

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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HELD AT: Remote Hearing, Virtual Room 3

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

COUNCIL MEMBERS: I. Daneek Miller
Adrienne E. Adams
Eric Dinowitz
Farah N. Louis
Francisco P. Moya
Helen K. Rosenthal
Eric A. Ulrich
Corey Johnson

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

Liz Vladeck
Senior Labor Policy Advisor
Mayor's Office of Policy and Planning

Krishna Omavadi
Vice President
New York City Economic Development
Corporation

Michelle Jackson

Henry Garrido

Lawrence Ben

Pete Dorton

@

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2 SERGEANT AT ARMS: PC recording is
3 underway.

4 SERGEANT AT ARMS: Cloud has started.

5 SERGEANT AT ARMS: Backup is rolling.

6 SERGEANT AT ARMS: Sergeant Polite.

7 SERGEANT AT ARMS POLITE: Thank you.

8 Good morning and welcome to the remote hearing on
9 Civil Service and Labor. Will council members and
10 staff please turn on their video at this time. Once
11 again, will council members and staff please turn on
12 their video at this time. Thank you. To minimize
13 disruption, please place all cell phones and
14 electronics to vibrate. You may send your testimony
15 to testimony@council.nyc.gov. Once again, that's
16 testimony@council.nyc.gov. Chair Miller, we are
17 ready to begin.

18 CHAIRPERSON MILLER: See what happens
19 when we delay? We begin to multitask. Good morning,
20 everyone. [gavel] With that, we are going to open
21 the hearing. Good morning, I'm Council Member I.
22 Daneek Miller, and I'm the chair of the Committee on
23 Civil Service and Labor. I want to thank everyone
24 for joining us this morning. Ah, we'll be hearing
25 Intro 2252, sponsored by Speaker Corey Johnson.

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2 Intro 2252 is, this bill is meant to help workers
3 organize while not disrupting delivery of city
4 services. The bill would require employers for
5 certain city economic development projects and all
6 human service contractors with the City of New York
7 to agree to a labor peace agreement as a condition of
8 doing business with the City of New York. A labor
9 peace agreement, or LPA, is an arrangement between
10 the labor union and an employer, in which both sides
11 agree to waive certain rights that are given to them
12 under the National Labor Relation Act with regards to
13 unionizing, organizing, and related activity. Often
14 in an LPA the employer will agree to allow their
15 workers to organize without interfering with
16 unionizing activity. In return, unions will agree
17 that they will not disrupt, picket, or strike while
18 this is occurring. LPAs can benefit both sides, both
19 parties, by allowing employees to, ah, more easily
20 unionize on one side and on the other side allow
21 employers to operate without fear of disruption of
22 services. Although most LPAs are negotiated between
23 employers and unions, the state and local governments
24 have also passed local laws to require LPAs as
25 conditions of doing business. In this case, the

1 governor will require employees, employers doing
2 business at a government location or those conducting
3 business with government while receiving financial
4 assistance to agree to LPAs. Ordinances of this kind
5 exist in numerous municipalities across the United
6 States, including Washington, D.C., Los Angeles,
7 Pittsburg, and San Francisco. The State of New York,
8 along with Maryland, is one of two states that have a
9 statewide law requiring labor peace agreements. Our
10 state's labor peace agreement applies to hotels and
11 convention centers with more than 15 employees.
12 Where the state is [inaudible] proprietary interests.
13 In New York City Executive Order 19 of 2016, signed
14 by Mayor de Blasio, requires LPAs for economic
15 development contracts on projects that receive more
16 than 1 million dollars in city, from the city. There
17 are other New York City laws that currently require
18 labor peace agreements for employees in any sector.
19 I'm sorry, there are currently no others. This, this
20 bill we'll be, we'll be hearing this morning aims to
21 in part extend Executive Order 19 and codify it into
22 law. The legislation specifically requires LPAs
23 between certain covered employees and labor
24 organizations operating economic development
25

1 projects, receiving financial assistance from the
2 city. Like the executive order, this would apply
3 only to employers contracting on projects that
4 receive over 1 million dollars in financial
5 assistance from the City of New York. Intro 2252
6 would also expand mandatory LPAs to include human
7 service providers contracting with the City of New
8 York. Any human service provider that has a contract
9 or seeks to contract with the City of New York would
10 require to submit certification ensuring that the
11 city, ensuring the city services contract is awarded
12 or renewed, that the provider will comply with the
13 LPA. The comptroller would be responsible for
14 monitoring, investigating, and ordering compliance by
15 all contracting parties with the law. The
16 comptroller would also be responsible for taking
17 actions against any violating party, which can
18 include terminating the city's contract of such
19 party. We look forward to hearing from the
20 administration, as well as from labor unions, city
21 developers, and service providers about their
22 concerns about this legislation specifically. If
23 there are any significant concerns about the bill we
24 want to hear them now. If there are any unintended
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1 consequence, unintended consequences we need to, ah,
2 be concerned about we would like to discuss it this
3 morning. If there is a better language that should
4 be used to really get to the heart of the matter we
5 would like to hear that as well. So, ah, with that,
6 ah, I'd like to thank my staff for putting its
7 together, to Sev Allasunajay, John Winey, and Ray Joe
8 Goldblum, as well as, ah, council committee staff,
9 Nusat Thomas and, and John. We've been joined by
10 Council Members Adams, Moya, Rosenthal, Ulrich, and,
11 ah, with that, ah, we will now hear a statement from
12 the New York City Council Speaker, Corey Johnson.
13

