

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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December 17, 2019

Start: 1:17 p.m.

Recess: 1:50 p.m.

HELD AT: Committee Room - City Hall

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

COUNCIL MEMBERS: I. Daneek Miller
Laurie A. Cumbo
Daniel Dromm
Adrienne E. Adams
Francis P. Moya
Eric A. Ulrich
Andy L. King
Farah Louis

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

Steven Banks
First Deputy Commissioner and
General Counsel
New York City Office of Labor Relations

Sharif Solomon
Mayor's Office

Joe Palal
President of Local 983DC37

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3 CHAIRPERSON MILLER: I am Council Member

4 I. Daneek Miller and I am the chair of the Committee

5 on Civil Service and Labor. I would like to thank my

6 colleagues that are here with us today, the Majority

7 Leader Laurie Cumbo, Council Members Adam as well as

8 Council Member Farah. Before we begin the oversight

9 portion of today's hearing I was going to say

10 something really witty about Charlie's Angels sitting

11 over here [laughter] and just how great I feel being

12 amongst all this greatness here this morning and

13 beauty and greatness, so, um, that being said we're

14 going to right back to it before we begin the

15 oversight portion of the hearing. The Committee on

16 Civil Service and Labor will hear three bills which

17 will provide health insurance coverage to certain

18 deceased employees of the City of New York. The

19 bills introduced by myself at the request of the

20 mayor include Intros 1785, 1786, and 1810. We will

21 also be voting on Intro 1786 and 1810, as well as

22 Intro 1604-B as [phone ringing] correction of

23 Workers' Compensation [inaudible] and Reso number 40,

24 which calls for the employees of the City of New

25 York, Employees' Retirement System, to allow city

2 employees to receive disability benefits when
3 Workers' Compensation, when state and federal
4 agencies, Workers' Compensation, and Social Security
5 Disability have been determined as employees as
6 disabled. First, Intro 1785, 1786, and 1810,
7 sponsored by myself and introduced by request of the
8 mayor, relate to providing health, health insurance
9 coverage to surviving family members of certain
10 deceased employees of the City of New York. Intro
11 1785 would extend these health insurance benefits to
12 surviving families, members of all deceased city
13 members who died in the service of the city,
14 including those who died from illnesses related to
15 9/11. Intro 1786 would extend these benefits to
16 surviving families of Matthew [Jakaboski], someone
17 should have prepped me on that one, and forgive me if
18 we butchered it, a former worker of the Department of
19 Sanitation who was killed on the job on September
20 24th of 2019. And Intro 1810, the family of Eduarde
21 Calle Abreu, a worker with the Department of
22 Transportation was killed while performing his duties
23 on October 22nd of 19. Second Intro, 1604-B,
24 sponsored by myself, increases the collection of data
25 related to Workers' Compensation claims in 2004 when

2 the city passed the law enabling the report. It
3 intended for it to be comprehensive and provide
4 information that would promote and develop a target
5 program to identify and eliminate hazardous workplace
6 conditions. While the current law requires gathering
7 information of physical injuries sustained by
8 municipal employees during the course of duty, this
9 bill will require that the law also collects
10 information on occupational disease, which are
11 considered conditions of disabilities that develop
12 over time and the course of duties. Intro 1604-B is
13 important because it will get us more data on how
14 city employees are getting hurt and getting sick on
15 the job, help identify patterns of injuries and
16 illnesses within specific job titles and potentially
17 bring about workplace ergonomics improvements through
18 the city's creative programs and initiatives that can
19 help reduce occupational injuries and illnesses so
20 that we can keep our workers safe and healthy.
21 Finally, Reso number 40, sponsored by Council Member
22 Robert Cornegy, calls on NYSIF to determine that
23 members qualified for disability pension if the state
24 and federal agencies have determined that persons,
25 that these persons are disabled. Currently a

2 municipal employee can qualify for state and federal
3 disabilities, which are Workers' Compensation and
4 Social Security disability, but be denied the same
5 disability retirement benefit on the city level by
6 NYSIF. It is important that city employees who
7 qualify for disabilities benefits on the state and
8 federal levels can also get those same benefits from
9 New York City. Today we vote on Intros 1786, 1810,
10 1604-B, and Reso 40. It is vital that we hear and
11 pass these bills in order to ensure that family
12 members of those who have died as a result of working
13 and serving our city continue to receive the health
14 insurance benefits that they so greatly deserve. All
15 this information is necessary to keep our city
16 employees safe and health while at work. I urge my
17 colleagues to vote yes and on all proposed
18 legislations being heard today. OK, I have remarks
19 from Council Member Cornegy, who is unfortunately
20 unable to attend today. Resolution 40, due to the
21 falling buildings debris resulting in, in pedestrian
22 fatally in Manhattan, he has asked me to read his
23 statement on behalf of Reso 40. Calls for a change
24 in the burdens that people bear in assessing
25 disability penalties versus the burden of New York

