amend the state Paid
11 Family Leave Act to provide workers in New York State
12 with a benefit equal to 100 percent of an employee's
13 average weekly wage. It is time we move forward on
14 this issue. Today's hearing will provide an
15 opportunity for the administration to respond to the
16 concerns raised as well as for unions, unionized
17 employees, advocates and other stake holders to share
18 their concerns and recommendations related to paid
19 parental leave for New York City municipal employees.
20 Thank you to my Committee staff, Smita Deshmukh, Jan
21 Atwell, Kalima Johnson, Joan Pavoni, Katelynn
22 O'Hagan, Elizabeth Hoffman and Mili Bonilla. I'd also
23 like to thank my staff, Anna Scaife, Vanessa Ogle,
24 and Eric Feinberg. Now I'd like to turn the floor
25 over to my colleague, Majority Leader Laurie Cumbo,
for her remarks on Resolution 311.

2 COUNCIL MEMBER CUMBO: Thank you, Chair

3 Treyger. Today I have joined this hearing to show my
4 full support for paid parental leave in our City and
5 State. The City of New York continues to be a
6 national leader in addressing gender equity,
7 reproductive justice and workers' rights. Mayor Bill
8 de Blasio has created solutions such as the amazing
9 UPK program which is continually expanding the
10 boundaries of how families in New York City can grow
11 and thrive. Through an executive order, we've
12 provided six weeks of paid parental leave to 20,000
13 public employees making New York City among the most
14 generous municipal family leave providers in the
15 nation, but yet we have so much more to do.

16 Resolution 311 which I am proud to bring to the
17 forefront is a resolution calling upon New York City
18 to extend paid family leave benefits to City
19 employees covered by municipal unions. During my
20 first term in office I proudly served as chairperson
21 of the Women's Issues Committee and co-chair of the
22 Women's Caucus. I have seen firsthand how our City's
23 policies, resources and laws have provided crucial
24 protections and empowerment opportunities for the
25 hardworking people and families in this City. During

3 this time, personally and my staff, have been
4 overwhelmed by constituents by both my district and
5 outside the confines of the 35 council district,
6 expressing dismay around the Mayor's six week paid
7 parental leave to 20,00 public employees. Sentiments
8 included, why am I not covered by the Mayor's
9 parental leave? Why do I have to bear the financial
10 burden of child rearing and family emergency when
11 others are paid for, for such life changes? And why
12 does New York State's Governor Andrew Cuomo's paid
13 family leave not cover me? I even thought, how is
14 this possible? How are the hardest working public
15 servants in the City and State getting overlooked in
16 our parental leave laws? And all I could truly say to
17 constituents was that I was going to fight for them
18 to expand these policies and laws. And as I closed
19 out my first term, I became a mom and began to feel
20 and see all that we had worked on as a City became
21 real first hand. While we are advocating for at least
22 three months of paid family leave, I know as a new
23 mom, what we really need is a whole year. But that's
24 for another term and that's for another hearing. I
25 have always valued and placed great emphasis on
providing my workers time to bond with their

3 newborns, while I've been at the City Council, I've
4 had five employees out on paid family leave at
5 different times. Yes, it was hard to manage, but it
6 was well worth it and the team pulled together. And
7 to all the constituents that reached out with the
8 questions on why they were not covered for family
9 leave, I made a personal promise to these amazing
10 families that they deserve better and I will fight
11 for them. I am overjoyed today that we can finally
12 peel back the layers and look at this challenge we
13 are faced with in the City of New York. Today as we
14 explore these topics, let's continue to fight and
15 remember that the Mayor has granted six weeks of
16 fully paid parental leave to 20,000 public employees
17 that are non-union and holding manager titles. And
18 this is a great first step. Resolution 311 directly
19 correlates to this order in which this Resolution is
20 calling upon New York City to extend paid family
21 leave benefits to City employees covered by municipal
22 unions. And I just want to add in closing, while this
23 is a great resolution and an incredibly important
24 hearing, I think one of the things that we have to
25 keep in mind is that what we see in magazines, and
television in terms of having a child would make it

3 seem like it's the most seamless process in the
4 world, but there are so many families, so many women
5 that have challenges all throughout their entire
6 pregnancy that will require them to be on bedrest, to
7 require them to not be able to work as diligently as
8 they might have. There are so many mothers that after
9 giving birth have a lot of physical challenges
10 afterward. And in addition, there are so many
11 children that are born with disabilities or
12 premature, that require additional support. So, what
13 we're discussing today, it's just baseline. It's just
14 what every human being should need. And once we work,
15 because I know we will work, and we will win to
16 address this, I think we need to even push the
17 boundaries even further to make sure that the entire
18 process of bringing life into the world is given as
19 much support and protections as every child need.
20 Because a child is such a blessing, it's such a gift
21 to this world and we need to treat it as such. So, I
22 thank Council Member Mark Treyger for this very
23 important hearing and I look forward to continuing to
24 add my advocacy and fight for all of our working
25 families. Thank you.

3 CHAIRPERSON DROMM: Thank you, very much,
4 Majority Leader Cumbo. And I also just wanted to
5 comment a little bit about Chair Treyger's remarks.
6 Before being elected to the City Council I was a New
7 York City Public School teacher as well and at the
8 press conference I mentioned that there was a boy in
9 my class who got pink eye five times, which meant
10 that I got pink eye five times. And I had to take off
11 each of those five days. And since I've been in the
12 Council I have not taken one sick day. So, just by
13 virtue of being a teacher in the New York City Public
14 School System you make yourself much more susceptible
15 to these types of illnesses, never mind having to try
16 to make up those sick days because you owe time
17 because you were out on parental leave or whatever.
18 So, this is a very important issue to this Council
19 and we are very, very glad to be joined now by other
20 Council Members. Council Member Adams, Council Member
21 Cohen, Council Member Brannan, Council Member Rhodes
22 and Council Member Salamanca and I already mentioned
23 our Majority Leader Laurie Cumbo. And with that I'd
24 now like to ask Robert Lynn, Director of the Office
25 of Labor Relations to please come and to be sworn in
and to give testimony.

3 UNIDENTIFIED: If you would just raise
4 your right hand, Commissioner. Do you affirm to tell
5 the truth, the whole truth, and nothing but the truth
6 in your testimony before these Committees and to
7 respond honestly to Council Member Questions.

8 COMMISSIONER LYNN: I do.

9 UNIDENTIFIED: And for the record if you
10 could just state your name and title and begin when
11 you're ready.

12 COMMISSIONER LYNN: Robery W. Lynn,
13 Commissioner of New York City's Office of Labor
14 Relations. So, thank you, Chair Treyger, Chair Dromm,
15 Majority Leader Cumbo, Members of the Education and
16 Civil Service Committee, for giving me the
17 opportunity to speak with you today on the topic of
18 paid parental leave for New York City employees. I am
19 Bob Lynn, Commissioner of New York City's Office of
20 Labor Relations. As you're aware, when Mayor de
21 Blasio took office and appointed me as Labor
22 Commissioner, every single collective bargaining
23 agreement in the City had expired. Some for three
24 years, some for five years, others for more. At that
25 time the priority of the Administration was to reach
long term, responsible settlements for the entire

3 workforce. We were able to do that for the 2010 to
4 '17 round of bargaining. We have now settled with
5 99.9 percent of the workers. We've reached collective
6 bargaining agreements for that entire group. We
7 achieve these agreements by treating unions with
8 respect, and partners at the negotiating table. I'm
9 proud of our accomplishments to date, but our work
10 isn't done. Those contracts are now expiring on a
11 rolling basis and we have already begun negotiations
12 for the next round of bargaining. One important topic
13 in those negotiations is the very topic of this
14 hearing, paid parental leave. I thank the Council for
15 highlighting this important benefit. They can have a
16 deep, positive impact on our municipal workforce. As
17 part of previous negotiations, the Administration
18 successfully bargained benefits which effect
19 employee's family lives, most notably we reached
20 agreement with municipal labor committee for \$3.4
21 billion of healthcare savings which created
22 significant changes in the area of health benefits.
23 In addition, as part of the contracts with reach with
24 1199 S.E.I.U. United Healthcare Workers East and New
25 York State Nurses Association, the City and the
Unions agreed to set up first of a kind childcare and

3 eldercare funds for members dependents. The parties
4 agreed to new tuition and continuing education fund
5 which provides for reimbursement for tuition for
6 approved courses and workshops. These are all
7 examples of benefits the City can provide unionized
8 municipal employee's through a serious, respectful,
9 collective bargaining process. It has been my
10 experience since I started in the labor field in
11 1974, 44 years ago, that bargaining policy and making
12 proposals in public is counterproductive to the
13 collective bargaining process. It's my experience
14 that an arm's length, respectful, private negotiation
15 between labor and management is the best way to
16 achieve successful results on important topics like
17 this one. For that reason, it would be inappropriate
18 for me to speak today in detail about our progress
19 with any particular union. However, I must emphasize,
20 that this benefit, paid parental leave, is a priority
21 for the City in our ongoing bargaining. And we are
22 optimistic that we will make settlements with our
23 other union partners as we did in 2014 and over the
24 last several years. With regard paid parental leave,
25 as you know, a little over two years ago as was
mentioned, the City implemented paid parental leave

3 for managers and other non-unionized employees. Under
4 this program, eligible employees could take up to 30
5 work days of paid parental leave once in every
6 rolling 12 month period. And 100 percent of their
7 regular salary. This was implemented without
8 increasing cost for City taxpayers because the
9 benefit provided for the managers where there is no
10 collective bargaining. It provided for a cancellation
11 of a .47 percent wage increase and that for all of
12 these employees we eliminated the accrual of the 26
13 and 27 days of annual leave for managers with 15 more
14 years of service. The 30 work days, equivalent to 6
15 weeks is paid at 100 percent of salary and can be
16 combined with existing leave, accrued sick leave
17 and/or vacation time. This allows manager employees
18 to take additional time for maternity, paternity,
19 adoption of foster care without losing pay. Since
20 these employees are non-unionized, and I stress that,
21 we did it for the non-unionized employees, we were
22 able to implement this benefit via personnel order
23 without collective bargaining. The City intends to
24 review the managerial program at the end of this
25 fiscal year and in order to review whether or not
changes would be appropriate based on a full year's

2 usage of fiscal 18. So, at that point we can see
3 exactly what the utilization has been with the first
4 full year of implementation and we can see how it
5 compares to the .47 percent wage increase, and the
6 two days of annual leave that was reduced in order to
7 make the benefit possible. And that point we might
8 make modifications that would be appropriate once
9 we've review the data at the end of this fiscal year
10 For our unionized employees, paid parental leave is a
11 mandatory subject of bargaining under the Taylor law.
12 And so implementation for any of our 144 collective
13 bargaining units would require agreement between the
14 City and the union representing those employees.
15 Reaching agreement on this topic is a critical goal
16 of this Administration. And again, we hope to do so
17 in the coming weeks and months. From a policy
18 perspective, this Administration is clearly
19 supportive of paid parental leave as an important
20 benefit that should be part of a total compensation
21 package for public sector employees. Paid parental
22 leave proves maternal and child outcomes, City wide,
23 ensure the City can retain a diverse and talented
24 workforce. But paid parental leave doesn't exist in
25 the vacuum, it should be viewed in conjunction with

3 employees' wages and benefits. The main categories of
4 compensation for City employees, wages, pension
5 benefits, health benefits, and time off, paid and
6 unpaid. When looking at paid parental leave issue,
7 these existing areas of compensation must be part of
8 the discussion. As indeed they were when the
9 managerial benefit was implemented. This further goes
10 to show that this must be addressed at the bargaining
11 table as part of the economic package. Historically,
12 City employees have used existing types of paid leave
13 for childcare purposes. Most City employees earn up
14 to 27 days of annual per year over five weeks which
15 is generous in comparison to public and private
16 sector employers. Employees are generally permitted
17 up to two years' worth of accruals from one year to
18 the next which means that long term employees could
19 bank as many as 54 days for potential use. Many
20 employees or new moms and dads have used annual leave
21 early in the child's life. In addition, most City
22 employees receive 12 sick days per year and up to
23 three of those 12 days can be used for personal
24 illness in a family member. Sick leave has also
25 historically been used by City employees for parental
purposes. Most City employees also earn compensatory

3 time which can be used in the same way as annual
4 leave. We believe that any discussion about paid
5 parental leave must account for those other types of
6 leave as part of the equation. And again, I'd like to
7 emphasize that we also believe this benefit is
8 extraordinarily important and that's why in good
9 faith we will bargain over this issue with each of
10 our 144 collective bargaining units. For those
11 interested in paid parental leave our intent is to
12 reach an agreement that includes paid parental leave
13 as part of the overall settlement. And we hope to
14 reach settlements that are fair and responsible. Paid
15 parental leave, we agree, is extraordinarily
16 important. The law requires that paid parental leave
17 be part of labor negotiations and that's why we are
18 bringing to the table, the issue of paid parental
19 leave in all of our negotiations. It is my hope that
20 we will be able to report, in the not too distant
21 future, settlements with some of our major unions
22 that will include a paid parental leave benefit.
23 Thank you.

24 CHAIRPERSON DROMM: Thank you, very much.
25 And I'd like to say we've been joined by Council
Member Deutsch, Maisel, Ulrich and Lander. And I'll

3 start off with a few questions. Can you share the
4 total cost and then break down by agency of what it
5 would cost to provide paid parental leave to the
6 City's municipal workforce at 100 percent benefit
7 rate fully funded out of the City budget?

8 COMMISSIONER LYNN: So, I can only say
9 this. That when we initially agreed to provide the
10 benefit and decided to provide the benefit for the
11 managers and non-represented employees, we initially
12 calculated that the cost of providing that benefit
13 was about .6 percent. That was based on looking at
14 the City wide workers overall, and making estimates
15 based on not having a lot of information at that
16 time. If that number were accurate, and if that
17 number were to then be used to assess the cost for
18 all City workers, right now a 1 percentage point wage
19 increase costs \$425 million per year. So that a
20 benefit that would cost 6/10ths of a point, a little
21 bit more, would cost about \$250 million per year. If
22 you looked at that over a financial plan that would
23 be about a billion dollars. So this is not based on a
24 current estimate, this was based on the estimates
25 that we reached when we initially looked at this
issue for managers. And the actual cost of what it

3 would apply for any particular bargaining unit is
4 exactly the sort of process that we are now going
5 through with some of the City's major unions and we
6 are seeking to assess in that process, in that forum,
7 what these costs would look like.

8 CHAIRPERSON DROMM: Okay. What are some of
9 the challenges in implementing a paid parental leave
10 program for the workforce?

11 COMMISSIONER LYNN: Excuse me I didn't...

12 CHAIRPERSON DROMM: [interposes] What are
13 some of the challenges? Are there additional
14 challenges outside of just finding the money? Or are
15 there other challenges?

16 COMMISSIONER LYNN: Well, there are two
17 sets of, at least two sets. One issue clearly is the
18 cost of the benefit and we believe that any benefit
19 that has a substantial cost, however important,
20 should be part of the labor process. That workers
21 have received wages, benefits, they receive health
22 benefits with is obviously a very important issue and
23 a very costly one. And that fitting in a new benefit
24 within the context of the overall package is one that
25 I think is critically important and should be left to
the bargaining table. And that is the area and the

3 domain that the law provides, that mandatory subjects
4 of bargaining should be considered and should be
5 resolved. The second issue in terms of how the
6 implementation works, that is critically important.
7 And that is one of the issues that we've had lengthy
8 conversations with at least one union who you may be
9 hearing from later today, of exactly what would be
10 the application of the benefit. What happens during
11 different times of the year, what type of
12 notification is appropriate, what type of approach
13 should be used to be able to deliver the critically
14 important services that the City provides. So, again,
15 that's another area the implementation of the
16 particular benefit that must be left to the parties,
17 to come up with a process that works for them. And I
18 have to say the fact that we have 144 bargaining
19 units is evidence of very, very different communities
20 of interest among different employees. The nature of
21 a benefit could look very different from one group to
22 another, from one agency to another. And I really
23 think the genius of collective bargaining is leaving
24 to the parties, the ability to find wise solutions to
25 complicated problems.

3 CHAIRPERSON DROMM: Is the City currently
4 experiencing any difficulties surrounding this issue
5 in terms of either recruitment or retention of City
6 workers because for the majority of people, this
7 benefit is not offered?

8 COMMISSIONER LYNN: I have not hear this
9 presented as a central issue of recruitment and
10 retention. That's not to say that I don't believe
11 it's an extraordinarily important benefit. So I
12 haven't heard that it is critical to attract and
13 retain. But, on the other hand, I believe it is an
14 important benefit that should be part of this round
15 of bargaining and you have my commitment that I take
16 this matter very seriously and the City has presented
17 and presents in its bargaining, the desire to reach
18 some sort of a solution that works for both sides.

19 CHAIRPERSON DROMM: Does the City track
20 why workers might leave their profession at all for
21 any reason?

22 COMMISSIONER LYNN: I believe that exit
23 interviews are done by agencies, perhaps done by
24 DCAS, but I am not part of that process.

25 CHAIRPERSON DROMM: Okay. So you don't
know that this has come up in any of those...

3 COMMISSIONER LYNN: [interposes] I do not
4 know the results of them.

5 CHAIRPERSON DROMM: Let me ask you another
6 question. How would this, or how does it apply in the
7 area where you've implemented paid parental leave to
8 lesbian, gay, bisexual, and transgender families. How
9 does the benefit apply to those families?