14 SPEAKER JOHNSON: Thank you, Chairman.

15 Good morning. I want to thank you all for being here
16 today and again, ah, thank you to Chair Miller for
17 holding this important hearing. If the COVID-19, ah,
18 crisis and pandemic has taught us anything, it's that
19 our city simply could not survive without our social
20 service works. But too many of them are underpaid
21 and too many of them are underappreciated, and too
22 many of them are denied the basic right to organize.
23 The right to fight for and win the pay and benefits
24 that they deserve, it is time for that to change. I
25 am very proud to sponsor Introduction 2252, which

1 would ensure the city's contracted social service
2 workers are guaranteed the right to form a union. It
3 will give over 200,000 of our city's essential social
4 service workers the right to organize without fear of
5 retaliation or punishment or interference from their
6 employers. These workers are on a contract with the
7 city to provide daycare, foster care, home care, and
8 health and medical services. They provide New
9 Yorkers with housing and shelter assistance and youth
10 services. They work in our senior centers, train New
11 Yorkers with new employment skills and provide
12 lifesaving legal services. Labor peace agreements
13 are a critical tool for strengthening these workers'
14 rights. The city's labor peace requirement already
15 applies to developers of economic development
16 projects receiving 1 million dollars or more in city-
17 funding or financial assistance. But that doesn't go
18 far enough. So in addition to extending labor peace
19 to social service workers this bill also expands the
20 right to all other tenants and concessionaires on
21 site as those big economic development projects
22 citywide, from concession stand workers at Barclay
23 Center to retail workers at Essex Crossing. No city
24 dollars or tax breaks should ever be paid out to
25

1 employers who are engaging in union busting. That's
2 what this bill will do. It will ensure that New
3 Yorkers' hard-earned tax dollars are going towards
4 high-quality jobs that build worker power. I am
5 very, very proud that we are hearing this legislation
6 today. Ah, Mr. Chair, I just want to take a moment
7 for the public who is watching. They should know
8 that this committee, the Committee on Civil Service
9 and Labor, has been one of the busiest committees in
10 the City Council in the last many months since COVID-
11 19 hit, meeting time and time again to protect
12 workers in New York City. But the work has been
13 going on even before the pandemic hit that this
14 committee's been tackling. Over the last three-and-
15 a-half years during my time as speaker we have passed
16 an extraordinary number of bills, and I believe the
17 first bill that may have been passed in the City
18 Council in 2014, when you became chair, was expanding
19 paid sick leave in New York City. So I want to
20 really thank you. I want to thank you for your
21 leadership, for your steadfast commitment to workers
22 in New York City, whether they be undocumented
23 workers or union workers or nonunion workers. The
24 City Council's really proud of the work that we do
25

1 day in and day out, month in and month out, year
2 after year, to protect workers. You're a former
3 organizer, you are a former union president, and you
4 are someone who understands the importance of
5 empowering workers and the importance of collective
6 bargaining and organizing. That's what this bill
7 seeks to accomplish, so that people can organize
8 freely without interference, and I'm really grateful
9 for your tenacity, steadfast leadership, not just
10 throughout the pandemic but over the last seven-and-
11 a-half years as a council member and chair of the
12 committee. I know we have a bunch of unions that are
13 going to be testifying today. I see that we're
14 joined by the executive director of District Council
15 37, Mr. Henry Garrido, my good friend and a friend to
16 working women and men across New York City. I look
17 forward to hearing his testimony, and I look forward
18 to hearing the testimony from the de Blasio
19 administration. I, I hope they're gonna testify to
20 their support of, of this bill, and I want to thank
21 you, Mr. Chair, for giving me the time to speak this
22 morning. Thank you very much.

24 CHAIRPERSON MILLER: Thank you so much,
25 Mr. Speaker. Ah, we, we appreciate you. We

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2 appreciate your support and leadership, ah, on behalf
3 of working families, working people throughout the
4 City of New York. And we, we have been pretty ground
5 breaking and set the template for how we treat
6 workers throughout, ah, the country, ah, in this
7 council here. Ah, Thomas?