2 City Employees' Retirement System NYSIF bears. It
3 calls for NYSIF to take on a board concurrent
4 findings for disability benefits of New York State
5 Workers' Compensation Board and United States Social
6 Security Administration. When Workers' Comp and SSA
7 have both found an injured worker eligible for
8 benefits, NYSIF needs to not make a determination
9 that foregoes the preceding determinations, paperwork
10 and delays to access their accidental benefits and
11 pensions. This resolution relies on a basic finding
12 from social science that choices of government makes
13 it, makes and designing systems has real world
14 consequences for people who have a navigate, who have
15 to navigate system. This resolution says that the
16 design of this system should change to reflect that
17 fact. In Workers' Compensation and Social Security
18 Administration we already have two examining bodies
19 of injured workers' circumstances. NYSIF should take
20 those findings and create an altogether less
21 burdensome, easier to navigate, and more common-sense
22 system. I thank my colleagues for voting in favor of
23 this resolution and voting in favor of our efforts to
24 make that more common-sense system a reality here in
25 the City of New York. Thank you. That is from

2 Council Member Robert Cornegy. And now we are going
3 to hear from the admin, Sharif Solomon and Steve
4 Banks. You want to affirm them?

5 COUNSEL: Please raise your right hand.
6 Do you affirm to tell the truth, the whole truth, and
7 nothing but the truth in your testimony before this
8 committee and to respond honestly to council member
9 questions?

10 UNIDENTIFIED: I do.

11 UNIDENTIFIED: I do.

12 STEVEN BANKS: Thank you, Chair Miller,
13 members of the Committee on Civil Service and Labor,
14 and members of the committee on Women and Gender
15 Equity for convening this hearing. My name is Steven
16 Banks, and I serve as the first deputy commissioner
17 and general counsel at the New York City Office of
18 Labor Relations, and I'm honored to discuss the
19 mayor's proposals that Councilman Miller described to
20 expand health insurance benefits to both the
21 survivors of all city employees who participated in
22 rescue, recovery, and clean-up operations on and
23 after the days following 9/11, and for the survivors
24 of all city employees who died from the natural and
25 proximate result of an accident or injury sustained

2 while in the performance of duty. Joining me is
3 Sharif Solomon from the Mayor's Office to assist with
4 any questions that the council members may have.

5 Although the events of 9/11 occurred over 18 years
6 ago, the effects of that day continue to impact all
7 New Yorkers and their families, including city
8 employees who took part in the rescue, recovery, and
9 clean-up efforts in connection with the WTC attacks.

10 While city residents still remember the tragedy of
11 that day, they also remember the service of their
12 fellow New Yorkers who responded when called, rescued
13 those in need, and participated in those recovery and
14 clean-up efforts thereafter. During those days of
15 shock and horror these employees served as a beacon
16 of hope, for hope and normalcy. It is our duty and
17 our honor to assist these everyday heroes and their
18 families as they deal with the ongoing and continuing
19 impact of that day's events. As we know, those who
20 responded to Ground Zero also unknowingly were
21 exposed to toxic dust in the area following the
22 towers' collapse. Heartbreakingly, this toxic dust
23 has caused many responders to contract respiratory
24 and other illnesses. Many have suffered for years,
25 and some have passed away. Equally, those who

2 responded to the Fresh Kills landfill, the morgue, or
3 the temporary morgue and other locations have also
4 contracted illnesses that have cut their careers
5 short and tragically ended lives too soon. While
6 nothing can make up for that tragic loss of life
7 experienced by these employees' families, as a city
8 we can and must support them as they deal with the
9 fallout of the loss of their loved ones. In the
10 years since 9/11 the State Legislature, the City
11 Council, and various mayoral administrations have
12 demonstrated their commitment to these employees who
13 served and their families through the enactment of
14 various policies and legislation. The city has
15 expanded the health and leave benefits for active
16 employees and the State Legislature has enacted
17 accidental disability benefits paid through
18 retirement, and accident death benefits provided to
19 survivors in the event of a city employee's death.
20 With respect to those pension benefits, the state WTC
21 Presumption Law, which was enacted in 2005 and
22 amended thereafter to expand benefits, establishes a
23 presumption that certain enumerated illnesses in the
24 New York State retirement and Social Security law
25 were contracted as the result of an employee's