10 COMMISSIONER LYNN: Well it certainly, and
11 I am here with my First Deputy Renee Campion, so to
12 the extent that she wants to augment any of my
13 answers, I would ask her to do that. I believe that
14 any couple that were to adopt a child would clearly
15 be covered by it in terms of the managerial benefit.
16 And it's provided that the event of a child being
17 adopted would be part of it, or a birth to one of the
18 members of the couple.

19 CHAIRPERSON DROMM: So, would it have to
20 be to married couples or domestic partners? Does that
21 play into at all?

22 FIRST DEPUTY COMMISSIONER CAMPION: Yeah,
23 it's, Hi, Renee Campion, the First Deputy at OLR...

24 CHAIRPERSON DROMM: [interposes] and we're
25 going to have to swear you in I think as well.

FIRST DEPUTY COMMISSIONER CAMPION: Okay.

2 COMMISSIONER LYNN: Uh-oh.

3 FIRST DEPUTY COMMISSIONER CAMPION: Sorry.

4 CHAIRPERSON DROMM: That's okay.

5 FIRST DEPUTY COMMISSIONER CAMPION: I
6 feared (SIC) that from the earlier part.

7 UNIDENTIFIED: If you could raise your
8 right hand. Do you affirm to tell the truth, the
9 whole truth, and nothing but the truth in your
10 testimony before these committees and to respond
11 honestly to Council Member questions?

12 FIRST DEPUTY COMMISSIONER CAMPION: Yes, I
13 do.

14 CHAIRPERSON DROMM: Okay, go ahead.

15 FIRST DEPUTY COMMISSIONER CAMPION: Okay.
16 So the personnel policy that was executed by the
17 Mayor in January 2016, specifically says that the
18 parent, regardless of gender, either of the parents
19 regardless of gender are entitled and are eligible
20 for that benefit.

21 CHAIRPERSON DROMM: So, that would mean
22 even if the child is adopted or biological?

23 FIRST DEPUTY COMMISSIONER CAMPION:
24 Correct. Adoption...

25 CHAIRPERSON DROMM: [interposes] yes.

2 FIRST DEPUTY COMMISSIONER CAMPION:

3 Adoption, foster or birth.

4 CHAIRPERSON DROMM: Okay. And then that
5 domestic partner or married status would matter
6 there?

7 FIRST DEPUTY COMMISSIONER CAMPION: I just
8 to review, I would have to ask DCAS...

9 CHAIRPERSON DROMM: Okay.

10 FIRST DEPUTY COMMISSIONER CAMPION: On
11 domestic. I believe, I almost certain that domestic
12 partner is, I just don't know what requirements are
13 on... all right, so in the order a parent is defined
14 as, the person identified on the children's birth
15 certificate, adoption certificate, or a certified
16 copy of a foreign adoption order that's been
17 registered in the state. So, the person had to have
18 been eligible to be on the child's certificate.
19 Either birth certificate or adoption certificate...

20 CHAIRPERSON DROMM: [interposes] And do
21 you know what that eligibility requirement is? Could
22 a domestic partner be on a birth certificate if they
23 adopted together?

24

25

2 COMMISSIONER LYNN: I don't... I don't
3 think we know. I'd have to... okay, why don't we
4 research that issue and we'll come back to this.

5 CHAIRPERSON DROMM: Sure, okay. That would
6 be great. And I do think that it's something we
7 should take into consideration as we move down the
8 road in all of the negotiation that you're going to
9 conduct moving forward.

10 COMMISSIONER LYNN: Yes.

11 CHAIRPERSON DROMM: Okay, thank you. And
12 I'm going to turn it over to Chair Treyger now for
13 some questions.

14 CHAIRPERSON TREYGER: Thank you. Thank you
15 Chair Dromm and welcome, Commissioner Lynn.
16 Commissioner Lynn, do you believe that raising a
17 family is a sickness or disability?

18 COMMISSIONER LYNN: I have not found it to
19 be.

20 CHAIRPERSON TREYGER: So, why does the
21 City of New York continue to force City workers to
22 use sick days to care for a newborn?

23 COMMISSIONER LYNN: So, let me say this.
24 Traditionally throughout the country sick pay has
25 been used as a not adequate, but element of the

3 provision of a sick leave benefit. We have a parental
4 leave benefit for mothers who give birth. We believe
5 firmly, that we should expand this benefit. I think
6 we demonstrated in the benefit that we established
7 for managers and unrepresented employees, how much we
8 believe that this is a benefit that should be part of
9 our compensation system. We viewed at that time that
10 we had a benefit structure that could support
11 reallocating some of the benefits and wages in order
12 to repurpose dollars and days off in order to provide
13 a very important benefit. And I am proud of the work
14 we did for managers and I am glad to hear that it has
15 been used by staff of the Majority Leader and that in
16 fact people want a similar benefit. It is our hope
17 that a similar type of benefit can be created to be
18 part of bargaining. I did a lot negotiations with the
19 teachers when I arrived here. As you recall, the most
20 significant thing in those negotiations were the fact
21 that the prior Administration had denied teachers
22 two, 4 percent increases. And the prior
23 Administration said that those increases should not
24 be paid, that times had changed and that there was no
25 room. There was no money in the budget to restore
those two, 4 percent increases. That was centrally

3 important in those negotiations and many people said
4 the City couldn't possible reach a settlement with
5 the 150,000 workers who Bloomberg Administration
6 denied the two, 4 percent increases. Many
7 commentators said the City would go bankrupt in order
8 to make those payments. It simply was too much back
9 pay. And we figured out a solution that worked for
10 labor, and management, and the taxpayers, and the
11 public. And we solved a problem that many said was
12 insurmountable and I'm very proud of it. The
13 Administration is very proud of doing it. I believe
14 that the issue of paid parental leave is another
15 incredibly important issue that needs to be left to
16 the bargaining table for us to reach a solution. I
17 believe that as contracts expire, workers are coming
18 to the table, union leaders are coming to the table
19 to negotiate over this benefit and I believe that we
20 will have, for many, if not all of the workers,
21 agreements where sick leave is not the exclusive
22 benefit, but can be used as part of an overall
23 benefit. And is part of an overall agreement that I
24 hope to reach in the not too distant future.

25 CHAIRPERSON TREYGER: So, Commissioner
Lynn, the point of this hearing is not to get into

3 the weeds of negotiations between your office and the
4 unions. The point of this hearing is to discuss the
5 public consequences of not having an existing paid
6 parental leave policy in place in the City of New
7 York. I'm going to share with you, and my colleagues,
8 and the public, an educator who messaged me that
9 says, I lost my sick days and had to borrow 20 more
10 to allow me to stay home with my son for his first
11 months of life. It is so sad. Once I had returned I
12 had no sick days and owed the DOE 20 days. Not to
13 mention that my mother developed Stage IV cancer and
14 was in her last few months of life. That year ended
15 for me, not getting paid for so many days between
16 grief, new baby worries, and colds. And having nearly
17 a mental breakdown. This is what we're trying to get
18 at Commissioner Lynn, there are serious public health
19 consequences not having an existing policy in place.
20 There are serious issues that we have with regard to
21 the retention of quality City workers. The Department
22 of Education testified at my budget hearing recently,
23 that they are concerned and they are seeing data that
24 we're seeing, that they're having difficulty
25 retaining quality workers. This speaks to this issue,
Commissioner Lynn. Why doesn't the City of New York

3 have a policy beyond the 20,000 managerial positions?

4 Why doesn't the City have a policy for adoption, for
5 fostering and for paternal leave?

6 COMMISSIONER LYNN: So, you're speaking to
7 the Chief Labor Spokesperson of an Administration
8 that does believe in this benefit. It's not like I'm
9 coming to the table and disagreeing with you that
10 this isn't a worthy objective. I agree with you, it
11 should be part of negotiations. I agree with you it
12 should be something we achieve and I believe that we
13 will make tremendous progress here. There are a lot
14 of very important benefits that workers receive, of
15 which health benefits is one of the most important.
16 And we constantly struggle to figure out how to
17 provide health benefits at a way that is efficient,
18 is effective, as cost effective as possible, with the
19 absolutely minimal of shifting cost from the employer
20 to the employee. That is also a critically important
21 benefit that is part of the overall negotiations. It
22 is my hope that when we're done with these
23 negotiations we will have improved the overall
24 package. And that we will have looked at the total
25 collection of wages and benefits and time off, and we
will have improved it. And I believe that focusing on

2 paid parental leave is a very important part of that
3 discussion. And I hope that we can, that I can then
4 come forward in the time to come and talk to this
5 panel over what we've achieved collective bargaining.
6 And I hope the reaction will be that we've made great
7 progress in that area.

8 CHAIRPERSON TREYGER: Commissioner Lynn,
9 when were you appointed to this role in your current
10 commissionership?

11 COMMISSIONER LYNN: The beginning of 2014.

12 CHAIRPERSON TREYGER: The beginning of
13 2014, so why don't we have an existing policy in
14 place right now?

15 COMMISSIONER LYNN: Because as I said
16 before, the most important issue in the collective
17 bargaining agreements was the restoration of those
18 two, 4 percent increases for the teachers and another
19 50,000 workers who hadn't received them as well. We
20 spent many, many, many months reaching an agreement
21 that many people said was impossible. I have to say
22 that paid parental leave, I don't think, was even
23 brought to the table during that period of time. The
24 central issue was how we dealt with those increases,
25 how we dealt with increases going forward because as

3 you must know that the UFT settlement covered nine
4 years. And so there was a huge issue of what would be
5 done, and there was an issue of how we provide health
6 benefits. And that became a central issue. The issue
7 of paid parental leave emerged afterwards. And we
8 initially figured out a way to come up with a
9 responsible approach for the 20,000 non-union workers
10 that funded the increase out of other benefits,
11 repurposed the wages and benefits to do it. And now
12 it is important, and will be central in our
13 negotiations, but I have to say, we've got 144
14 bargaining units. I'm not certain that all 144
15 bargaining units will see the issue the same way.
16 Some will have other priorities that are different
17 from other priorities. And may say that we want to
18 move forward in a different way than others and one
19 of the things that I seek to do is to try to bring to
20 the table, different approaches to different groups
21 depending on what they say is critically important. I
22 know for certain, as you expressed, that for the
23 teachers this is a very, very important benefit and I
24 hope that we can reach an agreement with them that
25 works for both us. Other union representatives have
not stated that this is central to the issue or for

3 their members. And they've said their members don't
4 have the same approach. That's why we want to tailor
5 an approach to collective bargaining, that's what the
6 Taylor Law provides. You sit down with the leadership
7 of the employees and you bargain with that leadership
8 something that works for both sides.

9 CHAIRPERSON TREYGER: I just would like to
10 disagree with the statement that this is somehow a
11 new issue. This is something that has been advocated
12 for, and pushed for a number of years by City
13 workers, particularly educators as well. I know that
14 for a fact, as a proud and former member of the UFT
15 and as a delegate, so this is not a new phenomena.
16 This has been something that has been ongoing for a
17 number of years. And again, the purpose of this
18 hearing is not to get into the weeds. We're here
19 discussing the public health and public impacts of
20 not having an existing policy. Just very quickly
21 (sic) are you aware, it's a yes or no question, are
22 you aware of the improvements in public health
23 outcomes with paid parental leave?

24 COMMISSIONER LYNN: I've certainly heard
25 reports of that.

2 CHAIRPERSON TREYGER: Right. It's more
3 than reports, it's not becoming fact. Are you aware
4 that paid parental leave will help close the gender
5 equity gap both at work and at home?

6 COMMISSIONER LYNN: I believe paid
7 parental leave is an important benefit and that's why
8 we are willing to negotiate it and we are actively
9 negotiating on it.

10 CHAIRPERSON TREYGER: Right. And are you
11 aware that the absence of paid parental leave is a
12 major reason why a number of City workers are not
13 staying in our City's workforce? Have you had any
14 conversations with any agencies where they share with
15 you, this is a major concern for our workforce?

16 COMMISSIONER LYNN: I haven't had those
17 conversations, but that's not to say that I don't
18 believe that it's an important benefit that we should
19 achieve.

20 CHAIRPERSON TREYGER: The agencies with
21 the highest percentage of female employees are those
22 involved in education, particularly in education, I
23 believe over 70 percent of the workforce in education
24 department is made up of women. Healthcare or the
25 provision of social services while the agencies with

3 the highest percentage of male employees are the
4 uniformed agencies. Can you briefly highlight which
5 agencies you would expect to use this benefit the
6 most? And on the flip side, which agencies are less
7 likely to take advantage of this benefit?

8 COMMISSIONER LYNN: So, I don't know the
9 answer to that. I know that we will, in negotiations,
10 analyze the likely utilization of the benefit with
11 the groups and that will drive our conversation about
12 how to provide that benefit. So, but I don't know, I
13 don't have... that's one of the things that in
14 negotiations we sit down and the leadership explains
15 their interests, we explain our interests. And I plan
16 to bring paid parental leave to every bargaining
17 encounter that we have in the year to come. And we
18 will go through what the costs are and do that
19 analysis there as part of those negotiations.

20 CHAIRPERSON TREYGER: I just want to
21 state, I know you mentioned before in your testimony
22 and you're response to Chair Dromm about the
23 negotiations with the 20,000 managerial positions,
24 but to be clear, those folks were required to give
25 back a raise is that correct?

2 COMMISSIONER LYNN: Yes, no and that was
3 not a negotiation. They are not... yes.

4 CHAIRPERSON TREYGER: [interposes] that
5 was a personnel order, forgive me...

6 COMMISSIONER LYNN: Yes.

7 CHAIRPERSON TREYGER: Yes, but they were
8 required to give back a raise is that correct?

9 COMMISSIONER LYNN: They didn't give back
10 a raise, it was a raise that had not yet been
11 implemented, and that was not implemented for them.

12 CHAIRPERSON TREYGER: All right, we're
13 going to get into semantics...

14 COMMISSIONER LYNN: [interposes] No, but
15 they did not... they did not lose a wage increase.
16 That was a wage that they had already been
17 receiving...

18 CHAIRPERSON TREYGER: [interposes] Were
19 they scheduled to receive an increase?

20 COMMISSIONER LYNN: They expected to
21 receive a .47 percent increase and that was not
22 received.

23 CHAIRPERSON TREYGER: And that was scaled
24 back?

2 COMMISSIONER LYNN: That was scaled as
3 part of the paying for this benefit.

4 CHAIRPERSON TREYGER: And they also
5 forfeited time of as well is that correct?

6 COMMISSIONER LYNN: Those with more than
7 15 years of service no longer accrued the 16... the
8 26 and 27 day of annual leave. So, remember they
9 still get five weeks of annual leave. They don't get
10 five years plus one day and then five years plus two
11 days.

12 CHAIRPERSON TREYGER: And so in your
13 testimony to this Committee, you mentioned that you
14 want to review the impact of that policy which will
15 determine the negotiations and discussion with the
16 municipal workforce is that correct?

17 COMMISSIONER LYNN: I think I said that at
18 the time we looked at it, we thought that repurposing
19 the annual leave in excess of five weeks and the .47
20 percent increase that had not yet been received was a
21 reasonable approach to create a benefit that many
22 employees now view as a wonderful and useful addition
23 to the compensation package. That's what we did then.
24 The concept of figuring out how this benefit, first
25 what the cost of the benefit is and I really make the

2 point again, it differs from group to group, but
3 looking at the cost of the benefit and then seeing
4 how to fit that within an economic package. That is
5 in fact the approach we take to bargaining.

6 CHAIRPERSON TREYGER: But, Commissioner
7 Lynn, the City actually received the benefit from
8 this personnel order as well if I'm not mistaken. I
9 believe that there was a significant multimillion
10 dollar net profit for the City in this...

11 COMMISSIONER LYNN: [interposes] No, I
12 disagree...

13 CHAIRPERSON TREYGER: By issuing this
14 personnel order is that correct?

15 COMMISSIONER LYNN: No, that's not
16 correct. That the actual savings didn't occur
17 initially. The 26 and 27 day occurred going forward.
18 And the .47 percent reduction or non-implementation
19 of the salary increase didn't occur until the year
20 after. So initially I think the numbers would
21 demonstrate that we, the City fronted the cost of the
22 benefit until these savings occurred. The question
23 then is as the savings now are in place, do those
24 savings exceed the going forward cost of that
25 benefit. That is something that we will take a close

3 look at when we have the full year of fiscal 18 and
4 we will see that. But I will not concede that the
5 City had an advantageous agreement here or
6 advantageous result. I am waiting to see what the
7 results look like for fiscal 18 and then, if
8 appropriate, we will take another look at the benefit
9 package.