8 MODERATOR: Thank you, ah, perfect.
9 Thank you, Chair Miller. Ah, I am Thomas Nath,
10 policy analyst for the Committee on Civil Service and
11 Labor for the New York City. Ah, I will be
12 moderating today's hearing. Before we begin I just
13 wanted to go over a few procedural matters. I would
14 be calling on panelists to testify. I want to remind
15 everyone that you will be on mute until I call on you
16 to fiscal year. You will then be unmuted by the
17 host. Please listen for your name to be called. For
18 everyone testifying today please note that there may
19 be a few seconds of delay before you are unmuted and
20 thank you in advance for your patience. At today's
21 hearing the first panel will be the administration,
22 followed by council member questions and then the
23 public will testify. During the hearing if council
24 members would like to ask a question please use the
25 Zoom raise hand function and I will call on you in

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2 the order that you used it. I will now call on
3 members of the administration to testify after
4 reading the oath. Liz Vladeck, senior labor policy
5 advisor from the Mayor's Office of Policy and
6 Planning, and Krishna Omavadi, vice president at the
7 New York City Economic Development Corporation. I
8 will now read the oath and then after I will call on
9 each panelist for the administration to respond. Do
10 you affirm to tell the truth, the whole truth, and
11 nothing but the truth before this committee and to
12 respond honestly to council member questions? Liz
13 Vladeck?

14 LIZ VLADECK: I do.

15 MODERATOR: Ah, Krishna Omavadi?

16 VICE PRESIDENT OMAVADI: Yes, I do.

17 MODERATOR: Thank you. Liz Vladeck, you
18 may begin when ready.

19 LIZ VLADECK: Thank you. Good morning,
20 Chair Miller. Good morning, Speaker Johnson. And
21 good morning members of the Committee on Civil
22 Service and Labor. I am Liz Vladeck and I serve as
23 the senior labor policy advisor to the first deputy
24 mayor. Thank you for the opportunity to testify
25 today on Introduction 2252, sponsored by Speaker

1 Johnson, which would require employers at certain
2 city economic development projects and city human
3 service contractors to enter into labor peace
4 agreements. With me here today is Krishna Omvaldi,
5 vice president of the Strategic Investment Group and
6 executive director of NYSIDA and Build NYC within the
7 Economic Development Corporation. I'd like to begin
8 with a quick look back at this administration's in
9 advancing a progressive, pro-labor agenda in New York
10 City. This administration has worked closely with
11 its municipal union partners, um, to settle two
12 rounds of contracts with New York City's workforce,
13 reaching collective bargaining agreements which span
14 between 11 and 13 years for most employees, and
15 revitalizing collaborative relationships with our
16 union partners. Under this mayor we have introduced
17 new protections for our workforce, including paid
18 parental leave and family leave, and expanded paid
19 leave during the COVID-19 pandemic. Again, in
20 cooperation with organized labor and covering their
21 vast majority of city workers. And we have been
22 similarly determined when it comes to strengthening
23 protections for workers in the private sector. From
24 paid sick leave to fair scheduling for fast food
25

1 workers and freelance worker protections, and as
2 recently as last week with the passage of retirement
3 security legislation. Ah, we have made great strides
4 in raising workplace standards, especially for
5 workers of color, for women, and for immigrant
6 workers. These accomplishments in particular would
7 not have been possible without the support of the
8 City Council, for which I thank each of you present
9 here today. This administration has also made
10 significant investments with the support of the
11 council and the work of our nonprofit partners. As
12 of fiscal year 2021 the city budget includes over 700
13 million dollars in new investments in the nonprofit
14 sector made during the administration. These
15 investments provide resources to ensure that
16 nonprofit human service organizations that New York
17 City relies on can deliver high-quality services to
18 vulnerable New Yorkers. Further, just two weeks ago,
19 ah, the mayor and the speaker announced a 120 million
20 dollar investment to cover indirect rates, which
21 helps pay for rent and other key services. And in
22 2019 the administration worked closely with Henry
23 Garrido in DC37, um, to make a commitment to pay
24 parity for our certified early childhood education
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1 teachers, which will take full effect by October of
2 this year. This is a historic investment that
3 fulfills the promise made by the mayor and the
4 council to the provider community during summer 2019.

5 Let me specifically address labor peace agreements.

6 Um, I echo the comments of the chair and the speaker

7 in the value of these agreements and the importance

8 of ensuring workers have a right to organize. The

9 mayor strongly believes in workers having this right

10 and he has used the powers of his office to support

11 this right wherever he can, wherever it is

12 appropriate. At his request, our Office of Labor

13 Relations has frequently stepped in, um, to, ah,

14 assist private sector employers and unions

15 representing their workforces in resolving labor

16 disputes, and he has actively used his bully pulpit

17 to emphasize how critical it is that workers are free

18 to organize. And as was mentioned, the mayor signed

19 Executive Order 19 in 2016, which obligates certain

20 developers of economic and housing development

21 projects receiving financial assistance from the city

22 to require large retail and food service

23 establishments to enter into labor peace agreements

24 with labor organizations that seek to represent their
25

1 employees who work on the premises of such projects.