2 participation in World Trade Center rescue, recovery,
3 and clean-up operations. Those persons deemed to
4 have participated according to the eligibility
5 criteria in the law may qualify for accidental death
6 disability benefits and in the event of their
7 survivors may qualify for an accidental death
8 benefit. Among the health and leave benefits the
9 city provides to its employees is World Trade Center
10 Excused Leave Policy, which applies to employees who
11 seek an initial evaluation with a WTC health program
12 at one of its centers of excellence, including three
13 New York City Health and Hospitals programs.
14 Additionally this year the city introduced an
15 unlimited sick leave policy for civilian employees
16 suffering from 9/11-related illnesses who need time
17 away from work. City employees are also entitled to
18 annual leave, sick leave and line-of-duty injury
19 leave, any of which can and are used for 9/11-related
20 injuries or illnesses. Together our city has worked
21 to honor the commitment of those who answered the
22 call to duty on 9/11 and its aftermath, but we also
23 recognize that more needs to be done. It's for this
24 reason that Mayor de Blasio and the council have
25 collaborated on the proposals before you today.

2 Intro 1785 would provide health insurance benefits
3 for the survivors of all city employees who have died
4 from 9/11-related illnesses resulting from their
5 participation in rescue, recovery, and clean-up
6 operations. The bill also provides survivor health
7 benefits to the survivors of all city employees who
8 die from on-the-job injuries. By providing health
9 benefits to the survivors of employees who have died
10 due to 9/11-related or other service-related
11 injuries, this bill seeks to erase gaps in existing
12 law which provide survivor health benefits to the
13 families of police officers, firefighters, and
14 emergency medical technicians who die from a service-
15 related injury during active service or retirement,
16 but not other city employees. In our view, this
17 benefit should be the standard for all city employees
18 and not just the subset. Unlike police officer,
19 firefighters, and EMTs, the survivors of uniformed
20 correction officers and sanitation workers receive
21 survivor health benefits only if their family member
22 dies while on active service, but are ineligible if
23 the family member dies from a 9/11-related injury or
24 illness after they retire. The harsh reality of 9/11
25 illnesses, as we've learned, is that they can

2 manifest themselves after retirement, or could become
3 more pronounced during retirement for those retiring
4 on an accidental disability, leading to more line-of-
5 duty deaths occurring long after an employee has
6 separated from service. Intro 1785 would eliminate
7 the question of when the 9/11-related death occurred
8 in order to be consistent with other titles under the
9 law. The families of civilian employees who die as a
10 result of service-related injuries, whether 9/11-
11 related or for injuries sustained as the natural and
12 proximate result of an accident sustained while in
13 the performance of duty currently receive no such
14 survivor benefit under existing law. In the case of
15 that latter group, these gaps have led to several
16 instances in which the council and the mayor have
17 passed bills to address these individual families'
18 circumstances. Rather than amend the law each time a
19 tragedy occurs, we believe it is appropriate to take
20 definitive and comprehensive measures now that ensure
21 that in the future such families receive the
22 assistance commensurate with that received by other
23 city employees. Today the committee is also
24 considering Intros 1786 and 1810, which have also
25 been introduced at the request of the mayor. These

2 bills would authorize the city to provide health
3 insurance benefits to the survivors of two specific
4 employees who were recently killed in the line of
5 duty, one from the Department of Sanitation and one
6 from the Department of Transportation. Thank you
7 again for holding a hearing on this very important
8 topic, which has sadly impacted too many of New York
9 City employees' families. We look forward to working
10 with the council to move forward with this very
11 important legislation. Thank you.