10 CHAIRPERSON TREYGER: We will disagree on
11 this point. When the City sees a multimillion dollar
12 net gain, the City certainly can claim a benefit. My
13 concern is that this issue should not be used as a
14 bargaining chip, it should not be used some sort of
15 negotiation tactic where City workers are not forced
16 to choose between supporting children whether they're
17 at home or supporting children at work in the
18 classroom. This is a moral issue, this is the right
19 thing to do. I know that you have mentioned that more
20 than once today, that you believe that this is a good
21 policy. The purpose of this hearing is to highlight
22 the fact that we do not have an existing policy.
23 Right now the existing policy for the education
24 workforce, I can say, is that you have to declare a
25 sickness to raise a family and the term paid leave
has been thrown around by City leaders, by State

3 leaders, by national leaders, but when one closely
4 examines their own policy, whether or not they have a
5 paid leave policy, they don't. And so from a public
6 impact perspective, Commissioner, we are deeply
7 concerned about this. We are very concerned about
8 this. And the private sector is onto this. The
9 private sector, many companies in the private sector
10 have put in place paid parental leave policies. I
11 cannot believe, to say this on the record, but
12 companies like Walmart or Amazon and others have
13 implemented paid parental leave policies and New York
14 City is the progressive capital of the country, and I
15 would say the world. And we don't have one. When many
16 City workers look at their own policies they don't
17 see it and it's not a benefit. It's just not there.
18 And many folks that I know personally, Commissioner,
19 are facing significant financial difficulties. New
20 teachers who now have to pay down student debt, that
21 are trying to afford to buy their first home which is
22 probably not going to happen. They ask me, Mr.
23 Treyger, why am I being punished for raising a
24 family? So, I understand that everyone here that your
25 position is to negotiate on behalf of the City
Administration, our job is to improve public

3 outcomes. To improve the public health to retain
4 quality City workers. It's actually about the kids.
5 It's about children. The children of our workforce
6 and the children that we serve every single day. Now
7 I do have some more questions, but I know some of my
8 questions...

9 COMMISSIONER LYNN: [interposes] Could I
10 just make a short response on that?

11 CHAIRPERSON TREYGER: Yes, yes, you may,
12 please.

13 COMMISSIONER LYNN: I first, choices are
14 made in labor negotiations all of the time. The union
15 leadership says we want to apply a longevity increase
16 which applies to obviously the senior workers, it
17 doesn't apply to junior workers. That's the nature of
18 labor negotiations. That not all benefits are across
19 the board, parties bargain in agreement that makes
20 sense for both sides, will be ratified by the
21 members. That's what collective bargaining is all
22 about. I would say that to say this is bargaining
23 chip is unfair. I very much want, the Administration
24 very much wants to reach over all labor agreements
25 like we did, and like we're going to do. And so it is
part of the braining process that is for sure. I do

3 want to say that when Walmart is sort of thrown up as
4 an example of an employer of choice or an employer
5 that provides benefits that we want to applaud, we
6 have, we should never forget, a defined compensation
7 pension plan. We have health benefits paid in full
8 that is virtually unique as far as public and private
9 sector workers go. We have an extraordinarily
10 generous leave (sic) package that we make available
11 to our workers. One should not lose sight of all of
12 the important things, that I'm proud of, that's part
13 of our compensation package. In a similar way, I am
14 hoping that we can figure out a way to fit in a
15 robust paid parental leave program as part of that
16 package as well.

17 CHAIRPERSON TREYGER: Commissioner, let me
18 tell you what is also not fair. Do you have any date
19 with you, on average in the DOE, because they were
20 supposed to be here today and they chose not to. They
21 are a part of the equity and excellence for all
22 movement so they were too busy today. But, do you
23 have any data on average how many sick days men
24 retire with versus women in the Department of
25 Education?

COMMISSIONER LYNN: I do not.

3 CHAIRPERSON TREYGER: You do not?

4 COMMISSIONER LYNN: No.

5 CHAIRPERSON TREYGER: Because we are
6 having difficulty finding that data. And I venture to
7 guess that women in the Department Education end up
8 having to take more, use more, and borrow more, and
9 owe more in sick days than men do. But I could be
10 proven right or wrong if we receive that data from
11 the Administration. From the Administration that
12 boasts about equity and excellence for all, that
13 boasts about closing the gender equity gap that we
14 hear so much about, that we hear about caring for our
15 City's workforce. We're still missing some key data
16 and we will have some big concerns. And no one is
17 suggesting that Walmart is the gold standard of
18 treating workers. Just the opposite. What we are
19 saying is that companies like Google, Amazon and
20 others, rightfully understand that in order to
21 attract and retain quality workers they have to put
22 in place a paid parental leave policy. The state of
23 Washington is going to have a full paid leave policy
24 by the year 2020 where as a matter of fact, most
25 states require their employees to pay in. The state
of Washington is going a step further and they're

2 going to do their part to require employers to pay
3 into their policies as well. And the lower your wage,
4 the more subsidy those folks will receive because
5 they understand that this is a public benefit in
6 terms of health, in terms of families, in terms of
7 workforce. I want to turn now, do any of my
8 colleagues have any questions or we mindful of time?

9 CHAIRPERSON DROMM: Yes, we do. And I just
10 want to say that we've been joined by Council Member
11 Kallos and Council Member Barron. And we have
12 questions from Council Member Kallos, Cumbo, Lander,
13 Cohen and Adams. And they will be on the clock for
14 five minutes each. Okay, Council Member Kallos?

15 COUNCIL MEMBER KALLOS: Good afternoon.

16 COMMISSIONER LYNN: Good afternoon.

17 COUNCIL MEMBER KALLOS: Do you support New
18 York City's paid sick leave policy in the private
19 sector?

20 COMMISSIONER LYNN: Yes.

21 COUNCIL MEMBER KALLOS: Did employers
22 subject to paid sick leave only have to comply after
23 they negotiated with employees, or they just have to
24 give it to employees because it was the right thing
25 to do and now the law?

3 COMMISSIONER LYNN: I don't believe there
4 was a bargaining requirement there. As you know,
5 other than in the public sector there are very few
6 labor unions. About 6 percent of the private sector
7 currently is represented by labor unions as opposed
8 to...

9 COUNCIL MEMBER KALLOS: [interposes] so...
10 so...

11 COMMISSIONER LYNN: New York City where 90
12 some odd percent of the workforce is covered by
13 collective bargaining and that's where we bargain
14 over benefits.

15 COUNCIL MEMBER KALLOS: Sure, so in your
16 testimony stated a little over two years ago, the
17 City implemented paid parental leave for managers and
18 other non-unionized employees up to 30 work days of
19 paid parental leave once per rolling 12 month period
20 at 100 percent of their regular salary. Do you
21 believe that six weeks is enough?

22 COMMISSIONER LYNN: I believe six weeks
23 provides an important benefit and we thought we an
24 appropriate place to start. And as I think where I'd
25 like to try to start in collective bargaining.

2 COUNCIL MEMBER KALLOS: New York State now
3 offers paid family leave. They actually have already
4 started with eight weeks, and they're going to go to
5 12 weeks. Is 12 weeks too much?

6 COMMISSIONER LYNN: So, as I understand
7 the state benefit provides only a percentage of
8 salary and it's a percentage of the average salary in
9 the state. So I'm not sure what the state benefit
10 would provide for many City workers who are paid
11 substantially more than the state average. So it's,
12 again, I think you helped emphasize the point, it's a
13 combination of both duration and amount of
14 reimbursement. The plan that we came up with had 100
15 percent reimbursement for six weeks. Clearly, an
16 alternative would be a lower percentage of
17 reimbursement for a longer period of time. Our route
18 was to go for six weeks paid in full.

19 COUNCIL MEMBER KALLOS: You keep talking
20 about collective bargaining and negotiating. What do
21 you want from labor unions in exchange for giving
22 them the same paid family leave you've given all the
23 managers in the City.

24 COMMISSIONER LYNN: So, first of all I
25 would say, if I expressed what I want, I would

2 express that to the labor negotiators at the table.

3 What I would like to achieve for the purpose of these
4 discussions are collective bargaining agreements. We
5 are in the process of those discussions and I think
6 that is in any important benefit that employees
7 receive, it should not be preempted through a process
8 that's different from collective bargaining either
9 way. I shouldn't unilaterally make decisions, others
10 shouldn't unilaterally make decisions. It should be
11 left to the mature representatives, the capable
12 representatives of labor and management to sit down
13 and bargain agreements.

14 CHAIRPERSON TREYGER: Unless it's in the
15 private sector in which case you do support paid sick
16 leave and the ability of institutions such as
17 ourselves to enter into the contractual relationship
18 as employer and employee and say this is what's
19 right. So I guess my questions for you is specific...

20 COMMISSIONER LYNN: [interposes] I
21 disagree with that though, I disagree. I believe that
22 where you have an entire workforce that is
23 represented by capable and able leadership, that the
24 appropriate place for terms and conditions of
25 employment, by law, and by good approach to labor

3 management relations should be at the bargaining
4 table.

5 CHAIRPERSON TREYGER: Is there any type of
6 benefit you would ever concede that you should just
7 give it to somebody on the table without asking for
8 anything in return? And would this rise to the level
9 of one of those benefits?

10 COMMISSIONER LYNN: I believe that we have
11 a responsible and robust compensation package. That
12 we should work within collective bargaining to figure
13 out how we repurpose parts of it and how we add to
14 it. But that I believe...

15 CHAIRPERSON TREYGER: [interposes] but how
16 is it not...

17 COMMISSIONER LYNN: I believe, I believe
18 as I've seen in the City from 12 years in the Koch
19 Administration, and my time now and work that I've
20 done in the middle, that the union leadership in New
21 York City has not required assistance to be able to
22 achieve at the bargaining table, benefits that were
23 important for their workers. They have been very
24 effective doing that...

25 CHAIRPERSON TREYGER: [interposes] how is
it not hypocritical to say that managers should get

3 paid family leave, but the employees shouldn't and
4 we're not going to just it to you because it's the
5 right thing to do, we want something back in return?

6 COMMISSIONER LYNN: I don't understand the
7 hypocrisy seems to me as just totally misplaced. We
8 said with the managers that we would repurpose the
9 compensation package to provide a very important
10 benefit. I think the general reaction has been that
11 we did well in doing that. Both labor, both the
12 workers and the employer, and the public.

13 CHAIRPERSON DROMM: Thank you. Council
14 Member Cumbo?

15 COUNCIL MEMBER CUMBO: Thank you, Chair
16 Dromm. Thank you, Chair Treyger. I just have to agree
17 with my colleagues on so many different levels. The
18 fact that this is something that's being bargained in
19 2018 is really absurd to me at this point. My
20 question, and I want to go to some 101, is that in
21 this collective bargaining that's happening, and the
22 reason why it's so frustrating is because family
23 leave is really, for so many families, a life or
24 death situation. So I'll give you an example. So the
25 month after I found out that I was pregnant, my
doctor said you have to go on best rest for three

3 weeks at the very least. So I had to take off three
4 weeks at the age of 43 having a baby, what is your
5 policy or plan if a mother has a difficult pregnancy
6 and has to address issues such as bed rest? How do
7 you address those? Where would that fall in line with
8 your policy?

9 COMMISSIONER LYNN: I think that falls
10 within the use of sick leave and I say as there are a
11 lot of very difficult situations. People develop
12 cancer, they develop all sorts of problems where they
13 need sick leave. And I think that the City, as an
14 employer works very effectively with workers to try
15 and accommodate and deal with that. They can borrow
16 sick leave, they can take unpaid leave if necessary,
17 but there are a series of benefit approaches that we
18 use for the situations of illness or difficult
19 childbirth. But I do believe that in a country where
20 people are diminishing collective bargaining left and
21 right, where states eliminate the ability of
22 employees to bargain at the table, that we should
23 never forget how different we are in New York City.
24 How we approach collective bargaining as a central
25 principle of the way labor and management should work
together. And to the extent that I say, that I come

2 here and say these are central issues for
3 consideration. Shouldn't be denigrated, it should be
4 celebrated.

5 COUNCIL MEMBER CUMBO: I agree with you in
6 what you're saying. And I believe that collective
7 bargaining is a powerful tool, but there are some
8 things that should just be fundamental and baselined.
9 And I think that that's where we're having the issue
10 is that going on bedrest, having a child, recovering,
11 it's not a sickness. You as adult have a
12 responsibility to deliver into the world the most
13 vulnerable entity in the world, life. This life has
14 no other dependent, you are completely dependent to
15 bring this child forward in the most healthy way
16 possible. And in your mind as a mother you should
17 never have to think about, I'll just go in this one
18 day even though because I can't afford this time off
19 now because after I have the child I'm going to have
20 to take off additional time. You should never, I
21 thank God actually, now that I'm hearing what you're
22 saying, that I have this job because this job allowed
23 me the opportunity to just take off. And to be honest
24 with you, if they had said you have to take off the
25 whole nine months I would have just done that because

3 there's nothing more important than bringing a
4 healthy child. And I don't know what that would have
5 rendered me in terms of my life or my work, or my
6 career. But, through this collective bargaining, is
7 it that, and give me a 101 because I don't understand
8 it exactly, would it mean that different entities or
9 unions that you're meeting with could come out with a
10 whole plethora of different types of paid family
11 leaves? Or is it that if you accept this one, is
12 there just one type of 12 week, it's paid, if you
13 bargain with us this is the whole package? Or could
14 someone say we'll do eight weeks, oh we'll do four
15 weeks, we think two weeks is what should happen here?
16 Could everybody come away with some sort of all
17 across the board of what they're going to offer or is
18 there one thing, one package that you're bargaining
19 with?

20 COMMISSIONER LYNN: No, under the law, we
21 bargain with 144 different unions and they bring
22 issues to the table that is not, it doesn't provide
23 for a central benefit. And it does not make the
24 process easy, it makes the process complex. But each
25 union has a right to bargain over any term and

2 condition of employment separately. And my hope is
3 that we do not have 144 different approaches...

4 COUNCIL MEMBER CUMBO: [interposes] But
5 you could?

6 COMMISSIONER LYNN: You conceivably could.

7 COUNCIL MEMBER CUMBO: See, that is highly
8 problematic because...

9
10 COMMISSIONER LYNN: [interposes] That
11 what the best (sic)...

12
13 COUNCIL MEMBER CUMBO: There are some
14 unions that are going to be, and I'm not, men, I love
15 you, but there could be some where they are more male
16 dominated where they may have other things as their
17 priority that's at the top of their agenda. Whereas
18 they could have 2 percent of their workforce like
19 some of our agencies and that's just not at the top
20 of their thought and whoever everybody is that's
21 coming to the table, that's not what in their mind to
22 bargain with you. So when a process like this, if you
23 don't have women at the table except for on the City
24 Council because as you can see, our male counterparts
25 here are even more enthusiastic than some of the

3 women at times, about issues related to equity and
4 women. Which is wonderful, but that is not going to
5 be the reality for each of these 144 different
6 entities that you're coming to the table with. This
7 is where the problem lies, you have to come in with
8 this at a foundational baseline that this is what we
9 want. And anything else is unacceptable because
10 you'll have 144 different programs based off of who
11 likes what or who they're representing or what
12 they're pushing, or what their goals and agendas are.

13 COMMISSIONER LYNN: So, let me say this,
14 the law requires approaching each of the unions on
15 the issues they bring to the table if it's a
16 mandatory subject of bargaining as this would be.
17 That's not to say the City doesn't bring to the table
18 a view as well as to what should be part of the
19 package. And I can assure you that paid parental
20 leave has been part of our concept of what needs to
21 come out of this bargaining round with every group
22 we've sat down with.

23 COUNCIL MEMBER CUMBO: But you did say
24 under your testimony that it seemed to have been an
25 afterthought for many of the union heads that you

2 were speaking to, and that for some, this didn't even
3 come up.

4 COMMISSIONER LYNN: No, I didn't say it
5 was an afterthought. I said in the last round of
6 bargaining, I'm not certain, now I got here in the
7 middle the last round, I'm talking about the one that
8 ended nine years ago. I don't believe in that round
9 of bargaining there were proposals on paid parental
10 leave. I arrived within two arbitrations, one
11 involving nurses and one involving 1199 healthcare
12 workers, and then the teachers which was a fact
13 finding. I don't believe that this issue was before
14 the parties at that point. That's all I'll say.

15 COUNCIL MEMBER CUMBO: I think that if we
16 don't...

17 CHAIRPERSON DROMM: Madame Majority
18 Leader, I just need you to wrap up.

19 COUNCIL MEMBER CUMBO: Yes. I just want to
20 close by saying I think that if we continue to
21 utilize this as you don't believe, but I believe from
22 what I'm hearing, if we continue to use this as a
23 bargaining chip it really undermines that value of
24 children. And it undermines the health and safety,
25 particularly of women as well as children and

3 families all together. This should be baselined and
4 there should be no way that this is approached that
5 this could be bargained in a way that some agencies
6 will come out with one plan, and other wont. And I'll
7 just conclude on that and turn it back to the chair.
8 Thank you.

9 CHAIRPERSON DROMM: Thank you, very much.
10 And we have been joined by Council Member Rodriguez
11 and Levine. And now we're going to go to questions
12 from Council Member Lander followed by Cohen.

13 COUNCIL MEMBER LANDER: Thank you, Chair
14 Dromm, excuse me. Thank you, Commissioner for being
15 here. And I do appreciate the position that you're in
16 and I want you to bargain on behalf of the people of
17 New York to make sure you get the best deal you can.
18 And I appreciate that you're right in the first round
19 of bargaining that you did over the past four years.
20 You have delivered a set things that people thought
21 would be very challenging to deliver, so, I do
22 appreciate that. And I also appreciate that there is
23 a real tension here because what our sense of the
24 minimum basic standard that every worker has to get
25 evolves over time. I guess I want to ask you about
something about that was happening on last cycle and

3 how you dealt with it. When we started last term you
4 had many City workers unfortunately making less than
5 \$10.00 an hour and we collectively decided as a City,
6 in law in the private sector, in law in what we
7 contracted that that wasn't okay. That minimum
8 standard was that we wanted to get every worker to
9 \$15.00 an hour on a set of steps over time. And
10 obviously that had to cover municipal workers as
11 well. We were hypocrites to say if you're a City
12 contractor you have to get to \$15.00 and then we're
13 going to get everyone on the path to 15, but we don't
14 have our workers on a path to 15. So, I guess I'd
15 just like to ask in that situation, how did you view,
16 on the one hand the sense of an evolving minimum
17 standard that every single worker needs to have with
18 your bargaining responsibilities in dealing with
19 units who represented workers who didn't have it.