2 So let me talk specifically about Intro 2252. As was

3 mentioned, this bill would require city human service

4 contractors to enter into labor peace agreements with

5 labor organizations that seek to represent their

6 employers, represent, rendering services under city

7 human service contracts. It would mandate that

8 recipients of financial assistance from economic

9 development projects require tenants,

10 concessionaires, and contractors, including

11 subcontractors, to sign labor peace agreements with

12 labor organizations seeking to organize their

13 workforces. The bill sets forth enforcement

14 authority for the comptroller to audit contract

15 compliance with the provisions and perform an

16 investigation in response to a verified complaint.

17 Let me say this clearly so no one misses it. The

18 administration absolutely supports the intent of this

19 bill. There are some areas we'd like to continue

20 working with the council on as this bill moves

21 forward. It is a very complex bill and we have not

22 had a great deal of time to review it and consider

23 all of its implications, but we do have some

24 preliminary thoughts. Most important for today's

1
2 purpose is to recognize the great range and diversity
3 of services and work represented by the contracts
4 that would be covered by this bill. For example,
5 strictly with respect to human services providers
6 there are at least a dozen city agencies overseeing
7 contracts with hundreds of providers and each
8 contract has its own characteristics that could be
9 impacted differently by a bill like this one. We
10 want to make sure we've established sufficient facts
11 on the ground with respect to this universe where
12 there will be so much variation to be confident that
13 final legislation is sufficiently tailored to these
14 facts, to the particularities of specific contracts
15 to achieve the bill's stated objective and to
16 eliminate or minimize unintended consequences. I
17 want to point to, um, one specific example, which is
18 to emphasize that the city has, ah, in particular
19 supported the Fresh program tax incentive to ensure
20 that full line supermarkets will take root in, ah,
21 communities that have lacked access to full
22 supermarket ranges. And so for example one of the
23 things we want to make sure we look closely at is any
24 potential impact of this bill on a program like the
25 Fresh program. Thank you for the opportunity to

1
2 testify today. I'd like to conclude by committing on
3 behalf of the mayor to continue working with the
4 council to ensure that the final draft of this bill
5 will accomplish our shared goals of a more fair,
6 equitable city that supports workers organizing and
7 speaking collectively, and effectively and
8 efficiently to delivers critical services to all New
9 Yorkers. Thank you, and we're happy to take your
10 questions.

11 MODERATOR: Thank you. I will now turn
12 to Chair Miller for any questions for the
13 administration.

14 CHAIRPERSON MILLER: Um, good morning,
15 again. Thank you, Liz. Ah, it's, it's been a
16 pleasure, ah, working with you. It's a, ah, you've
17 been a champion on the other side and, and, and quite
18 frankly, ah, your work and reputation on behalf of,
19 of, of labor and, and working family procedure and,
20 ah, and, ah, it's been a pleasure to work with you
21 over the last few years. Um, so, um, in, in terms of
22 those concerns, do you, do you anticipate any
23 concerns in the delivery of the human services?

24 LIZ VLADECK: Right. So this was what I
25 was alluding to, um, in terms of that phrase, facts

1 on the ground. We want to make sure we learn from
2 the perspective of the employers and the workers
3 providing these services what an impact of this bill
4 could be. Let me give you some examples of the kinds
5 of questions that mean a program is operating under
6 very different circumstances. We'd like to ask
7 questions such as what are the particular services
8 provided by a given contract? How central to the
9 agency's core program is a contract? What percent of
10 its program dollars does the contract represent? Um,
11 Chair Miller, knowing how hard it is to maintain an
12 active union membership, um, we think one very
13 important question is for a particular contract is
14 there frequent provider turnover year to year, such
15 that there is a new employer on a frequent basis? Or
16 is there a long-standing stable relationship with a
17 particular provider? Is the service the contract
18 provides ones for, one for which there are many
19 providers to choose from, or are we talking about
20 something that's highly specialized, um, where there
21 is a much smaller universe of providers? And
22 additionally are there any state or federal mandates
23 that, um, an agency is obligated to comply with, ah,
24 that could intersect in any complicated ways with the
25

1 requirements of this bill? Um, as I mentioned and as
2 I think it's sort of logical, um, when we're talking
3 about hundreds of contracts that provide a very, very
4 wide range of service to very different populations
5 across the city we want to make sure we understand
6 the answers to those and other questions, um, in
7 order to make sure we've got a bill, ah, that will
8 help them and that we've addressed any issues that
9 could be a program. Um, and I'm very glad to heard,
10 as was, as I think the speaker and yourself
11 mentioned, that we will be hearing today from unions
12 and providers, um, and other organizations that can
13 speak to the work under specific contracts and the
14 services and workers that we're really talking about.

16 CHAIRPERSON MILLER: So you, you spoke to
17 the diversity and, and the, the, ah, vastness of, of
18 the various contractors, um, and that, the universe
19 of contractors. Um, without speaking about the
20 specifics but just in general, how, how many, how
21 many contracts are out there and, more importantly,
22 um, how many workers are potentially impacted, ah, by
23 this legislation?

24 LIZ VLADECK: Yes, thank you for the
25 question. Um, that's something that we've begun to

1 look at and so I don't want to give you an answer
2 today that would be inaccurate. Um, we are fairly
3 confident we are talking about hundreds of contracts.
4 Um, but we do want to dig down further to see how,
5 how concrete and granular we can get in answering
6 those questions, and we will certainly share back
7 those answers as soon as we've assembled that data.

