

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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April 17, 2012  
Start: 1:25 p.m.  
Recess: 2:00 p.m.

HELD AT: Council Chambers  
City Hall

B E F O R E: JAMES SANDERS, JR.  
Chairperson

COUNCIL MEMBERS:  
James F. Gennaro  
Melissa Mark-Viverito  
Michael C. Nelson  
Domenic M. Recchia, Jr.  
Larry B. Seabrook  
Eric A. Ulrich

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

1  
2 CHAIRPERSON SANDERS: This hearing  
3 will now come to order. Good afternoon and thank  
4 you for coming. My name is Council Member James  
5 Sanders, Jr. and I'm the chair of the Committee on  
6 Civil Service and Labor. Today we are going to  
7 vote upon proposed Introduction 658-A "a local law  
8 to amend the administrative code of the city of  
9 New York in relation to the waiver of public  
10 employee organizations' rights when submitting  
11 grievances to arbitration under the New York City  
12 collective bargaining law." This is a bill that I  
13 am proud to sponsor. It is, however, quite  
14 technical. It relates to one paragraph in the  
15 collective bargaining law of the city of New York  
16 pertaining to waivers. When a unionized city  
17 worker goes to his or her union with a contract  
18 dispute, they are required to go to binding  
19 arbitration with the city at the independent New  
20 York City Office of Collective Bargaining. When a  
21 grievance is filed the member and the union are  
22 required under Section 12-312 of the New York City  
23 Code to sign a waiver. No one disputes this waver  
24 prevents the worker or union from going to court  
25 to relitigate [phonetic] the contract claims.

1  
2 These claims can only be decided by arbitration;  
3 however, it has been recently disputed as to  
4 whether separate claims by the worker or union not  
5 related to the contract—in other words statutory,  
6 constitutional, or common law claims can be  
7 separately brought in court. The office of  
8 collective bargaining testified at our February  
9 28, 2012 hearing that the waiver should only apply  
10 to the contract claims, but a recent court  
11 decision Roberts v. Bloomberg has stated that all  
12 claims are waived, even claims that the arbitrator  
13 cannot legally decide. This bill would amend the  
14 collective bargaining law to clarify that only  
15 contract claims are waived, which would allow  
16 other non-contract claims to be decided in court.

17 As a point of information to you,  
18 the mayor's position is that he would be against  
19 this, but I believe that the Council will and  
20 should pass this bill and override any potential  
21 veto. Thank you for coming. We have been joined by  
22 Council Member Gennaro, Council Member Melissa  
23 Mark-Viverito, Council Member and our Finance  
24 Chair Domenic Recchia and Council Member Seabrook,  
25 who came the second furthest. I would like to

1  
2 thank—oh, you're not a Council Member today? Oh,  
3 alright. Alright. New election coming up. I would  
4 like to thank the Committee staff Matthew - - and  
5 Faith Corbett, our policy analyst. We are ready to  
6 proceed—well, is there any testimony on this one  
7 first by anyone? Alright. Then, why don't we go to  
8 straight to the vote? Let us proceed to the vote.

9 COMMITTEE CLERK: William Martin,  
10 Committee Clerk, roll call vote on the Committee  
11 on Civil Services—

12 CHAIRPERSON SANDERS: [Interposing]  
13 I recommend aye of course.

14 COMMITTEE CLERK: Council Member  
15 Sanders?

16 CHAIRPERSON SANDERS: Aye and I  
17 recommend an aye vote.

18 COMMITTEE CLERK: Gennaro?

19 COUNCIL MEMBER GENNARO: Yes, and  
20 I'd like to thank the Chairman for his leadership  
21 and at the Stated Meeting tomorrow I'll be signing  
22 on as a sponsor and once again, thank you, Mr.  
23 Chairman, for your leadership.

24 CHAIRPERSON SANDERS: Thank you,  
25 sir.

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COMMITTEE CLERK: Recchia?

COUNCIL MEMBER RECCHIA: Aye on  
all.

COMMITTEE CLERK: Seabrook?

COUNCIL MEMBER SEABROOK: Aye on  
all, and I'd like to be on as well, Mr. Chair.

CHAIRPERSON SANDERS: Thank you,  
absolutely.

COMMITTEE CLERK: Mark-Viverito?

COUNCIL MEMBER MARK-VIVERITO: Aye  
on all.

COMMITTEE CLERK: By a vote of five  
in the affirmative, zero in the negative and no  
abstentions, item is adopted. Members, please sign  
the Committee Report. Thank you.

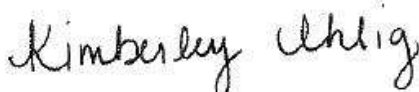
CHAIRPERSON SANDERS: We will hold  
this meeting open for another half an hour. For  
the rest of you, enjoy the afternoon.

COMMITTEE CLERK: Final vote in the  
Committee on Civil Service and Labor now stands at  
five in the affirmative, zero in the negative and  
no abstentions. This hearing is now adjourned.

C E R T I F I C A T E

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

Signature \_\_\_\_\_



Date \_\_\_\_\_5/1/12\_\_\_\_\_