20 COMMISSIONER LYNN: So, let me back up
21 first to a comment you made about sort of my view is
22 achieving the best deal possible. I don't view that
23 as my objective. My objective is to find a fair and
24 responsible settlement. And I think that's very
25 different and perhaps very different from what you
hear at the national level now in conversations about

3 what deals should be like. And I don't view that it
4 is a transactional conversation that is one and done.
5 I believe you're establishing long term relationships
6 and that you have responsibilities to the public, to
7 the workers, to the tax payer. All of those are
8 responsibilities that need to be balanced to me, and
9 that's why you want to reach a responsible
10 settlement. As to the minimum wage, in fact it had
11 very minimal increase impact on us because of the
12 collective bargaining increases that we negotiated.
13 And that in fact a handful of the 360,000 now 380,000
14 workers were effected by that. And we did decide
15 though that where there were a handful of workers
16 during the course of the contract that would not
17 reach those minimums, we would move them along to
18 reach those minimums.

19 COUNCIL MEMBER LANDER: And all I would
20 say is that I think what we're having, while you're
21 bargaining in the ways that you just outlined which
22 is obviously important and appropriate, there is an
23 evolving set of what the minimum acceptable standards
24 for all workers to have. And last cycle, part of that
25 was making sure that we got all workers to \$15.00 an
hour. And that was because we had a collective sense

3 as a City that that's a basic minimum standard that
4 everybody has to have and therefore you had to factor
5 it into your bargaining. And I think you hear us very
6 clear, that the Council feels like paid parental
7 leave is becoming an important part of the basic
8 minimum standard that all workers need to have. And I
9 appreciate that it's a challenge for you to think
10 through how to implement that at the bargaining table
11 with different workers who will put it at different
12 places in their priority lists as Council Member
13 Cumbo said. And who have other issues that are
14 important and that you've got to go through a complex
15 negotiation, but I think what we just want to be
16 clear about is just like that last cycle, we felt it
17 was critical that every worker earned at least \$15.00
18 an hour. That every worker has to get paid parental
19 leave and fair enough that you have to figure out how
20 to implement that in the context of those contracts
21 in collective bargaining which I respect. And I
22 really respect your ability to do it, but it is an
23 evolving standard and it's one that we want all
24 workers to have in the public and private sector,
25 across every bargaining unit. Those that don't have a
bargaining unit, and we have to lead the way. So,

2 that is a challenge you're going face, no doubt, but
3 I just want to associate myself...

4 COMMISSIONER LYNN: [interposes] So, so...

5 COUNCIL MEMBER LANDER: With those of my
6 colleagues that feel not only is it a priority or a
7 goal, it's an evolving basic minimum standard that we
8 have to get for every worker.

9 COMMISSIONER LYNN: So, my answer there
10 would be, just as the approach to the salaries
11 occurred after most of the City collective bargaining
12 contracts were in place that a lot will occur in the
13 next several months in our bargaining. And I would
14 respectfully request that everyone see what happens
15 there, see if we've achieved something that is
16 consistent with the objectives that you're setting,
17 and then see what needs to be done.

18 COUNCIL MEMBER LANDER: Thank you, Mr.
19 Chair.

20 CHAIRPERSON DROMM: Thank you. Council
21 Member Cohen followed by Adams and then Levin.

22 COUNCIL MEMBER COHEN: Thank you, Chair.
23 Good afternoon, Commissioner. I'm just going to focus
24 on, you get the sentiment I think that we all seem to
25 be pretty much on the same page here. Your testimony

3 was though that the law requires that this be
4 collectively bargained. Are there things for
5 organized workers that you don't have to collectively
6 bargain with? Could you, I mean could the Mayor by
7 stroke of pen give this benefit if he wanted to?

8 COMMISSIONER LYNN: So, under Taylor Law,
9 there are elements that are prohibited namely
10 pensions. And the pensions, you can't reach a pension
11 agreement per se, and so that is done, the law is
12 provided for decades now that that is not a subject
13 of bargaining appropriately before the bargaining
14 table. There are issues that are non-mandatory
15 subject of bargaining that are generally not wage
16 issues, not specific benefit issues. They may be
17 issues in terms of how you make managerial decisions
18 of some sort. Those that are terms and conditions of
19 employment under the law, wages and hours and
20 benefits, those are mandatory subjects of bargaining.
21 And those, if one party wants to bargain over it, the
22 other party must bargain over it. And that's what the
23 law provides, it had provided that since the 1960's
24 both at the City Collective Bargain Law and the
25 Taylor Law at the state level.

2 COUNCIL MEMBER COHEN: So you couldn't
3 give a bonus, if the City wanted to give a bonus they
4 could not give one?

5 COMMISSIONER LYNN: Absolutely not. That
6 is a mandatory subject of bargaining.

7 COUNCIL MEMBER COHEN: Okay. Thank you,
8 Chair, appreciate it.

9 CHAIRPERSON DROMM: Thank you. Council
10 Member Adams?

11 COUNCIL MEMBER ADAMS: Thank you, Chair
12 Dromm. Good afternoon, Commission. Commissioner, like
13 several of my colleagues I too, come from an
14 education background and I can tell you that as one
15 who has been a caretaker in daycare for quite a
16 while, having a six week old infant leave their
17 mother or leave their parent so soon after birth it's
18 a very, very difficult thing to have. Even though as
19 educators we do what we have to do in the interest of
20 our children. I have to also echo the sentiments of
21 Chair Treyger and the Majority Leader in that this
22 discussion around collective bargaining is most
23 disturbing to hear that we are looking at children
24 and looking at mothers, and looking at parents as
25 items to be bargain with in the year 2018. I consider

2 this to be a moral issue and it is just very
3 disturbing to hear that we have to bargain this issue
4 and this policy which should be a common sense
5 baseline policy at this point in time. So, I don't
6 know if you can answer this question but you have
7 told us that there have been some negotiations in
8 progress around this issue. Are you getting a sense
9 that you will have a lot of resistance to the
10 agreeance of this policy being permanent?

11 COMMISSIONER LYNN: No, I'm not. I believe
12 that we will be reaching agreements on this issue
13 with the workforce. And though we've just begun that
14 process but we've been speaking to a number of the
15 large unions so I believe that we will effectively do
16 this. I have to say though in terms of the importance
17 of a benefit, I believe that healthcare is an
18 extraordinarily important benefit, issues of life and
19 death. And so I don't see that, and that is clearly
20 part of collective bargaining, and clearly I think we
21 all concede that that must be at the bargaining
22 table. I believe those are very important life and
23 death family issues that are tremendously important
24 and its part of what we are charged with in our
25 bargaining. And I'd have to say as I said to the

2 Majority Leader before, I believe the fact that we
3 are so willing to engage in problem solving
4 collective bargaining is something that we should all
5 be very proud of in New York City. And it is an issue
6 and the paid parental leave is front and center in
7 those conversations.

8 COUNCIL MEMBER ADAMS: I would agree with
9 you with that sentiment very much so. I would also,
10 and just to close with this, that the language
11 perhaps should be adjusted because as Chair Treyger
12 expressed to consider parental leave as an illness or
13 having a child as an illness, in the year 2018 just
14 seems very archaic particularly to myself and several
15 members of this body. Thank you very much for your
16 testimony.

17 COMMISSIONER LYNN: You're welcome. I also
18 do not consider my three grandchildren to be
19 illnesses.

20 CHAIRPERSON DROMM: Council Member Levin.

21 COUNCIL MEMBER LEVIN: Thank you very
22 much, Chair Dromm. So, I want to thank my colleague
23 Majority Leader Laurie Cumbo for this legislation. I
24 want to thank Chair Dromm for advancing it as well as
25 Chair Treyger and the Speaker. Mr. Lynn, I am at a

3 loss. I am at a loss. We went through a whole public
4 announcement with the Mayor, I was there at DC-37. We
5 talked about paid parental leave for every city
6 employee. I walked away from that announcement under
7 the impression that every City employee was entitled
8 to paid parental leave. So to find out that our
9 unionized workforce does not have this paid parental
10 leave that I took advantage of, that my colleague
11 took advantage of. That every member that works at,
12 anybody that works in a managerial position has
13 access to, anybody that works for the Mayor's office
14 has access to. My employees have access to, anybody
15 that works for the Council has access to. And for our
16 unionized workforce in New York City to not have
17 access to that is an outrage. It's an outrage. And we
18 should not allow for that to happen. So my question
19 is, is there any reason why paid parental leave is
20 not taken off the table for negotiations with unions
21 and say you know what this is something we are not
22 going to, we're going to start off negotiations by
23 saying you can have this because you're entitled to
24 this, because you're a City worker. And you're
25 entitled in 2018 to paid parental leave. Is there

2 anything that stops the City from saying, this isn't
3 even a point of negotiation, you can have it?

4 COMMISSIONER LYNN: So, first of all I am
5 not certain why you didn't understand the extent of
6 the benefit I think from the very first words of the
7 announcement of the paid parental leave, we made
8 clear that since it was a mandatory subject of
9 bargaining it was only covered for those workers who
10 are not covered by collective bargaining. And I think
11 we used at the time, the 20,000 workers and it
12 shouldn't have been confusing that when we had
13 380,000 workers, if we said it covered 20,000 that
14 meant 340-360,000 was not covered by that order. So I
15 think...

16 COUNCIL MEMBER LEVIN: [interposes] I
17 thought... I thought that because we were having this
18 big announcement that it was applying to everybody,
19 especially at the largest municipal labor union. So I
20 thought, that's my fault...

21 COMMISSIONER LYNN: And actually I think
22 the announcement was not done at DC, it was done at
23 DC-37 it was done downstairs here. where we were very
24 clear in terms of the, I participated in that, and I
25 thought we were very clear of who was covered and who

2 was not and I specifically do not think it was done
3 at DC-37 since we weren't, it was not part of
4 negotiations with them.

5 COUNCIL MEMBER LEVIN: [interposes] I
6 thought that was, that was the \$15.00 an hour.

7 COMMISSIONER LYNN: Yes, yes.

8 COUNCIL MEMBER LEVIN: Okay.

9 COMMISSIONER LYNN: So, in clarifying
10 that, I believe a benefit that potentially of City
11 wide cost of hundreds of millions per year, billion
12 dollars of our financial plan, can be both very
13 important, critically important. And I conceded how
14 important the benefit is, but still should be part of
15 a thoughtful economic analysis of what the overall
16 compensation package looks like. And that is what we
17 have said, and at the time when the Mayor announced
18 the benefit, he said this is a benefit that we
19 believe is paid for, for these 20,000 workers. A
20 combination of the change of the annual leave, and
21 the elimination of an upcoming .47 percent wage
22 increase. And we, so the Mayor said at the time that
23 we would like to come to the bargaining table with
24 the groups and figure out how to do something like
25 this for others. And that is what we are now doing.

2 And we are having these discussions, and it is my
3 hope that we will be successful.

4 COUNCIL MEMBER LEVIN: Are we requiring it
5 of private sector these days? Does private sector
6 have to do paid parental leave?

7 COMMISSIONER LYNN: Does the private
8 sector, some does, some doesn't. Most do not in the
9 private sector. Some employers do.

10 COUNCIL MEMBER LEVIN: Do you believe that
11 paid parental leave is a right?

12 COMMISSIONER LYNN: No, I believe it is a
13 benefit that should be part of a compensation package
14 much as I would say do I believe the health benefits.
15 I believe health benefits should be part of
16 compensation package and I...

17 COUNCIL MEMBER LEVIN: [interposes] But
18 health benefits are not a right.

19 COMMISSIONER LYNN: Health benefits in New
20 York City, in New York City...

21 COUNCIL MEMBER LEVIN: [interposes] Health
22 insurance is not a human right.

23 COMMISSIONER LYNN: Health insurance is a
24 mandatory subject of bargaining under the City
25 Collective Bargaining law and the Taylor Law. That is

2 what the law provides. And I am happy and proud to be
3 at the table bargaining over that benefit.

4 COUNCIL MEMBER LEVIN: So, the message I'm
5 getting from you is according to the City of New
6 York, the de Blasio Administration, healthcare is not
7 a human right and paid parental leave is not a right?

8 COMMISSIONER LYNN: I believe that's such
9 a terrible mischaracterization of what I said.

10 COUNCIL MEMBER LEVIN: [interposes] no you
11 said that...

12 COMMISSIONER LYNN: That the topic, these
13 are both...

14 COUNCIL MEMBER LEVIN: [interposes] But I,
15 excuse me, sir.

16 COMMISSIONER LYNN: [interposes] Can I
17 please finish? These are both mandatory subject of
18 bargaining under the law and that is the forum for
19 the discussions in terms of what the law provides for
20 collective bargaining. And I said, I'm not sure you
21 were here at the time, I said that the fact that we
22 so willingly engage in collective bargaining, we so
23 move from zero workers covered by collective
24 bargaining to 99.9 percent of the workers, that
25 demonstrates how we are willing to bargain

2 collectively and collaboratively. And this is a
3 topic, both health and the paid parental leave that
4 is front and center in our labor negotiations.

5 COUNCIL MEMBER LEVIN: But in order to
6 bargain, there is nothing that prevents you from
7 saying as an initial offer that it is going to come
8 at no expense to the rest of the bargaining, on the
9 rest of the contract.

10 COMMISSIONER LYNN: I believe...

11 COUNCIL MEMBER LEVIN: [interposes]
12 there's nothing that prevents you from doing that.

13 COMMISSIONER LYNN: I believe that the...

14 COUNCIL MEMBER LEVIN: [interposes]
15 because that, excuse me sir...

16 COMMISSIONER LYNN: I believe...

17 COUNCILMEMEBR LEVIN: But that would
18 comport if you were to believe that it's a right, if
19 you were to believe that paid parental leave is a
20 right, then you should offer it at the outset without
21 any... without having to bargain for it. Collective
22 bargaining, okay, but it should be on the table at
23 the outset, not subject to negotiation.

24

25

2 COMMISSIONER LYNN: The Taylor Law
3 provides that terms and conditions of employment must
4 be negotiated. This is one of them.

5 COUNCIL MEMBER LEVIN: So you do not
6 believe... do you believe that paid parental leave is
7 a right?

8 COMMISSIONER LYNN: I believe it's a
9 mandatory subject of bargaining in the appropriate
10 forum for discussion is at the collective bargaining
11 table.

12 CHAIRPERSON DROMM: (inaudible...)...

13 COUNCIL MEMBER LEVIN: [interposes] but
14 there is nothing that prevents you from offering that
15 up front, not subject to negotiation, but as an
16 initial offer?

17 COMMISSIONER LYNN: I think you've heard
18 my response.

19 COUNCIL MEMBER LEVIN: Okay.

20 CHAIRPERSON DROMM: Thank you...

21 COUNCIL MEMBER LEVIN: [interposes] Mr.
22 Chair, I want to say clearly here on the record,
23 healthcare is a right, paid parental leave is a
24 right, we should be leading by example with our
25

2 City's workforce and not parsing it out the way that
3 we are right now.

4 COMMISSIONER LYNN: I would like to say
5 this, I think that by having come to the City and
6 participated in reaching collective bargaining
7 agreements with all of the City workers over issues
8 that were of critical importance to both labor and
9 management and doing it in a responsible way, that is
10 what we stand for in this Administration and the view
11 of people

12 COUNCIL MEMBER LEVIN: [interposes] but
13 people should not have to negotiate their paid
14 parental leave against their pensions. They should
15 not have to negotiate their paid parental leave
16 against their pensions...

17 CHAIRPERSON DROMM: Levine, thank you...

18 COUNCIL MEMBER LEVIN: [interposes] they
19 shouldn't have to negotiate against their other sick
20 time. That should be a right, codified into law,
21 codified into every contract at the outset, not
22 negotiated away.

23 CHAIRPERSON DROMM: Thank you. Council
24 Member Levine.

3 COUNCIL MEMBER LEVINE: Thank you, Chair
4 Dromm and Chair Treyger and thank you very much to
5 our Majority Leader for putting this important
6 resolution forward. I believe that the money we spend
7 on this should be seen as an investment, not an
8 expense. My understanding is that it would represent
9 a very small percentage of the total budget of this
10 City which I'll remind you is now \$89 billion as
11 proposed by the Mayor in his executive budget. This
12 I'm sure would be much, much less than one percent of
13 that, probably less than a half or a third of a
14 percent of that. And my colleagues have spoken very
15 eloquently about why this is a valuable investment in
16 the lives of the next generation of New Yorkers, of
17 babies who are born for whom there is no substitute
18 to have the presence of a parent in the critical
19 early weeks of their life. There is scientific data
20 to back up just how influential that can be in their
21 later development, but all of us I think know in our
22 lives if we're lucky to have children, we've seen how
23 powerful that is and we would that for every child.
24 But I also think this is an investment that yields
25 benefits for the City. Particularly if you think
about a profession like teaching. I started my career

2 as a teacher, it's a very difficult job. We are
3 facing real challenges in retaining talented teachers
4 and I think one of the reasons is that so many of
5 them come to us in their early twenties and they're
6 later going to become parents and this is a difficult
7 career to manage for those in their child bearing
8 years. And to offer paid family leave, something that
9 we should have done generations ago, won't just
10 benefit the babies that are born in the City, but I
11 think will help us to ease the stress of very
12 difficult jobs in City government. The stress of
13 people who are in the classroom, one of the most
14 difficult jobs in our society, and will help us
15 retain great City workers. And great teachers who
16 need this in order to manage their difficult lives.
17 Their lives at work and their lives at home. Though
18 this is an investment worth making and one that I
19 think is eminently affordable. Have you begun to
20 assess what you think the scale of this investment
21 would be if rolled out to the entire workforce?