9 CHAIRPERSON MILLER: Thank you. And,
10 and, Director, from, from the EDC perspective, um,
11 ah, ah, the LPAs that, ah, have come through the
12 agency thus far, ah, could you speak to that, the
13 success of those, what you have learned and, and, and
14 any concerns that you may have, ah, moving forward,
15 ah, by the, with the expansion?

16 VICE PRESIDENT OMAVADI: Yeah, thank you,
17 ah, ah, Chair, Chairman Miller. So, ah, to answer I
18 guess the first part of the question, um, we, ah,
19 actually are still in the process of understanding
20 the impact. Ah, we have a few projects that are
21 subject to LPAs, but they involve long-term
22 construction. Therefore, at this point, um, they're
23 not yet at the point where the, um, the LPA is ready
24 to essentially be enacted. So we're not yet at the
25 point of, of understanding the impact when it comes

1 to, ah, projects that are subject to the executive
2 order. Um, in terms of the impacts on projects,
3 broadly speaking I will echo, um, Liz's comments
4 that, you know, when it comes to city development
5 projects there's a wide range of projects, everything
6 from the types of projects that the speaker
7 mentioned, um, during his statement, um, which I
8 definitely, um, echo his, you know, a lot of his
9 statements in terms of wanting to support worker
10 rights and, um, and, you know, when it comes to
11 larger projects, um, those are obviously very
12 different from a lot of the smaller deals which are
13 oftentimes more common when it comes city development
14 projects, everything from, you know, a 15,000 square
15 foot supermarket in central Harlem to, you know, an
16 HVAC, you know, manufacturing company in Maspeth,
17 Queens, um, that are also city development projects.
18 So I think we need more time and we look forward to
19 engaging with, ah, with all of you on understanding
20 the impact when it comes to various types of projects
21 and wanting to make sure that we, ah, you know,
22 address, ah, where companies are, um, when it comes
23 to the scope of what this could impact.
24

1 SPEAKER JOHNSON: Mr. Chair, may I, may I
2
3 jump in for a moment?

4 CHAIRPERSON MILLER: Yes, sir. Go ahead,
5 go, Mr. Speaker.

6 SPEAKER JOHNSON: Yes, I just want to be
7 clear, again, the labor peace agreements in no way
8 force, ah, unions to be part of any of these
9 businesses or companies. It just says that, ah, if
10 we are contracting or giving city dollars, ah, to
11 these places that we're saying you can't interfere.
12 You can't interfere with workers organizing. So, ah,
13 this just makes it so that you don't have union
14 busting and tactics that have been used, ah, time
15 immemorial, for folks that don't want workers to
16 organize to engage in those tactics. So I'm a
17 little, ah, confused, ah, by some of the statements
18 this morning by the administration. I mean, I'm glad
19 that you all are, ah, in a sort of a macro way
20 supportive of the aims of the legislation, but I, I
21 kind of been scratching my head a little bit trying
22 to understand what would the particular situation be,
23 even if there was turnover amongst agencies or
24 seasonality of some of these jobs. How would that in
25 any way, ah, conflict with us saying we want people

1
2 to not engage in tactics that interfere with union
3 organizing. I'm not able to sort of circle that
4 square in my, in my mind. So if you all could just
5 be a little more clear with me, ah, 'cause I know,
6 you know, you, you are supportive of the aims of the
7 bill. I'm not understanding where there would be an
8 instance where labor peace would in any way interfere
9 with what you all are talking about.

10 LIZ VLADECK: So, Mr. Speaker, if I could
11 give you an example. I think that's an excellent
12 question and it's a good opportunity to, um, to, to
13 start to get down into the weeds of, of how our
14 operations work. Let's take the example of a
15 relationship, a provider relationship, a service,
16 where there is actually frequent turnover of the
17 provider, where it's not uncommon for a new provider
18 to come in every one to two years. So the object of
19 a labor peace agreement, as you say, is to help, is
20 to protect the workers and also to ensure that the
21 work can be done efficiently and effectively since
22 union busting is often a way to make sure that can't
23 happen. Well, if you have a new, for all intents and
24 purposes, if you have a new employer once every year,
25 once every two years, it's putting the union in a

1
2 position where it has to come back and reorganize
3 year after year, um, and where it's starting over
4 again in any contract negotiations or collective
5 bargaining relationship. Um, and so it may be that
6 where if we have contracts like that we want to think
7 about provisions specific to that scenario to ensure
8 that while we're protecting workers' right to
9 unionize, we're also maintaining the stability of the
10 workforce, we're minimizing any confusion from
11 provider turnover, etcetera.