12 CHAIRPERSON MILLER: Thank you. Do you
13 have anything to add, Mr. Solomon?

14 SHARIF SOLOMON: No, sir, I think Steve
15 said it all.

16 CHAIRPERSON MILLER: Thank you. I'm
17 really glad that the administration is working with
18 the council and organized labor to make sure that the
19 families who have, who have, of members who have
20 sacrificed so much are made whole, and we say all the
21 time that the greatness of our city is, is, um, the
22 service of its municipal work force, and we want to
23 make sure that we're compensating and demonstrating
24 that value, not just, um, in life but, um,
25 unfortunately in, in times when they are, have made

2 that ultimate sacrifice in the line of duty. So I
3 want to thank you for your testimony and I look
4 forward to further testimony so we can vote this out
5 so that the families could have the, the quality of
6 life that they deserve. Thank you. So we're going
7 to call up our next panel. Joe Palal, president of
8 Local 983DC37. Thank you, Mr. President.

9 JOE PALAL: Is this on? OK. Thank you,
10 Chair Miller. Thank you, City Council for having us
11 here. Um, unfortunately these are probably one of
12 the worst things I can do as president. Two of our
13 members are impacted this. We have two deceased
14 members. One is the Department of Transportation
15 worker, Eduardo Calle Abreu. He was, tragically
16 died, you know, while working, and two is Linda
17 Mercer. Linda Mercer was a traffic agent, level 4.
18 You may have known her personally. She tragically
19 died as a result of 9/11 injuries. And it wasn't
20 easy for Linda. Linda advocated, not just for her,
21 but all people that worked on 9/11 that were
22 suffering from whatever diseases came as a result of,
23 um, those days. Linda would go to work sick. She
24 would go with a bag that she would puke in, to give
25 you an example, till we finally got her to have her

2 sick time restored. And she was a fighter, and as a
3 result now all city workers have this unlimited sick,
4 and it's just a tragedy that we, we have to go
5 through. We have two set of employees, ones that get
6 it and ones that we have to fight for and be here.
7 And these legislations aren't going to cure it all,
8 but would make life a lot better, at least for the
9 families of these people who gave their lives for the
10 City of New York. Thank you.

11 CHAIRPERSON MILLER: Thank you. You have
12 something you want to add? Well, I want to thank you
13 so much, President, for coming in and really
14 articulating not just the service of your members,
15 but the plight that they've had after contracting
16 these illnesses from 9/11 and having to suffer the
17 indignities of, of having utilizing your own sick
18 time and not being recognized in the same way who
19 made the same sacrifice. So it's very important and
20 as we move forward it is our hopes that we pass
21 legislation that all employees are recognized in the
22 same way, but more importantly that what we do today
23 to individualize and memorialize these individuals
24 who have made the ultimate sacrifice that we don't
25 have to do this each and every time someone lose

2 their lives come in so that the family can have
3 benefits. It should be automatic, right, it is
4 common sense that that happens and so we are
5 definitely working towards that, and, and your
6 statement and the sacrifices of your members should
7 not be in vain. So thank you so much for your
8 testimony.

9 JOE PALAL: And I appreciate all of your
10 help, again. Thank you so much.

11 CHAIRPERSON MILLER: Welcome. Thank you.
12 Do we have quorum? Can we call the roll?

13 COMMITTEE CLERK MARTIN: William Martin,
14 Committee Clerk. Roll call vote, Committee on Civil
15 Service and Labor, Introductions 1604-B, 1786, 1810,
16 and Resolution 40-A. All items are coupled. Chair
17 Miller.

18 CHAIRPERSON MILLER: I vote aye.

19 COMMITTEE CLERK MARTIN: Adams.

20 COUNCIL MEMBER ADAMS: Aye.

21 COMMITTEE CLERK MARTIN: Louis.

22 COUNCIL MEMBER LOUIS: Aye.

23 COMMITTEE CLERK MARTIN: Ulrich.

24 COUNCIL MEMBER ULRICH: Aye.

1 COMMITTEE ON CIVIL SERVICE
AND LABOR

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2 COMMITTEE CLERK MARTIN: A vote of 4 in
3 the affirmative, zero in the negative, and no
4 abstentions. All items have been adopted by the
5 committee.

6 CHAIRPERSON MILLER: We're going to hold
7 it open for [pause]

8 COMMITTEE CLERK MARTIN: Council Member
9 Rosenthal.

10 COUNCIL MEMBER ROSENTHAL: Aye.

11 COMMITTEE CLERK MARTIN: The vote is now
12 5 in the affirmative, zero in the negative, and no
13 abstentions. [pause]

14 CHAIRPERSON MILLER: The roll is being
15 held open for five minutes, now four and counting.
16 [pause]

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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 January 13, 2020