22 COMMISSIONER LYNN: So that is something I
23 answered before.

24 COUNCIL MEMBER LEVINE: Oh, forgive me.
25

3 COMMISSIONER LYNN: And I said that if the
4 cost is roughly 6/10ths of a percent which is what we
5 thought 6.65 percent when we thought it with managers
6 that would scale out to the entire workforce. It
7 would be about \$250 million a year, a billion dollars
8 over the financial plan. But that is the very topic
9 that we now have, the very discussions we now have
10 with the unions representing the workers. Which is
11 assessing what is the cost of the benefit, how we can
12 most effectively implement it. Not unilaterally
13 deciding that it should be done only one way, but to
14 work with the labor leaders to figure out what can be
15 tailored and appropriately done for the workforce
16 they represent. And those negotiations are ongoing.
17 And as I said earlier, I think that it would be
18 worthwhile to see whether the collective bargaining
19 process does indeed deliver solutions to these
20 complex problems. That is what collective bargaining
21 does at its best. And I...

22 COUNCIL MEMBER LEVINE: [interposes] and I
23 hear you, and just to that I don't lose the rest of
24 my time I want to emphasize that even if we were to
25 accept the full value as you have estimated relative
to what will probably be a \$400 billion total budget

3 over the period of the contract, this is a very,
4 very, very small percentage and really affordable.
5 But I also think you need to account for the benefit
6 to the City of retaining great talent among our
7 public sector workers. Or retaining great teachers in
8 the classroom and that has value. It actually costs
9 us money when we lose good people. And so I would
10 implore you in considering the financial impact of
11 this policy to account for that. To not look at this
12 as simply a short term cost in covering the expense
13 of the leave, but to look also at the benefit of
14 providing, making it easier for great public
15 employees to continue to work in the City.

16 COMMISSIONER LYNN: So, let me say this,
17 issues recruitment retention are central to the
18 considerations that we deal with every day. And
19 figuring out solutions to those problems, my First
20 Deputy regularly deals with, on an hourly basis not
21 daily basis, that's part of what we do. And I think
22 that it would be inappropriate to conclude that the
23 issues that everyone around the table raised are not
24 part of our collective bargaining. But I think it
25 also would be inappropriate to not celebrate that

2 that is what collective bargaining in New York is
3 about and that's what we're doing.

4 COUNCIL MEMBER LEVINE: All right. Thank
5 you, Commissioner. Thank you, Mr. Chair.

6 CHAIRPERSON DROMM: Thank you. Council
7 Member Treyger.

8 CHAIRPERSON TREYGER: Yes. I just want to
9 respond to a couple of things I've heard and just to
10 kind of summarize. I know that we have additional
11 folks waiting to testify. I just want to be very
12 clear, raising a family is not a new phenomena. I
13 keep hearing that this is sort of the new baseline
14 need of the 21st Century. No, folks, raising a
15 family, this goes back to the beginning days of
16 civilization. The needs of a newborn child are not a
17 new phenomena. The need for mom and dad or two
18 parents to spend time with their newborn is not a new
19 phenomena. What's new is that with all of the
20 announcements about paid leave a lot of folks are
21 closely or more closely examining their own existing
22 policies realizing there is none. I just want to be
23 very clear, because when the state announced that it
24 had its statewide paid leave policy it applied to the
25 private sector as giving municipalities to opt in,

2 which this municipality has not opted in. So, 91
3 percent of our City's workforce wakes up the morning
4 after these announcements and realizes that all of
5 these policies don't extend to them. I also just want
6 to say, respectfully Commissioner Lynn, reaching
7 labor deals with unions in an era of having large
8 reserves shows how low the bar is because the
9 Bloomberg Administration simply abdicated it's
10 responsibility to strike responsible deals during
11 it's time. I know that because I was a City teacher
12 during the Bloomberg years. And they failed to come
13 to the table time, and time again to discuss any
14 responsible negotiation. So, the City of New York has
15 had to play game of catch up in terms of fairness and
16 equity and justice with this workforce because of
17 just decades and so many years of outright neglect of
18 our City's labor force and families. So, yes, I
19 commend the fact that we have struck deals with labor
20 unions since this administration to go over, but I'm
21 just pointing out to you, sir, how low the bar is. To
22 say that, yes, we struck a deal, but the fact remains
23 that this should not be used as a bargaining chip,
24 this should not be used as a negotiation tactic.
25 There is a real serious public health impact in the

3 absence of a fair and just paid parental leave
4 policy. There is a real impact in terms of gender
5 equity, in terms of retaining quality City workers.
6 That's what this is about. So, I just want to tell my
7 colleagues that other states and other cities, and
8 other companies are moving forward faster than New
9 York on this issue because they understand that they
10 want to retain the best, and support the best. And I
11 also just want to say, when my colleagues and I talk
12 about this issue of a bargain chip, what that means
13 is that when we say we want a family to spend time
14 with their newborn, we want them to also be able to
15 afford to support their newborn because the Federal
16 Medical Leave Act gives folks, yes, 12 weeks of
17 unpaid leave. Which only applies to about 60 percent
18 of the country by the way. The State Family Leave Act
19 applies to the private sectors with giving cities the
20 option to opt in which this City has not opted in. So
21 it does not apply to the majority of our City
22 workforce. So, first and foremost we have an
23 obligation to be honest with what we are dealing with
24 here. And so I urge this administration to negotiate
25 in good faith, with our labor unions, with the
understanding that there is a significant public

3 health positive impact with having this policy in
4 place. You refer to it as a benefit, I believe this
5 is about moral justice and fairness, and basic
6 decency for families in New York. That we are the
7 progressive beacon, a City that welcomes and
8 celebrates all. That we are not just saying equity
9 and excellence for all as a slogan, but it is an
10 applied practice. That's what I'd like for us to
11 close this hearing about and Commissioner, I
12 appreciate you coming here today. I still do not
13 appreciate the fact that the Department of Education
14 chose not to show up here.

15 COMMISSIONER LYNN: [interposes] Can I
16 just make one response...

17 CHAIRPERSON TREYGER: Please.

18 COMMISSIONER LYNN: Because I do
19 appreciate the give and take that we've had. I do
20 want to point out that the opt-in under the state law
21 is where the unions, its collective bargaining. It's
22 not that the City unilaterally decides, but through
23 collective bargaining. You do have the commitment of
24 the City, the Administration and of me, that we will
25 in good faith, bring to the table the issues and
concerns you raise that we share. And that we think

3 this is an important part of what City workers should
4 have. And so we are there. I am with you in good
5 faith, we need to discuss this at the table and we
6 are doing that.

7 CHAIRPERSON DROMM: Thank you. And I want
8 to say we've been joined by Council Member Cornegy
9 and Williams and we have two follow up questions. I'm
10 going to allot three minutes time each. Majority
11 Leader Cumbo followed by Council Member Levin.

12 COUNCIL MEMBER CUMBO: I just wanted to
13 make a brief point. When I address the issue of
14 bedrest, I received what you said, but when I thought
15 about it afterwards it still got to the heart of the
16 matter. When I was told to go on bedrest I wasn't
17 actually sick, I felt fine, but the issue was that my
18 pregnancy would be further complicated if I continued
19 to go to work on a day in and day out basis. So,
20 again, I really just want to continue to hammer away
21 at the point that family leave is not an issue of
22 sickness. It is a natural part of life that is
23 almost, no, it is inevitable in order for us to
24 create future generations of people. So, I would
25 continue to hammer away at the point that paid family
leave should never be confused with sickness. And we

2 need to just continue to rethink how we approach
3 bringing a child into the world. So I just wanted to
4 bring that point home and turn it back over to my
5 colleague because many members have joined us. But we
6 have to end this cycle of seeing it as a sickness.

7 CHAIRPERSON DROMM: Thank you. Council
8 Member Levin.

9 COUNCIL MEMBER LEVIN: Thank you very
10 much. So, Mr. Lynn, by the way you were right. I had
11 my announcements mixed up. The one at DC-37 was
12 around the \$15.00 an hour so I stand corrected. A
13 follow up question, which union contracts has this
14 Administration negotiated that do include paid
15 parental leave.

16 COMMISSIONER LYNN: So far we have not had
17 any, but the contracts are ending now. So are in
18 active negotiations. About 40 percent of the
19 workforce or more have now expired. And...

20 COUNCIL MEMBER LEVIN: [interposes] how
21 many contracts has this Administration negotiated?

22 COMMISSIONER LYNN: 144.

23 COUNCIL MEMBER LEVIN: And of those 144
24 how many have included...

2 COMMISSIONER LYNN: [interposes] I think
3 you... I think you were not here as part of the
4 earlier conversation we had where I said that we came
5 to the City with 100 percent of the workers without
6 labor agreements. And...

7 COUNCIL MEMBER LEVIN: [interposes] and I
8 appreciate that, I give you credit for that.

9 COMMISSIONER LYNN: And in those
10 negotiations, I don't recall the issue of paid
11 parental leave as being a proposal from any of the
12 unions, any of the 144 during that term. Now it is an
13 important issue, in part spurred by the City's own
14 move with its non-represented workers to implement
15 paid parental leave. And it now is a subject with two
16 major unions who are now currently at the table.

17 COUNCIL MEMBER LEVIN: How many union
18 contracts have been negotiated since the Mayor made
19 the announcement in 2016?

20 COMMISSIONER LYNN: None for the new labor
21 period.

22 COUNCIL MEMBER LEVIN: So all of the
23 contracts were negotiated prior to that...

24 COMMISSIONER LYNN: [interposes] All of
25 those covered from 2008 to 2017.

2 COUNCIL MEMBER LEVIN: Okay.

3 COMMISSIONER LYNN: Those were the groups
4 that, the 144 contracts that we reached covered that
5 and that has, and this issue was not part of any of
6 those negotiations. And not raised by the labor
7 leaders as...

8 COUNCIL MEMBER LEVIN: [interposes] Never?

9 COMMISSIONER LYNN: A proposal. Not so
10 far.

11 COUNCIL MEMBER LEVIN: Not once?

12 COMMISSIONER LYNN: no, since we've now
13 reached agreements and as new, as these agreements
14 currently expire they are at the table. And we are in
15 fact, in good faith, sitting down and talking about
16 these issues.

17 COUNCIL MEMBER LEVIN: And they're being
18 negotiated against what other issues?

19 COMMISSIONER LYNN: They are being part of
20 the overall labor negotiations. And it is my hope
21 that when we reach a resolution of the overall labor
22 agreement it will include this benefit.

23 COUNCIL MEMBER LEVIN: Thank you very
24 much, Mr. Chair. And I just want to reiterate, paid
25 parental leave is a right.

3 CHAIRPERSON DROMM: Thank you, Council
4 Member Levin. And finally Council Member Jumaane
5 Willams.

6 COUNCIL MEMBER WILLIAMS: Thank you very
7 much for the hearing. And thank you for being here.
8 It was just a comment. I've had reason to be
9 traveling across the State recently and this is an
10 issue that I bring up. I always point out, I'm always
11 concerned when the Governor does things. And so he
12 always puts some mirrors to make it look bigger than
13 it is when you take the mirrors away, you find it's
14 not as good as it should have been. And this is one
15 of those issues that he allowed people to opt in a
16 way that he should have, he celebrated a parental
17 leave that wasn't as big as it should have been.
18 Whether it's us, whether it's SUNY, there are people
19 who now don't have these protections for no other
20 reason except that he just allowed it to opt out. So
21 I'm glad that we had this hearing today. I just
22 wanted to make sure I was able to put that on the
23 record for many reasons. So, thank you for being here
24 and I appreciate it.

25 COMMISSIONER LYNN: Thank you.

3 CHAIRPERSON DROMM: Okay, thank you very
4 much, Commissioner. And thank you to the Office of
5 Labor Relations, we look forward to continuing the
6 discussion with you as we move down the road. I'd now
7 like to call Michael Mulgrew, the President of the
8 United Federation of Teachers. Jessica Jean-Marie I
9 believe from the United Federation of Teachers. Emily
10 James, UFT, and Carolyn Duggan from UFT as well. Hey,
11 President Mulgrew, nice to see you.

12 MICHAEL MULGREW: It's nice to see you,
13 Chairman.

14 CHAIRPERSON DROMM: And whenever you're
15 ready.

16 MICHAEL MULGREW: Okay. First, I want to
17 thank both of the Chairs, Chairman Treyger and
18 Chaiman DRomm, thank you so much for having this
19 hearing. And of course the Majority Leader Cumbo,
20 thank you so much. I am joined here today by Carolyn
21 Duggan, a teacher from Manhattan. Jessica Jean-Marie,
22 and Eric Ruben Perez. So, after listening to the
23 Commissioners testimony, it had changed my testimony
24 quite a bit. Two years ago was one of the happiest
25 days of the UFT, when a Mayor said he was doing paid
parental leave. And he wanted all City workforce to

3 be able to have access to it and he had opened the
4 doors and said come on it to negotiate. My union had
5 been fighting for 55 years and for the last three
6 rounds of bargaining, this was a demand that we were
7 talking about. So, here we are now 57 years later and
8 not a single City worker who is represented by a
9 union has paid parental leave. So, what has happened?
10 And why is this an issues? Well, first of all, when
11 the Mayor made the announcement he never said it's
12 subject to the next round of collective bargaining. I
13 want to be clear with all of you because many of your
14 questions were surrounding collective bargaining. The
15 municipality has a right to come to an agreement on
16 any issue, at any time in terms of the collective
17 bargaining process. When it became clear to us, when
18 we did the analysis of the announcement that was
19 made, that the City was actually making money off of
20 the City workers who are not represented by a union.
21 We pointed that out to them. We said we are very
22 interested in doing paid parental leave, but we are
23 not interested in it being a revenue source for the
24 City of New York. We believe that it is immoral if
25 you take and of course there was a lot of argument
around that and then we were happy to see, two years

3 later, the IBO came out with its report, shockingly
4 to us, backing up exactly what we had showed the
5 City. Now the Commissioner can try to dance around
6 that issue all that he wants. This is very simple,
7 when you do any sort of bargaining you have what is
8 called a costing sheet. Everything a dollar amount
9 connected to it. We know what the managerial
10 employees of the City of New York gave up, exactly
11 what the costing was. And we know what the benefit
12 was paid out. So, we know that the City made \$8.5
13 million in its first year of its paid parental leave
14 policy. If you extrapolate from 20,000 workers to
15 380,000 workers, that benefit, people, unionized City
16 workers would be a revenue source of over \$110
17 million a year to the City of New York. Well, there
18 goes the morality argument right out the window at
19 that moment doesn't it. So, I do believe now as we
20 are more towards the next round of bargaining, some
21 unions have already started, as many of my members
22 have said to me, the medical condition known as a
23 pregnancy, if the Mayor, the Commissioner, and some
24 other City Officials were to experience it you really
25 wouldn't have much of an issue at the bargaining
table anymore. I believe this is clearly gender bias

3 on behalf of the City of New York. And I do believe
4 now it is being used completely as a bargaining chip
5 against our union. The union with the highest female
6 density. So, I am quite aggravated and pissed off
7 with the City on this whole thing. Right now, the
8 current robust package on maternity leave as the
9 Commissioner spoke to you, not one thing in it was
10 ever given to us or agreed upon by the City of New
11 York. All of our maternity leave policies right now
12 were mandated by the federal government. So, the City
13 of New York has never given anyone, any of its
14 workers, any sort of rights unless it was mandated
15 through federal authority. I want to be very clear,
16 in the current conditions that we have to deal with
17 are disgusting. The fact that our members have to use
18 up or save all of the sick time they possibly can and
19 then borrow it just so they can have a child. If this
20 was happening to a male workforce this would not have
21 continued. Let's just say what it is. So, I look now
22 across the entire country. I see more and more cities
23 adopting paid parental leave policies. Some we are
24 fine with, some would be the common ones we would
25 always thing about, San Francisco, Seattle, but when
we start talking about Kansas City, Missouri,

3 Ferndale, Michigan, giving paid parental leave to its
4 city workers. And I don't want to sit here and play a
5 part of this little game that we're having right now
6 between us and the City. I cannot be clearer. They
7 are using this as a bargaining chip against a
8 majority female union on purpose. It is a strategic
9 decision. The City is angry with us because we
10 pointed out to them that we will not be part of an
11 agreement that allows the City to treat having a
12 child as a revenue source for the City. Now in terms
13 of everyone's morality that we hear a lot about on
14 this issue, we are quite upset when the City makes
15 speeches and pronouncements about their paid parental
16 leave and how they have done this. It is the height
17 of hypocrisy. If they are so worried as they say they
18 go to work with us on anyone in any of their
19 conditions I will bring to you the case of Jillian
20 Rivera. She had her child after 25 weeks, the child
21 was 2 pounds. She had her child and had to get back
22 to work ASAP because she knew she was going to need
23 all of her sick days and borrowed time the minute the
24 child came home because of the severe illnesses that
25 he faced. This is her son when he was born. She went
to work every single day to save her time so that she

3 knew what her responsibilities were going to be. When
4 her child finally came home, the City said since you
5 already had your child and you went back to work, we
6 are denying your right to leave. So much for the high
7 horse on that side. She had to drop off of payroll to
8 take care of her child and she literally was able to
9 survive by a tax return at the end. So in terms of
10 the City's pronouncement here that everything has to
11 be done through collective bargaining, I agree. But
12 collective bargaining does not require us to tie a
13 bunch of other things to it. The City absolutely has
14 a right to come in, sit down at the table and tell us
15 we believe this is important on behalf of the City of
16 New York, we believe this is part of our value
17 system. And we want to know what we can do to make
18 sure paid parental leave is available to everyone
19 right now. And they could do that. And we would agree
20 with them. But instead, we've had two years of gains,
21 now it's all about the next round of collective
22 bargaining and I will say to you again, it is not a
23 coincidence that the union that went in first to try
24 to negotiate this was the UFT because of our
25 population. But it is also not a coincidence that the
one union this City doesn't want to deal with on this

2 issue is the UFT because it is a bargaining chip for
3 them. So, when it comes to collective bargaining of
4 course I am strong believer of it, but I also know
5 that the other side that management has the right to,
6 has the ability to manipulate and be very strategic
7 and do really bad things to workers. I appreciated
8 the last round of bargaining on behalf of the City,
9 but I am not happy going into this one because it is
10 clear to me that they are setting this up. On behalf
11 of the UFT members I appreciate City Council having
12 this hearing. I will tell you that Jillian and her
13 son had a happy ending last Christmas, but what did
14 she have to do to get to this happy ending? What huge
15 challenges did she have to overcome in this great
16 progressive City? What did she have to do and the
17 sacrifices she had to make? And she told me she made
18 these sacrifices gladly, but I think we should be
19 doing better as a City. I would now like to ask
20 Carolyn Duggan, a teacher from Manhattan, I think you
21 should hear about what happens right now from the
22 members themselves. And I appreciate you once again
23 having this hearing.