12 SPEAKER JOHNSON: How many providers do
13 you think we're talking about that make up that
14 universe?

15 LIZ VLADECK: So that's what we don't
16 know. Um, and that's precisely what I, what I was
17 saying. We want to make sure that we do understand,
18 that we do know, um, and that we have engaged closely
19 enough with our providers who are, of course, the
20 ones doing this work day in and day out and need to
21 tell us and will tell us, um, what their contracts
22 are, what they look like, what they're used for, how
23 they work, how they function. We want to make sure
24 we've understood that on an agency to agency basis,
25 um, because we think that, for a range of reasons, if

1 we haven't developed that factual track record it's
2 going to be harder to ensure the smoothest, maximally
3 efficient implementation of this legislation.

4
5 SPEAKER JOHNSON: And even if there a
6 seasonality or a high turnover, I'm still not
7 understanding. Forgive me, I'm not saying this in a,
8 in a probing way. Ah, I'm just not understanding,
9 ah, how that, how that impacts or interferes with the
10 nexus of that with labor peace agreements.

11 LIZ VLADECK: Sure. Um, well, so I'll
12 just, I'll, I'll sort of broaden out to some of my
13 old experiences on organizing and, and contract
14 campaigns, where when you have turnover of employers
15 or turnover of, of a workforce you often have to go
16 back to the beginning. You're sort of, you wind up
17 in a cycle, in a loop of you signed up a majority of
18 workers, you're gonna start bargaining, but now the
19 employer changes. And so you have to restart
20 building that relationship, right? Fundamentally,
21 labor peace helps parties start to establish a
22 collaborative relationship, um, which, you know, in
23 addition to the value it brings for workers, also
24 maximizes the organization's ability to work
25 effectively, right? When we value and recognize

1
2 workers we get better, you know, better whatever it
3 is they're doing. Um, and so when you have to keep
4 starting over again, look, look at the Amazon
5 campaign down in Alabama. There is such high
6 workforce turnover that the union had trouble
7 maintaining at any given moment representing a
8 majority of the workers, um, because they'd sign all
9 these people up, who would leave, and so they'd have
10 to keep signing up and keep signing up, right? And
11 again, this is just one specific example of, ah, of a
12 factor that we want to make sure we've taken into
13 access.

14 CHAIRPERSON MILLER: Mr. Speaker, but
15 there, there is, there is a, a precedent and a, a
16 model for which, ah, an industry addresses that, and
17 that is the school bus industry, where, where
18 contracts transcend provider, right.

19 LIZ VLADECK: Um-hmm.

20 CHAIRPERSON MILLER: And, and I think
21 that is a model that can be used, although, you know,
22 ah, 1180 versus Bloomberg, ah, you know, that kind of
23 fell apart, but the model itself is, is certainly the
24 template for, for how this could be used.

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SPEAKER JOHNSON: Thank you, Mr. Chair.

Ah, thank you, ah, for the testimony. We look forward to working together, ah, to, to get this bill passed and to protect workers from, ah, outside bad tactics, ah, and we want more people to be protected. Thank you, Mr. Chair, for the opportunity to provide a statement and ask some questions today.

CHAIRPERSON MILLER: Yes, sir, and, and thank you for your leadership on this and, and we look forward to working with you and your team and the admin and making sure that, that we get through the concerns that are here so that we can, ah, give working folks the opportunity to do the things that matter most to, to this committee and this council, which is the right to organize and the right to collective bargaining.

SPEAKER JOHNSON: Thank you.

CHAIRPERSON MILLER: And, and those are the most important tenets that we can provide, ah, for workers. Ah, we've been joined by Council Members Louis and Dinowitz as well. Um, before I, I ask, ah, my colleagues jump in for their questions, um, Director, could we talk a little bit about, um, so you're saying that there are no current EDC

1 projects that met the provisions or there was an
2 attempt to organize since 2016? That's, that's
3 interesting. That's nearly five years. And, and so
4 is there a reason why, you know, we know there's
5 nothing wrong here.

7 VICE PRESIDENT OMAVADI: Ah, that's not,
8 it's, it's a, it's a good question. Um, it's not
9 that there aren't projects that are subject to it.
10 There definitely are. Um, it's that there are
11 projects that because they involve long-term
12 construction, ah, under the executive order it
13 obviously specifically applies to retail spaces
14 within large development projects and the retail
15 spaces are not at the point of being [inaudible] so
16 that's what the situation is. But there are projects
17 that, um, that based on, ah, the, the size of the
18 project.

19 CHAIRPERSON MILLER: But this is
20 applicable to the actual construction as well?

21 VICE PRESIDENT OMAVADI: Ah, our reading
22 of it is that it's not, it does not involve
23 construction, um, it's really just for employees, ah,
24 permanent, you know, employees of businesses once the
25 building is constructed.

2 CHAIRPERSON MILLER: OK.

3 LIZ VLADECK: And of course, of course
4 construction is really the model for effective use of
5 labor peace agreements.

6 CHAIRPERSON MILLER: Um-hmm.

7 LIZ VLADECK: Right? We've had project
8 labor agreements in place with the building, um, ah,
9 with the construction workers for over a decade, um,
10 and that's allowed us to maintain, you know, high
11 standards for workers on city-funded construction,
12 um, and ensure the work is done efficiently and well
13 and that workers know they are unionized and have a
14 representative.