24

25

2 CAROLYN DUGGAN: Thank you. My name is
3 Carolyn Duggan and I'm a special education teacher in
4 Manhattan at PS...

5 CHAIRPERSON DROMM: [interposes] pull that
6 mic a little bit more in front of you.

7 CAROLYN DUGGAN: My name is Carolyn Duggan
8 and I'm a special education teacher at PS-180 in
9 Manhattan. I'm here today to advocate paid parental
10 leave in New York City for New York City educators
11 and all City employees. I'm here speaking out today
12 because I don't want what happened to me to happen to
13 any other parents. Two years ago I gave birth to my
14 younger daughter Daphne. I went into labor at work
15 because I was trying to save all of my sick days for
16 my maternity leave. I wanted to maximize what little
17 time I had with my newborn, so instead of taking a
18 few days before the baby was born, I worked up
19 literally, until the very last moment and I ended up
20 going into labor at work. I was in labor at school in
21 the morning and then that night I gave birth to my
22 daughter Daphne. Up until that last day I was
23 commuting to work via Long Island Railroad and the
24 subway, which as you know is not always the easiest
25 commute let alone for a nine month pregnant woman. At

3 work during my pregnancy I spent most of the day on
4 my feet teaching, up and down stairs all day long to
5 work with different students all across the building.
6 And as I did this I was also combatting never ending
7 morning sickness. Yet taking a day off was never an
8 option for me because I needed to save my days so I
9 could use them after I had my baby. As crazy as this
10 all sounds it's not unusual. Teachers go into labor
11 at school because they are hoarding their sick days.
12 I was saving my sick days because of the antiquated
13 maternity leave policy that the Department of
14 Education uses. The current maternity leave policy is
15 that if you want to remain on payroll you have to
16 save your sick days and use them as your maternity
17 leave, paying it yourself with your own sick days. I
18 had used up all of my sick days with the birth of my
19 first child, Penelope so for the birth of my second
20 child, Daphne, I had to borrow sick days from the
21 Department of Education which I will have to pay
22 back. Two years later, my sick day balance is
23 negative 17. Even after borrowing days it was not
24 enough to stay out of the recommended eight weeks
25 after my C-section. So I returned to the classroom
after 7 weeks because I could not afford to go off of

3 payroll. I was still in pain from surgery and was
4 operating on sometimes a total of two hours combined
5 sleep because as you know, babies don't know the
6 difference between day and night. At school I was up
7 and down stairs all day long, again. On my feet for
8 most of the day except for during lunch, but as I ate
9 my lunch I was also pumping my breast milk to leave
10 for the person who was taking care of my baby while I
11 was at work. The most difficult part of all of this
12 was leaving my 9 pound, 7 week old baby to go to work
13 because I would not be paid if I stayed home. We are
14 educators caring for children all day, but we are not
15 afforded the ability to stay home and take care of
16 our own children. We are being forced to choose
17 between our children at school and our children at
18 home. It is time for New York City to provide paid
19 parental leave to members of the UFT and other City
20 employees. Thank you for letting me speak.

21 JESSICA JEANMARIE: Hi. Good afternoon.

22 I'm a little sick, but I have no sick days left so.
23 Good afternoon my name is Jessica Jean-Marie and I've
24 been teaching with the DOE for nine years. I am a
25 Dean at Harvest Collegiate High School as well as a
special education teacher. I choose to tell my story,

3 not because there is anything extenuating or
4 extraordinary about it. On the contrary, my story is
5 the most average and ordinary story of those who have
6 sought in taking maternity leave. I choose to tell my
7 story to give voice to the thousands of us who have
8 taken maternity leave at a financial risk. The
9 thousands of us who couldn't afford to stay out and
10 return to work after a short six weeks. The thousands
11 of us who aren't women, but desperately want to be
12 home to bond with our children. And simply the
13 thousands of us that need time to take care of our
14 family whether it be parent or child. It is through
15 this lens that I hope to connect with you and express
16 how many of us there are, and why parental leave is
17 so desperately needed for teachers. Last week I
18 returned from maternity leave after 11 weeks from
19 having my child. I tried working up until I went into
20 labor so that I could have a full 12 weeks at home
21 with my son, six of those weeks would go unpaid. I
22 couldn't do it, the physical pain and the mental
23 stress became too much. As you know, teenagers are in
24 constant movement and have a lot of energy. Trying to
25 do Dean work while 9 months pregnant put me in
constant danger. From the students running around in

3 the hallways and one nearly knocking me over, to the
4 elevator going out of service and having to climb up
5 to the fourth floor where my school is located, to a
6 fight breaking out in front of me, to managing
7 emergency fire drills and evacuations. Three
8 occurring in one day at one point. I worked up until
9 the week of my due date hoping my son would come
10 sooner than later so I could maximize my leave. He
11 arrived three days past due (clears throat) excuse
12 me. I then had to figure out how many days I would
13 have to borrow. Do I borrow enough to cover my first
14 six weeks and be indebted to the DOE or do I not
15 borrow any days and take the financial hit? Can I
16 afford to do that in addition to paying for childcare
17 for my first? Should I consider going back to work
18 once my baby reached six weeks so I wouldn't be too
19 deep in a financial hole? The amount of questions,
20 concerns, worries and stressors that a new parent has
21 to carry is never ending. Working for an institution
22 that is built on the basis of caring for children
23 should not add on to that. It seems counter intuitive
24 to have to provide reason as to why teachers should
25 have a reasonable and stronger parental leave plan.
Being able to provide for my children allows me to be

3 more sane which then allows my students to have an
4 educator who can give from a full and sane cup. We
5 live in a City that touts itself as innovators and
6 leaders of progressive action. We have a Mayor who
7 has made it his agenda to recognize that a sane
8 society includes systems that allow people to take
9 care of their family. Whether through UPK or
10 renovating the City's parental leave plan. Educators,
11 however, are somehow left out. The work that we do is
12 deep and long and can never be accurately measured.
13 For us to do this well and show up 100 percent for
14 our students, we need the financial security to take
15 care of our own. I ask you to not only think about
16 the immediate benefits and necessities that our
17 families will gain, but the long term effects our
18 students and City will get when they have educators
19 who are able to focus on their needs instead of
20 financial instability. Thank you.

21 ERIC RUBENPEREZ: Can everybody hear me
22 okay? All right, good afternoon City Council Members.
23 My name is Eric Ruben-Perez and I've been a school
24 counselor at the John F. Kennedy Jr. School for the
25 past 14 years. I met my now husband in the spring of
2004, he was also in the field of education, working

3 as a school psychologist in a school district on Long
4 Island. Given our passion for education and love of
5 children it was inevitable that we would want a
6 family of our own. We decided we wanted to create our
7 family through a gestational surrogate. For those of
8 you that don't know what it is, it's when an embryo
9 is created from a separate egg donor and the sperm of
10 my husband and myself and then implanted into another
11 woman. Yes, very complicated and also very expensive.
12 Not an easy task for two public school educators.
13 After eight long years we finally had managed to save
14 up the necessary money, several more years to have
15 the process work. I am telling you this to show you
16 what my husband and I were willing to do to become
17 parents. In the summer of 2013 we were finally on our
18 way to becoming parents. As the months went by, we
19 starting planning for our daughters arrival, at this
20 point in my career I had managed to save over 65 days
21 in my bank that I had always planned on using for
22 childcare leave. To my shock, I learned that as a
23 father I was only allowed to take three personal
24 days. It didn't matter how many days I had saved, I
25 was not able to use any of them. All those time I
made the treacherous commute in the snow to my school

2 in Elmhurst Queens from my home in Suffolk County or
3 coming back to work the day after I had oral surgery
4 didn't matter because I couldn't use any of my days.
5 My husband who worked on Long Island got six weeks of
6 paid paternity leave to it never occurred to me that
7 I wouldn't get anything. I worked in New York City
8 after all, a progressive City or so I had thought.
9 Putting our daughter in daycare at six weeks was not
10 an option for us. We had worked too hard to get to
11 this point. We decided for me to take an unpaid
12 childcare leave for 11 weeks. On March 12, 2014 at
13 8:12 p.m. our lives changed forever in the best
14 possible way. We welcomed our first child, Ellie
15 Renee Ruben-Perez, as any proud dad I brought photos.
16 Here is my family. It was worth it all, however,
17 being without pay for my new family was very
18 traumatic and it took a very long time to get out of
19 the financial hole that we found ourselves in. we
20 understand that by definition being a parent is all
21 about sacrificing, but there are easy, clear,
22 progressive steps New York City could take to help
23 families. Every day of my professional career I give
24 so much of myself to my students and the families I
25 work with, but when I needed support as a new father,

2 New York City's answer was, no. Families are
3 constantly changing and evolving. We need to adopt
4 policies where every parent is given an equal
5 opportunity. Thank you.

6 MICHAEL MULGREW: I would like to thank
7 the Committee again for having us here and I know
8 you're going to ask some questions. I have brought
9 these shirts for, they're not gifts for elected
10 officials, these are shirts for you for UFT members
11 that you all have. As you can see, we love taking
12 care of New York City's children, but we take special
13 pride in our own program for our UFT babies. But once
14 again, thank you for having this hearing and more
15 importantly we appreciate any advocacy you can do on
16 behalf of this issue.

17 CHAIERPERSON TREYGER: Thank you to
18 President Mulgrew who I believe is not just speaking
19 up for just his union, I think this movement is about
20 all City municipal works. I want to thank the
21 educators for your courage to come here and testify
22 on behalf of your children both at home, in the
23 classroom and of all City kids. It's extremely
24 courageous of you and I'm very proud to consider you
25 my teacher family as well. I have some quick

2 questions for President Mulgrew. You heard
3 Commissioner Lynn repeat over and over again about
4 the pride of collective bargaining, isn't it your
5 understanding, isn't it now known knowledge that the
6 Mayor's personnel order that implied to the 20,00
7 managerial positions did not take place through
8 corrective bargaining, is that correct President
9 Mulgrew?

10 MICHAEL MULGREW: Absolutely, it did not
11 take place. I don't know what union would have agreed
12 to a benefit that cost them \$5 million a year or what
13 it actually cost. No union would have agreed to that.

14 CHAIRPERSON TREYGER: Correct. So just to
15 reiterate, a Commissioner who works for the de Blasio
16 Administration, who claims that this Administration
17 takes collective bargaining very serious, was taking
18 pride in a decision that was not rendered through
19 collective bargaining. And you heard the exchange
20 before between myself and the Commissioner debating
21 the fact that the City did profit from that decision.

22 MICHAEL MULGREW: Yes.

23 CHAIRPERSON TREYGER: And, Mr. President,
24 can you explain why Commissioner Lynn was incorrect
25

3 in his understanding of that decision where he claims
4 that it was not a benefit to the City of New York?

5 MICHAEL MULGREW: Commissioner Lynn or
6 anyone who has to negotiate has issues with math to
7 say the least. We have offered to give him classes
8 with math tutors many times. This is a very one to
9 one straight up benefit. It's what you did get for
10 the benefit for your workers and what did you pay
11 out. It's really not that complicated. So, what they
12 received in the pay, what they got back by taking
13 back the scheduled pay raise, and I did like the
14 Commissioner's way of dancing around the fact that he
15 said he never took away, well, yes, when people have
16 a schedule that they're getting a pay raise and you
17 take it and they don't get it, that is taking away.
18 And the time they took back in days was the
19 equivalent of \$8.2 million. It's pretty simple to
20 figure that out. We have actuaries, we all have
21 costing people on both sides. He paid out \$2.4
22 million in a benefit. So the City received \$8.2
23 million last year and it paid out \$2.4 million. It's
24 not that complicated, but I will offer the
25 Commissioner, again, if he needs a math tutor we can
help him out on this.

3 CHAIRPERSON TREYGER: Thank you, President
4 Mulgrew for crystalizing the point. And is it your
5 belief that the administration is using that
6 personnel order and decision to set the pattern for
7 patterned collective bargaining across the board?

8 MICHAEL MULGREW: I don't know about
9 pattern of collective bargaining because my union is
10 not, its contract is still in effect. The thing is
11 that the Mayor, when he made an announcement said he
12 wanted unions to come in quickly to negotiate it. its
13 clear that from the Commissioners responses today
14 that he had no intentions of negotiating it. He was
15 trying to use it until the next round of bargaining.
16 Those were his words. He didn't say it exactly like
17 that, but that's what he was implying where, oh no
18 union, we haven't negotiated a new contract. Well you
19 don't need to come to an agreement on any issue
20 inside of contract negotiations you can do those at
21 any time. In fact there are quite a few issues that
22 have always worked out, believe me, when the City
23 needs an issue worked out they come to us very
24 quickly. So it is abundantly clear to me now that
25 he's trying to use this as a strategy because of the
77 percent female make up of my union. Which then,

2 again, yes I will keep saying the word gender bias
3 because I don't think he even understands that when
4 we're talking about paid parental leave, we're
5 talking about for any parent. But the archaic thought
6 process is oh we'll go to the union first with the
7 highest percentage of female workers. I believe this
8 is a benefit that all City unions will take part of.

9 CHAIRPERSON TREYGER: I appreciate that,
10 President Mulgrew and I also took issue with his
11 characterization as if this is somehow a new
12 phenomena or a new issue that's being raised by labor
13 and families. When I was still teaching this was an
14 issue that the UFT took up, this has been an ongoing
15 and as I said to the Commissioner, coming to this
16 Council, telling us that you struck labor deals with
17 unions when you have very large reserves in the
18 absence of leadership in the last Administration all
19 together that's lowering the bar for us.

20 MICHAEL MULGREW: And the part that was
21 left out of that, he acts as if collective bargaining
22 can solve everything. And I wish it was that way and
23 the reason we were in the position we were in is
24 because there was an abuse of the collective
25 bargaining process by the previous Mayor. He chose

3 not to do bargaining in a responsible way. Which is
4 why every single union in this City was without a
5 contract. He was literally trying to break collective
6 bargaining historical precedence for the entire State
7 of New York. So, collective bargaining is something I
8 fully support, but in order for it to solve problems
9 you need responsible parties not playing games on
10 both sides. I understand the give and take of a
11 negotiation process, but if you're trying to
12 strategically do things because you have nefarious
13 ends, then you're not doing it in a responsible way.

14 CHAIRPERSON TREYGER: Agreed. And the
15 bottom line, it's my concern that they are now using
16 a decision that was rendered through non-collective
17 bargaining to somehow set the tone and pace which
18 goes against the spirit of this progressive capital,
19 goes against the spirit of being a City that says it
20 stands with labor and supporting working families. I
21 have a quick question for Miss Duggan. You had
22 mentioned, first of all again thank you for sharing
23 your powerful story and for your advocacy. You had
24 mentioned that you are in the negative when it comes
25 to your...

CAROLYN DUGGAN: [interposes] yes.

3 CHAIRPERSON TREYGER: sick days, can you
4 just elaborate on that?

5 CAROLYN DUGGAN: Sure. So, my older
6 daughter just turned six over the weekend so when I
7 had her I had used all of my sick days and then I had
8 borrowed 20 days to stay on payroll. So that took me
9 to the end of the year. So then I was able to make it
10 to the summer, so with her by the time I went back to
11 work in September I had been home with her for six
12 months. So when I came back to work in September I
13 started with negative 20 days in my bank. Four years
14 later I got pregnant again, but I had only made it
15 back to zero at that point. So it took me four years
16 to get back to zero. And then I got pregnant again
17 and I had no days so I had to borrow days. So then I
18 had to borrow 20 days. So when I came back seven
19 weeks after having my second daughter I was negative
20 20 days. So over the course of two years I've now
21 made a little dent, I'm negative 17 days. But it's
22 going to take years to make that up.

23 CHAIRPERSON TREYGER: That is correct. And
24 Mr. Perez, you had mentioned that you had accumulated
25 a number of days that you could not even utilize
because they don't allow you, is that correct?

2 ERIC RUBENPEREZ: Yes. That was correct.

3 CHAIRPERSON TREYGER: And how many days
4 was that you said?

5 ERIC RUBENPEREZ: At that point in my
6 career I had about 65 days.

7 CHAIRPERSON TREYGER: So, you heard before
8 when I said to the Commissioner that we are looking
9 for data about the breakdown between male/female
10 employees within the Department of Education, who
11 either retire, resign or leave the system with the
12 remaining number of sick days that they have left
13 which would I think provide a further glimpse in the
14 inequities that are existing in the system. So you
15 have negative days still and you have positive days
16 still so anecdotally this is already proving, to the
17 Presidents point, to the point made by this
18 committee, this is exacerbating a gender equity gap
19 within the system. And also quite frankly, completely
20 just going against the spirit of equity and fairness
21 for all. For adoptive parents, to foster parents.
22 It's unbelievable that the reaction that we received
23 in the past week or two with, and again I want to
24 thank President Mulgrew and the UFT for their great
25 advocacy, where a lot of folks came to me and said we

2 didn't know about this. In the sense where you have
3 to declare a sickness to raise a family. That is so
4 sick and twisted in the 21st Century, in New York
5 City that you have to declare that you're sick when
6 you are not. As you heard the Commissioner say, he
7 doesn't believe that his three grandchildren are
8 illnesses. Well, neither is your child. And neither
9 is your child, and neither is your child. And neither
10 are the children of my colleagues. But yet they have
11 the audacity to continue to prolong this injustice
12 and I asked the Commissioner, he was appointed in
13 2014, it is now 2018. It doesn't take four or five
14 years to make a decision of this magnitude. I'd like
15 to, if my co-chair Dromm to ask a few questions.

16 CHAIRPERSON DROMM: Thank you. I am going
17 to just let Council Member Steve Levin ask a quick
18 question and then I'll go and then we'll follow up
19 with Kallos, Adams and Cumbo.

20 COUNCIL MEMBER LEVIN: Thank you very much
21 for the courtesy Chair Dromm. Very quick question for
22 you and I appreciate all of your testimony and for
23 the record, President Mulgrew, I'm pissed off to.
24 But...

2 MICHAEL MULGREW: [interposes] I wasn't
3 when I came in I just listened to the person before
4 me.

5 COUNCIL MEMBER LEVIN: Me too. I just
6 wanted a point of clarification, Commissioner Lynn
7 said that I had never come up, paid parental leave
8 had never come up in the previous round of
9 negotiations. That seems unlikely to me that not a
10 single...

11 MICHAEL MULGREW: [interposes] the past
12 three rounds this was a negotiated bargaining, one of our
13 bargaining proposals for the last three rounds of
14 negotiations. In fact the City's proposal last time
15 was to not allow us to accrue 10 sick days. They said
16 we should only be able to accrue five per year from
17 now on. If you want to set the record straight. Which
18 would have really exacerbated the whole problem.

19 COUNCIL MEMBER LEVIN: So the Commissioner
20 Lynn was mistaken in...

21 MICHAEL MULGREW: [interposes] We'll leave
22 it at that.

23 COUNCIL MEMBER LEVIN: Okay. By saying
24 that I never came up in 144 contract negotiations,
25

2 the concept of paid parental leave between the years
3 2014 and 2016.

4 MICHAEL MULGREW: It has always been a
5 demand of ours. He inherited, I'm not sure where he
6 came in on the process, but it was one of the demands
7 through the arbitration which he was reviewing when
8 he took over.

9 COUNCIL MEMBER LEVIN: Okay. Thank you
10 very much, Mr. President, thank you Mr. Chair.

11 CHAIRPERSON DROMM: Thank you very much.
12 And thank you to the panel for coming in. I can
13 really relate to what it is that you're talking
14 about. I'm familiar with these issues having been a
15 UFT Chapter leader for almost 25 years. Your stories
16 are very, very familiar to me unfortunately. I just
17 wanted to ask Mr. Ruben-Perez as well, did you hear
18 the OLRs Commissioners response to my question about
19 how the policies of the City effect LGBT couples?

20 ERIC RUBENPEREZ: Yes.

21 CHAIRPERSON DROMM: How did that make you
22 feel that he did not know how to answer those
23 question?

24 ERIC RUBENPEREZ: You know, I mean, sad.
25 That's the best way to say it.

3 CHAIRPERSON DROMM: To me it was kind of
4 shocking that the person responsible for negotiating
5 contracts did not have that information readily
6 available to him. Can I ask also, what does your
7 husband do?

8 ERIC RUBENPEREZ: My husband is a school
9 psychologist in...

10 CHAIRPERSON DROMM: [interposes] on Long
11 Island?

12 ERIC RUBENPEREZ: Yes, he works in a
13 school district on Long Island.

14 CHAIRPERSON DROMM: Interesting. And he
15 gets benefits?

16 ERIC RUBENPEREZ: Yes, he gets six weeks
17 paid.

18 CHAIRPERSON DROMM: Was that negotiated?

19 ERIC RUBENPEREZ: I assume so.

20 CHAIRPERSON DROMM: But he does have those
21 benefits?

22 ERIC RUBENPEREZ: Yes, he does.

23 CHAIRPERSON DROMM: Okay. So New York City
24 is again behind the rest of the, even the
25 metropolitan area in this regard. Okay. I'm just
curious, President Mulgrew, do you know if any of the

2 managers who did get the benefit the last time, are
3 those people who work for the Department of
4 Education?

5 MICHAEL MULGREW: I'm assuming there are.

6 CHAIRPERSON DROMM: So there are people
7 within the Department of Education who do get the
8 benefit, it's just not the teachers.

9 MICHAEL MULGREW: Correct.

10 CHAIRPERSON DROMM: That's absolutely
11 incredible.

12 MICHAEL MULGREW: Actually when it first
13 happened I was in a room with a bunch of managers and
14 I said, oh how do you guys feel about that and they
15 were not happy.

16 CHAIRPERSON DROMM: Well it's incredible
17 but not shocking to me. Like I said having worked for
18 the DOE for 25 years these stories are often just too
19 familiar. So, thank you. That's really all I wanted
20 to ask today so we're going to go on now to Council
21 Member Kallos.

22 COUNCIL MEMBER KALLOS: Good afternoon.
23 How are you?

24 MICHAEL MULGREW: Good afternoon.
25

2 COUNCIL MEMBER KALLOS: Thank you for the
3 advocacy. Where can I buy one of those t-shirts for
4 my three month old daughter?

5 MICHAEL MULGREW: Actually you can't buy
6 them. They're not for sale, you have to be a UFT
7 member who is expecting a child.

8 COUNCIL MEMBER KALLOS: Fair enough. So, I
9 think all of us were a little disturbed by the
10 Administration so I think, let's start off, so all of
11 us participated in, we are all excited, January 7,
12 2016, Mayor de Blasio and the First Lady announce
13 historic, quote, the headlines is Mayor de Blasio
14 signs paid parental leave personnel order for New
15 York City workers. And I believe you were quoted, did
16 you believe at the time that paid family leave was
17 imminently coming for what it says, New York City
18 workers?

19 MICHAEL MULGREW: Yes. I thought at that
20 point we finally had a willing partner who wanted to
21 do paid parental leave.

22 COUNCIL MEMBER KALLOS: And so we had
23 Commissioner Lynn come here and testify he seemed to
24 indicate that this was something that hasn't been
25 previously asked for. His testimony specifically said

2 that UFT was seeking two retroactive raises. During
3 those negotiations did UFT ask for paid family leave?

4 MICHAEL MULGREW: Yes. Actually the last
5 three rounds of negotiations that has been a...

6 COUNCIL MEMBER KALLOS: Okay.

7 MICHAEL MULGREW: One of our proposals.

8 COUNCIL MEMBER KALLOS: And so there is a
9 release, I'm reading it from January 7th, the Mayor
10 was positive about paid family leave, you were
11 positive at the time were there initial conversations
12 about paid family leave?

13 MICHAEL MULGREW: I said let's get working
14 on this right away.

15 COUNCIL MEMBER KALLOW: Great. And how
16 soon did they come back to you to start working on
17 it?

18 MICHAEL MULGREW: I believe it was a
19 couple of months and then I had to push at it again
20 and then the problems were that by then we had
21 analyzed a package that the managers had imposed on
22 them.

23 COUNCIL MEMBER KALLOS: And so by that
24 point IBO comes out and says...

2 MICHAEL MULGREW: [interposes] A little
3 while later. First we kept saying it and OLR kept
4 saying we were wrong. And then the IBO report came
5 out and then OLR was saying IBO was wrong.

6 COUNCIL MEMBER KALLOS: So it's one thing,
7 and I think that the administration was particularly
8 proud of this they kept saying at no cost to taxpayer
9 that this is actually a profit to taxpayers so I
10 guess along those lines. So I guess one question is
11 have you ever had occasion where the City said, you
12 know we should do the right thing and we should just
13 offer something at the collective bargaining table
14 without trying to take things back?

15 MICHAEL MULGREW: Not since I've been
16 president, but I mean I was... it was nice to hear
17 the Commissioner talk about the robust benefits
18 package, but he forgot to say that every union worker
19 in New York City has paid for, for 50 years. When he
20 talks about no healthcare premiums, he forgets to
21 leave out what we have done. The fact that the City
22 workers save \$3 billion in the last round of
23 bargaining so that we could continue to have no
24 premium healthcare options. It's an amazing thing to
25 me in how management always forgets, they act like

2 they give you everything and when the fact is you
3 have to fight for every single thing you have.

4 COUNCIL MEMBER KALLOS: If I can just take
5 a moment that is precisely why I went into politics
6 as a union side labor lawyer they were doing the
7 Delphi bankruptcy and all of these executives were
8 taking golden parachutes and all these folks were
9 losing their pensions.

10 MICHAEL MULGREW: Yeah.

11 COUNCIL MEMBER KALLOS: And these folks
12 had given up pay increases, they had given up health
13 insurance, they had given up everything for their
14 pension which the bankruptcy law changed so that they
15 could see them gone. So I guess, as we are here today
16 we've heard some of the stories from your members
17 about what they've been through and I just want to
18 say from the bottom of my heart, I am sorry for what
19 you have gone through. I will say that I am new
20 parent. I took, I am taking, I'm going 12 weeks. The
21 City Council doesn't actually have a, as far as I
22 know, a paid family leave policy for Council Members.
23 So I've been just trying to lead by example by taking
24 12 weeks. I did five weeks, I'm going to take another
25 7 and I would just see, so we have a gentleman at the

3 table and I guess one question would be, or for
4 everyone here, parenting is important if we get this
5 do we see both men and women who are members and
6 gender non-conforming members taking more paid family
7 leave when they need it whether it's for children or
8 for family members who need the care?

9 ERIC RUBENPEREZ: I mean I don't really
10 know how to answer that. I think right now for so
11 many especially UFT workers I mean it's not even an
12 option. So I mean I would hope that if paid paternity
13 leave did pass it would be an option and more men
14 will be able to take advantage of that.

15 MICHAEL MULGREW: I don't want to go into
16 the technicalities in negotiations, we know average
17 wise how many families bring children in because of
18 our medical coverage. So we know amongst the
19 membership over five years what the average is so we
20 know we're solving for. I just want to be clear. So
21 it's not like there will be a new escalation, we
22 already know that the delta we're solving for right
23 now because we can tell by children being added into
24 our medical coverages, families that are bring
25 children, are having children or adopting children,
or bringing children into care for.

2 COUNCIL MEMBER KALLOS: Last question.

3 Although you are not part of the pattern collective
4 bargaining in the same as some of the other labor
5 organizations, is it possible that this
6 administration is trying to drive the hardest bargain
7 with UFT in order to set a precedence for every other
8 employee in the City of New York?

9 MICHAEL MULGREW: It could be. It's clear
10 to me that there is a gender bias in what they're
11 doing with us.

12 COUNCIL MEMBER KALLOS: Thank you.

13 CHAIRPERSON DROMM: Thank you. Council
14 member Cumbo.

15 COUNCIL MEMBER CUMBO: Thank you. I wanted
16 to find out more about, as Council Member Treyger
17 brought up, I didn't understand it as far as the sick
18 days. So in order for you to gain your sick days
19 back, how do you do that? Is it just over a period of
20 working you would start to pick up your sick days
21 again and accrue those days or would you have to do
22 something like let's just say, and I apologize, I
23 don't know that much about your industry, but could
24 you work and do summer school and thereby make up
25

3 additional days. Or how exactly do you make up those
4 days?

5 MICHAEL MULGREW: By not taking your sick
6 days. By working and not using your sick days. So,
7 you accrue one sick day per month. The ladies should
8 talk about this because it really is, what goes on is
9 quite bad.

10 JESSICA JEANMARIE: I'm not sure how the
11 summer school works, but every month you get one sick
12 day. So right now I owe 10 days to the DOE so for the
13 next 10 months that I work I would be expected to not
14 take a day off in order for me to be able to get out
15 of the negative.

16 COUNCIL MEMBER CUMBO: Wow. So, moving
17 forward after you take those days you can no longer
18 take those additional days because now you owe time?

19 JESSICA JEANMARIE: Yes.

20 COUNCIL MEMBER CUMBO: And if you were to
21 take a day you would be docked pay?

22 JESSICA JEANMARIE: At this point right
23 now I have the choice of, I can borrow a day, I still
24 have 10 days that I could borrow from the DOE because
25 I didn't use all 20 of the days. So I can still
borrow those days, but then those are days I owe

2 back. Or I can just take the financial hit and not
3 get paid at all for that day.

4 COUNCIL MEMBER CUMBO: Oh wow.

5 MICHAEL MULGREW: And I just want to also
6 just give you one extra tidbit very quickly. When
7 they, when the teachers are also in the negative when
8 it comes to their days, there are checks that they
9 receive even during the summer months, because their
10 pay is annualized. People think they get paid in
11 summer, they don't. The pay is annualized. Their
12 summer pay goes down as well. So it has a cascading
13 financial effect on them throughout the entire year
14 as well.

15 CAROLYN DUGGAN: It is the most convulsed
16 system the UFT has to have workshops just so women
17 can come and figure out how they're taking maternity
18 leave. I had to attend twice because each situation
19 is different and if you work in a building a lot of
20 times each person has a different story depending on
21 when the baby is due, if there's bed rest involved or
22 if, God forbid the baby is in the NICU. I mean
23 there's different things that come into play, but
24 everybody has a different story. And then a lot of
25 people don't realize that its not paid until they're

2 pregnant and then they go to the maternity workshop
3 and they say, did you know this was not paid leave?
4 You're using all your sick days.

5 JESSICA JEANMARIE: I just want to add
6 onto that also. I didn't realize the summer... that
7 my summer pay would be cut until after I had my first
8 daughter. And when I called around asking what
9 happened, I was missing 100s of dollars in my check,
10 I was told, I'm acting as if an injustice was done to
11 me because I had a child.

12 COUNCIL MEMBER CUMBO: Wow. I really, I
13 mean you all have really uncovered something that we
14 just simply didn't know existed at this level. And
15 for me its very personal and all of your stories are
16 very emotional because I had my son in August and my
17 election was in September. So, for me, we all have
18 different stories, but I understand in a way that I
19 would have never understood before that when you're
20 carrying a child it's like you've been given this,
21 and this is just me everybody has a different
22 understanding. You've been given this sacred
23 responsibility from God, from the universe that every
24 decision that you make is so critical to you, every
25 staircase you walk up, you wonder, every train that

3 someone doesn't offer you a seat and you're standing.
4 Every time that you're stressed out or yelling at
5 someone or you have a stressful encounter. Or you
6 have to walk because the bus is not coming or all of
7 these different things make you have to wonder if
8 you're taking your responsibility the way that you
9 should. And then you manage that with at the same
10 time you know that money is also a critical part of
11 bringing a child into the world. So you want to make
12 sure that you have enough diapers, you have enough
13 wipes, you have enough books, you enough brain
14 stimulation toys and all of these, you want to give
15 your child the best. And so having to balance that
16 whole, do I have enough money and am I making the
17 right decision by not walking up the stairs, or am I
18 making the right decision by snapping my fingers and
19 saying to someone on the train you better get up
20 because I'm about to have a baby. You know, you have
21 all of these different things and so I really relate
22 with so many of your experiences because I had to
23 make those decisions too in terms of the safety and
24 the health and wellbeing of my baby. And parents
25 should just not have to have to weight those types of
decisions on a day to day basis. So I am committed

2 working with my colleagues because cannot continue to
3 have families have to make such decisions or weighing
4 options or bargaining around something about human
5 life which is so critical. So, I thank you all for
6 your testimonies and for being here today.

7 MICHAEL MULGREW: Thank you.

8 CHAIRPERSON DROMM: And just before we let
9 this panel go, just a couple of my own personal
10 observations from having been a teacher also,
11 Majority Leader. You know some schools are at least
12 five stories high...

13 COUNCIL MEMBER CUMBO: Right.

14 CHAIRPERSON DROMM: And to see pregnant
15 teachers, especially in their last few months of
16 pregnancy walking up and down those stairs is
17 absolutely incredible.

18 COUNCIL MEMBER CUMBO: Right.

19 CHAIRPERSON DROMM: I've also had a
20 situation in a school where I was at where the
21 principal would not give a key to the teacher to use
22 the elevator and sometimes you can't do it because
23 you have to have somebody else walk the class
24 upstairs because the kids have to be escorted up the
25 stairs. So not only are the teachers walking up the

2 stairs, they're also escorting 34 children along with
3 them up the stairs. And then as a teacher, there's
4 never really any coming in late, you know because...