15 CHAIRPERSON MILLER: Ah, but, ah,
16 affordable housing construction is omitted from the
17 program, is that correct?

18 LIZ VLADECK: That, ah, I would have to
19 get back to you on that. I'm not an expert on that
20 part of it.

21 CHAIRPERSON MILLER: But they do receive
22 obviously more than a million dollars in subsidy.

23 LIZ VLADECK: I don't know.

24 CHAIRPERSON MILLER: OK. All right.
25 Yes, we'd, we'd like to hear that as well. OK, um,

1
2 we're gonna hear from my colleagues. Ah, does
3 anybody have a hand raised here?

4 MODERATOR: Ah, just as a reminder to
5 council members, if you have any questions, ah,
6 please use the Zoom raise hand function.

7 CHAIRPERSON MILLER: Sometimes it's not
8 easy to put your hand on. I, I guess in this case I
9 see mine in front of me. In case someone doesn't
10 just give them a moment to jump in.

11 MODERATOR: I see no hands. Ah, Chair
12 Miller, I'll turn it back to you and [inaudible].

13 CHAIRPERSON MILLER: OK. And then, and
14 then for those actively working on a development
15 site, um, how, how would you interpret that? Does
16 that mean construction?

17 LIZ VLADECK: So my read of the draft
18 legislation is that it covers, um, it covers parties
19 there in different capacities, but not construction
20 since construction is separately covered under our
21 existing project labor agreements with the union.

22 CHAIRPERSON MILLER: So actively working,
23 who, who would that cover?

24 LIZ VLADECK: Um, well, I can tell you, I
25 can tell you what we understand, um, I can tell what

1 we, we understand to be in the bill. Um, I don't
2 know that that definition leaves us completely clear
3 on what exactly the universe is. Um, the bill refers
4 to tenants, concessionaires, and contractors or
5 subcontractors to sign labor peace agreements with
6 labor organizations. Now, I think we're presuming
7 that construction is not included under contractors,
8 but that's an example of a place in the draft where I
9 think we want to make sure we've got full clarity.
10

11 CHAIRPERSON MILLER: OK, 'cause it says
12 actively working on a development itself...

13 LIZ VLADECK: Right.

14 CHAIRPERSON MILLER: ...and, and/or
15 tenants.

16 LIZ VLADECK: Right.

17 CHAIRPERSON MILLER: Right, and, and so
18 obviously that would be post construction and, you
19 know, maintenance and detail and all the other good
20 stuff there. So, um, ah, we appreciate that and
21 obviously we, we have a lot of, ah, questions to be
22 answered and I'm, I'm sure that, that your office
23 will be working, ah, ah, diligently to get the
24 answers so that we can expedite, um, and, and, and,
25 um, in terms of EDC, um, what challenges, if any,

1
2 have, have you seen, ah, since 2016 on development,
3 ah, projects? Have you, because, ah, they're long-
4 term construction, ah, as you said that, that, ah,
5 what we haven't gotten to the point, the organizing
6 point yet. Ah, so, so, ah, assuming that we would
7 not, ah, that then this does not apply to, to the
8 construction phase or it just has not been challenged
9 to that point. Would that be correct? That, that
10 there has been no one attempting to, to organize, ah,
11 from, from the construction perspective? Ah, and,
12 and, and therefore, ah, the intent, ah, of the law
13 has not been challenged.

14 LIZ VLADECK: Well, so the law, the law,
15 the EO is pretty narrow 'cause it, it really is
16 focused on I think retail workers, um, like I
17 defer...

18 CHAIRPERSON MILLER: This, yeah, OK.

19 LIZ VLADECK: Yeah.

20 CHAIRPERSON MILLER: We, we're talking
21 about the, the Executive Order 19.

22 LIZ VLADECK: That's right.

23 CHAIRPERSON MILLER: Of 2016.

24 LIZ VLADECK: That's right. And so as
25 far as we are aware, um, there has not been a union

1 request for a labor peace agreement, um, at all,
2 certainly not one that ran into any difficulties.

3 CHAIRPERSON MILLER: So there, there are,
4 and there aren't any, any projects that, that, ah,
5 that have been completed, they're in completion, ah,
6 ah, with, with the retail tenant, um, that this would
7 probably be applicable to, um, that, ah, would
8 require, ah, a, um, a organizing campaign?

9 LIZ VLADECK: That's my understanding.

10 CHAIRPERSON MILLER: And/or the campaign
11 did not, it required, ah, ah, any intervening with
12 the administration because it just kind of went as,
13 as, ah, the law intended.