5 COUNCIL MEMBER CUMBO: Right.

6 CHAIRPERSON DROMM: A substitute teacher
7 has to be called so it's not as if you can go to the
8 doctor in the morning and come back to work as we
9 often times can do in our jobs here. There is no
10 coffee, no break and there is no bathroom break. And
11 these are the conditions that pregnant teachers have
12 to work under all of the time in our public school
13 system and so that is why we really, really must look
14 at this issue.

15 COUNCIL MEMBER CUMBO: That's right.

16 CHAIRPERSON DROMM: Further as we go down
17 the road and support our teachers. And I think with
18 that we'll ask that this, say thank you to this panel
19 for coming in...

20 MICHAEL MULGREW: Thank you very much.

21 CHAIRPERSON DROMM: and we'll ask our next
22 panel to come up. Thank you all.

23 MICHAEL MULGREW: I'll leave these for
24 you.

2 CHAIRPERSON DROMM: And a special hello to
3 721. My district, good to see you. All right, our
4 next panel, Molly Weston Williamson. Eric Williams
5 from the New York Paid Leave Coalition. Kai (sp?) Sid
6 representing herself and Melissa Dorsimus (sp?) New
7 York City DOE teacher. Okay, Kai, I'm sorry for
8 mispronouncing your name, thank you. All right,
9 Sergeant are you ready? All right let's start over
10 here and everybody is going to be on a three minute
11 clock.

12 MELISSA DORSIMUS: Good afternoon. And
13 thank you Committee Chair Treyger and Committee Chair
14 Dromm. Member of the Committee on Education and the
15 Committee of Civil Service and Labor for allowing me
16 to testify today. I'm here to speak to you about
17 something of critical importance, paid parental leave
18 for our cities teachers as you just heard my
19 colleagues share as well. My name is Melissa
20 Dorsimus, I have been a New York City teacher for six
21 years teaching special education in The Bronx and
22 Manhattan spanning grades six through nine. In
23 addition to being a classroom teacher I have been a
24 school culture leader, department team leader and new
25 teacher mentor. This fall I will add mother to my

3 list of rolls when I welcome my first child. Over the
4 past six years I have spent 6480 hours caring for and
5 educating the children of New York City. In return,
6 I'm asking the City for 360 paid hours for me to be
7 able to care for my own child. When you look at the
8 numbers it doesn't seem like much to ask for. When I
9 started teaching at the age of 24, I knew that New
10 York City schools didn't offer maternity leave. Even
11 then I knew that someday I would to be a mother so I
12 had to start planning and accumulating sick leave. In
13 the past I've been able to push through and go to
14 work with the flu, or a sinus infection. Recently,
15 however, being pregnant has not been easy for me. I
16 have faced some early complications with my pregnancy
17 which means I have to make the impossible choice
18 between staying home to take care of myself and my
19 unborn child or having the time off from my job to
20 care for him after he is born. Being put in a
21 position where I am forced to go to work when I'm
22 sick does not help me get better, doesn't help me get
23 be a better educator and it certainly does not help
24 my future child. But for the teachers of New York
25 City who are parents or are planning on becoming
parents this is the impossible position the City and

3 state have put us in. Without standard paid time off,
4 the City is also discriminating against teachers who
5 choose to be parents. An unequal system of guaranteed
6 paid family leave makes parenthood seem like a
7 selfish choice that is judged and stigmatized within
8 schools. Currently in many schools, teacher leaders
9 put their career advancement and reputation on the
10 line when they decide to have a child of their own.
11 I've taught in schools where if you missed work, you
12 were seen as weak. And I left because I couldn't
13 imagine taking maternity leave there. I knew the
14 administration would blame me for being absent,
15 causing additional work for my colleagues and pass me
16 over for leadership opportunities. With paid leave
17 protected we can work to end the stigmatization of
18 taking care of yourself that haunts so many
19 educators. One quick note, I use the word parent
20 deliberately throughout because I'm not just talking
21 about mothers needing paid time off, but both parents
22 no matter their gender or family composition. They,
23 like my husband who is also a City employee without
24 paid leave, deserve time with their newborn child. I
25 hope that by the time I welcome my son in November
that I can count on the benefit of paid parental

3 leave. It would be such a relief during a time when I
4 will have enough to worry about. Governor Cuomo's
5 paid family leave website says New York has the
6 nation's strongest paid family leave policy. And I
7 urge you Committee members to extend to us what state
8 and City law gives so many other New Yorkers. I also
9 ask that you reconstitute the sick time to teachers that
10 still currently in the system who had to use their
11 sick days to care for their newborn. Thank you very
12 much for your time.

13 CHAIRPERSON DROMM: Thank you very much.
14 Next please.

15 KEI SID: Hello. Good afternoon. My name
16 Kai Sid. Thank you for holding this hearing on
17 extending paid family leave to unionized City
18 workers. I work for the Department of Education as an
19 outreach specialist in the pre-k for all initiative.
20 As an outreach specialist my job is to educate
21 families about the importance of early childhood
22 education for their four year old children, and now
23 three year olds and even younger. And to connect
24 families with programs like Head Start and Early
25 Learn among other services to better service their
families. I care about the wellbeing of young

3 children and families throughout the City and I was
4 very pleased when I found out that the law proposed
5 by Cuomo to offer paid maternity leave for workers in
6 this state. I was even happier to find out that
7 managerial workers working directly for the City
8 would also benefit from this law. So when I found out
9 that I was pregnant in May of 2017, I was optimistic
10 about benefiting from the new law. Since I work for
11 the City and my job is related to early childhood
12 education I felt that the City and my union would
13 have my back. After all, as a single mom with no
14 immediate family or relatives in the U.S. I need all
15 the help that I can get. When I look closely to the
16 law I realized that I, as a public employee, I was
17 not covered under the state law. After that
18 realization I continued my research regarding the
19 Mayoral Executive order and I was also disappointed
20 to learn that I also wasn't covered by it because I
21 am not managerial staff. Confused I reached out to my
22 union, I am a member of DC-37, Local 372. It was very
23 frustrating and disappointing to hear mixed version
24 and misinformation from different staff there. It
25 gave me the impression that nobody knew what the
state negotiations with the City were at that point

3 and I was correct. I was already seven months along
4 and I still had not gotten a definitive answer
5 regarding the state of negotiations. I knew that that
6 law went into effect on January 1st and I was due in
7 February. To this day, I have still yet to hear from
8 my union what the state of negotiations are. And to
9 be honest, what they have achieved 15 months
10 afterwards and so even four months after the state
11 already is in place. For all that matter, they could
12 keep negotiating for the next 15 years until my
13 daughter is already in her quinceanera party. We are
14 being held, my little family and I, we are being held
15 hostage in this bargaining process. In my opinion the
16 law might as well have spelled out that every New
17 York would benefit except if you are female or work
18 for the City, serve children or have a family. The
19 way this law is being interpreted is perverse and
20 obscene and I totally... why does a mostly female
21 workforce that provides children and family services
22 in the City have to jump through hoops to benefit
23 from this entitlement. This is almost equivalent to
24 having the state minimum wage raised for everyone
25 except for women of color or women that work for the
City. The fact that the application of this policy is

2 subject to negotiations is obscene in all levels.

3 This benefit is being used as leverage against all

4 the demands and it will depend on the person

5 bargaining on our behalf to see if it comes into

6 effect or not. Last year when I reached out to my

7 union to demand a recap on the negotiation advances I

8 was told that most likely nobody in my unit will ever

9 get to benefit from this law. The reason being, the

10 reason that was given to me was because most of all

11 the other workers that form part of my unit are older

12 women that much rather spend more attention like

13 seeing these negotiations going towards retirement

14 money rather than paid family leave. This is anti-

15 democratic and demoralizing. From the get go, my

16 union warned me, already let me know that I most

17 likely will never benefit from this legislation

18 because it is not a priority for them. I was appalled

19 to have union representatives laugh at my face when

20 demanding to get more information. I am livid. I was

21 livid. And I feel betrayed by my union that is not

22 putting enough effort into this negotiation. That's

23 its not informing me about the state of negotiations

24 nor will include me in the conversation. This process

25 from the start is subject to manipulation and the

2 only ones held hostage in this scheme are new moms
3 like me and our babies. We are, for them, collateral
4 damage. I urge City Council to pass a resolution
5 mandating that the City stops their politicking and
6 actually moves into implementation of this law for
7 all workers, but especially for female workers of
8 color that work for the City. And the ones that also
9 serve children and families making it retroactive to
10 January 1, 2018. I also urge City Council to
11 implement a monitoring structure to correct gender
12 imbalances and equity throughout this process. It
13 should be mandated the same way that it is for
14 private employers, small non-profits and mom and pop
15 shops are mandated to do it throughout the state.
16 What is happening that City employees represented by
17 unions can't benefit or can't enjoy this. Just a
18 note, when I pay taxes as a tax payer, and I pay City
19 taxes and I pay state taxes, I don't get a discount
20 for being a woman of a color and I'm not being
21 benefitted by these policies. Thank you. My name is
22 Kai Sid.

23 CHAIRPERSON DROMM: Okay. Thank you. Next
24 Please.

2 ERIC WILLIAMS: Hi. My name is Eric
3 Williams I am the Campaign Director for the New York
4 Paid Leave Coalition. We are one of the lead groups
5 that helped get the state law passed here in New York
6 State as well as having many of the leaders that
7 worked to pass the paid sick time law in New York
8 City as well. We are here to support the municipal
9 workers getting access to paid family leave and would
10 like to answer questions about how the state law
11 works and how it's gone into effect as of January 1st
12 of this year. But at the end of the day when we're
13 talking about what makes up a good paid family leave
14 policy, what we're looking at is one that is
15 inclusive of both parents and the family... oh okay.
16 Do I need to start over on the microphone, okay.

17 CHAIRPERSON DROMM: You have a loud voice,
18 I thought it was on.

19 ERIC WILLIAMS: Okay, yes. So, one that is
20 both inclusive of new parents but also the other
21 types of caregiving needs with the law that went into
22 effect in New York State it covers both adoption,
23 foster care placement and the birth of a new child.
24 It covers both parents. And it also allows for caring
25 for a seriously ill family member as well as certain

2 issues that arise related to a family member's
3 military deployment. So, we'd like to urge kind of a
4 more comprehensive look beyond just parental leave
5 and we have been doing quite a bit of public
6 education around the new paid family leave law and
7 almost every time, if not several, people come up to
8 me and say we'd love to have this but I work for the
9 City so I don't have access to any paid family leave.
10 And so they leave dejected there. They don't know
11 quite what to do and how to piece together. We've
12 heard a lot about teachers having to piece together
13 sick time to use this and the reality is that this is
14 something that only happens a couple of times in
15 someone's life. Usually one or two children, maybe
16 three children, maybe having to care for a seriously
17 ill family member late in their life or when they
18 have a serious illness. And so it doesn't happen very
19 often and that is why when you look at the benefit
20 and the contribution that employees pay through the
21 state benefit, the cost is relatively low because it
22 just isn't used all that much, but those key times
23 when it really needs to be used, it's very important
24 to have access to that benefit and have a minimum.
25 During our campaign we had several medical

3 professionals say that 12 weeks of leave is the
4 absolute minimum and that even just gets up into the
5 baseline of international standards, like the bottom
6 level of international standards. So, when we're
7 talking about how much leave should be offered, the
8 state program will go up to, over the next couple of
9 years, 12 weeks of leave at 2/3 wage replacement
10 rate. And really, one of the other things about this
11 is workers having to think about using and accruing
12 benefits the way that it is with many of the
13 municipal workers people tend to have children when
14 they are younger and earlier in their career which
15 means that as you saw, many people will have to pay
16 this back over a long period of time and it may take
17 years and years to recover from this. So that is why
18 it's important to have this benefit and have it be
19 across the board. And we think about it in three
20 ways, making sure that it's accessible to the workers
21 that need it, affordable, and an adequate benefit
22 while they're on leave. And so we see that these
23 types of policies, the reason that it's a state kind
24 of covers all private sector workers is that you do
25 see those improved health outcomes. You use it
increasing and alleviating the gender gap both at

2 home and at work. And so we feel that's important for
3 the City's municipal workforce as well.

4 CHAIRPERSON DROMM: Okay, thank you. Next
5 please.

6 MOLLY WESTONWILLIAMSON: Good afternoon.

7 My name is Molly Weston-Williamson and I'm an
8 attorney with A Better Balance. Along with our
9 colleagues at the Coalition we were among the leading
10 members of the coalition that fought for and won New
11 York's Paid Family Leave Law. And continue to be part
12 of the implementing that law. We run a free and
13 confidential legal hotline for workers with workers
14 under the Paid Family Leave Law. We also play a key
15 role as a national organization in advancing paid
16 family and medical leave laws around the country
17 including supporting efforts to expand paid leave
18 benefits for public sector workers in many
19 municipalities. We thank the Councils for holding
20 this hearing and appreciate the opportunity to
21 testify today. At A Better Balance we believe that
22 all workers deserve the right to take the leave they
23 need when they and their families need it. We
24 strongly support the idea of expanding access to paid
25 leave for municipal workers. Through our hotline we

3 hear firsthand from City workers who want and need
4 paid leave but do not currently have access to it. In
5 pursuit of this goal we wanted to call your attention
6 to a fact that actually the co-chairs have both
7 called attention to today, the fact that the state
8 law allows municipal unions to opt into coverage
9 under the law through the bargaining process. This
10 option which we see as one tool in the toolkit of
11 achieving this goal offers some significant
12 advantages. As you know today the law offers covered
13 workers the right to up to eight weeks of paid family
14 leave at 50 percent of their own average weekly wage
15 up to a maximum of about \$650.00 a week. By state
16 regulation an insurance policy that meets the states
17 requirements costs just .126 percent of the covered
18 employees' wages up to a maximum of about \$86.00 per
19 year. Purchasing this low cost insurance option would
20 be substantially less expensive than paying for leave
21 100 percent out of pocket and would save the City a
22 great deal of money even if, as we would expect and
23 advise, the City topped off the insurance benefit to
24 provide full pay to workers on leave. Although the
25 wage replacement rate and benefit cap in the paid
family leave law provide a minimum benefit the City

2 can and should do better for its employees.

3 Therefore, we recommend treating this insurance
4 product as a subsidy to providing this benefit. And
5 this subsidy may become even more valuable over time
6 as benefits under the law become more generous.

7 Although the exact premium rate will be adjusted by
8 the state each year. Moreover as our colleagues have
9 called attention to, the state program covers leave
10 to bond with a new child, but also to care for a
11 serious ill or injured loved one or to address needs
12 arising out of a close family member's military
13 deployment because all three purposes, which cover
14 needs across the life cycle are included in the cost
15 controlled insurance coverage. Providing

16 comprehensive coverage would be inexpensive while
17 offering significant additional protection to
18 workers. We thank you again for the opportunity to
19 provide this testimony. You can find more detail and
20 our written remarks and we're happy to take any
21 questions about the Paid Leave Law either here or in
22 states around the country. Thank you.

23 CHAIRPERSON DROMM: Okay. Chair Treyger.

24 CHAIRPERSON TREYGER: I thank this panel
25 for very informative information and thank you for

2 your advocacy as well. I just have a question for the
3 folks that worked on the statewide campaign. Do you
4 know how many municipalities in New York State have
5 opted in to the paid leave policy so far.

6 MOLLY WESTONWILLIAMSON: I do not know
7 that. It's something we're certainly supportive of,
8 but I'm not aware of any statistics on that and if
9 you find out we'd love to hear as well.

10 CHAIRPERSON TREYGER: So, is it your
11 understanding that the answer is zero?

12 ERIC WILLIAMS: Yeah, I don't know the
13 answer to how many municipalities. We can definitely
14 look into it and see if we can research the answer or
15 potentially ask the folks at the state how many have
16 opted in so far. We're at the early stages so, they
17 may have over this next, it started January 1 of this
18 year and so for some municipal workers opting in
19 through collective bargaining just as within New York
20 City, that's done on a particular schedule so that
21 might be part of the factor. That over this next few
22 months, the next year, the next couple years we may
23 see municipalities opting in, but it's also possible
24 that there are some that have opted in already to the
25 state program.

3 CHAIRPERSON TREYGER: And I appreciate
4 your testimony when you said that folks were calling
5 in your hotline who are City workers, who are
6 frustrated that this does not apply to them. And that
7 is what we're dealing with all of the time. And the
8 volume has increased only because of all these
9 announcements about paid leave. And people are
10 researching that it does not apply to them. It does
11 not apply to over 90 percent of the City's workforce
12 and I just know people in my profession, the teaching
13 profession that left, they just could not afford it.
14 And the resounding theme over and over again is that
15 they felt they were being punished for raising a
16 family. So, thank you for validating what we have
17 heard, thank you for your advocacy and we're not
18 going to stop until there is a true, truly paid leave
19 policy for all families. Thank you very much.

20 CHAIRPERSON DROMM: Okay. Thank you. I
21 don't think we have any further questions. We thank
22 this panel for coming in and for sharing your
23 thoughts with us. And we look forward to continuing
24 this discussion. Thank you very, very much. Okay, and
25 with that I will say that this meeting is adjourned
at 10 minutes after four. [gavel]

COMMITTEE ON CIVIL SERVICE AND LABOR JOINTLY WITH
COMMITTEE ON EDUCATION 151

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COMMITTEE ON CIVIL SERVICE AND LABOR JOINTLY WITH
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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 May 31, 2018