14 LIZ VLADECK: Um-hmm.

15 CHAIRPERSON MILLER: OK, thank you. Ah,
16 do, do any of my colleagues have any questions? If
17 not, ah, we will be forwarding questions. Ah, there
18 are, ah, obviously this is a very complex issue. Um,
19 I have many concerns about impact on, ah, some of the
20 things that we'll hear from, ah, some of the service
21 providers. We'll, we'll hear from the unions, ah,
22 about their concerns and, and, and obviously, um,
23 we'll, ah, lean back, lean down on, on, into all of
24 those and, and, ah, reach out to you and your team
25

1 and see if we can address this. So, ah, hearing
2 none, ah, Thomas, we can dismiss the panel and, and
3 hear from the next panel. Thank you so much. It's a
4 pleasure to see you both. I look forward to working
5 with you in the near future.

7 LIZ VLADECK: Thank you, Chair Miller.

8 CHAIRPERSON MILLER: Thank you.

9 MODERATOR: Thank you, Chair. We will
10 now move to public testimony. As a reminder, all
11 public testimony will be limited to three minutes.
12 After I call your name please wait for a brief moment
13 for the Sergeant at Arms to announce that you may
14 begin before starting your testimony. The first
15 public panel in order of speak will be Michelle
16 Jackson from the Human Services Council, Henry
17 Garrido from DC37, Lawrence Ben from RWDSU, and Pete
18 Dorton from [inaudible]. I will now call on Michelle
19 Jackson.

20 SERGEANT AT ARMS: Time starts now.

21 MICHELLE JACKSON: Good morning. I'm, I
22 am J.O. [inaudible] from the Human Services Council,
23 um, filling in for Michelle Jackson. We're
24 testifying today about Intro 2252, um, and due to the
25 lack of time and outreach around this bill HSC is not

1 a place to support or oppose this legislation. But
2 we have a lot of concerns about how we arrived to
3 this hearing today. The city plays an outsized role
4 in setting the wages and benefits for government
5 contracted human services workers. Simply put, the
6 government is the main driver of wages in the sector
7 and any union negotiation around the salary or
8 benefits, along with other employment-related matters
9 for many nonprofits would need to be made with the
10 city at the table. Salaries or rates of services are
11 often set by RFPs and in the past HSC has had our
12 members' proposals and city RFP, RFPs turned down
13 because government agencies rule that the salaries
14 they wanted to pay made personnel costs too high.
15 Because of this dynamic, bills like Intro 2252 that
16 impose penalties on city-contracted providers,
17 without taking into account the role of city agencies
18 for low wages and labor conditions feel very
19 incomplete. The bill is unclear what triggers
20 providers need to submit documentations required by
21 this legislation and there are severe penalties for
22 noncompliance. And it in no way acknowledges the
23 outside role that the city plays in funding these
24 contracts and therefore their parts in the
25

1 negotiations. It also doesn't address basic
2 questions like how unionized human services providers
3 will be treated in the RFP process, how will
4 contracts be amended for union agreements, and what
5 happens when union negotiation agreements terms run
6 counter to the contracted agreement with the city,
7 who brings those folks to the table. The human
8 services sector works with humans now. Many of our
9 organizations are unionized or partly unionized, and
10 many partner with unions on critical community
11 issues, and we certainly all stand together in
12 supporting the need for ethical living wages for the
13 sector. However, without true partnership and
14 understanding the terms of this legislation and the
15 impact of the sector, we cannot offer a stance on
16 this proposed legislation, beyond being disappointed
17 that it was introduced and brought to a hearing
18 without real input from the sector or recognition
19 that providers, that providers and accountability
20 from the city are both necessary parts of this
21 equation. We hope that this bill doesn't continue to
22 be rushed through council without working on
23 addressing these important issues. Ah, Thank you for
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1
2 allowing me to testify and I'm happy to answer any
3 questions.

4 MODERATOR: Thank you for your testimony.
5 The next panelist will be Henry Garrido from DC37.

6 SERGEANT AT ARMS: Time starts now.

7 HENRY GARRIDO: Good morning, Mr. Chair.
8 Good morning, everyone. I'm Henry Garrido. I'm the
9 executive director of DC37. I want to thank the
10 Speaker Johnson for his leadership, ah, and for
11 protecting working people as well as you as the
12 chair, ah, Chairman Miller, for your work.

13 CHAIRPERSON MILLER: Thank you, Henry.

14 HENRY GARRIDO: Um, I have often said,
15 ah, what happens when an unmovable force meets an
16 unstoppable object. That space in between is usually
17 a, a, in my opinion a union. And what, ah, we're
18 asking in support of Intro 2252 is essentially, ah, a
19 matter of friends and equity. Um, a lot has been
20 said about what the city has gone through in, in the
21 wake of the pandemic and the recovery. The fact
22 remains that the vast majority of those workers who
23 are deemed essential, who are in social services and
24 other areas, ah, sacrificed their lives, um, for the
25 rest of New Yorkers and they deserve some, ah,

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2 respect. They deserve some equity. Ah, and we
3 believe one way to do it is through a lot of
4 [inaudible]. Let me be very clear. We're not asking
5 any employer to force any workers to join a union.
6 We're simply looking for neutrality. We're looking
7 for peace, and one that is, is what I mentioned at
8 the beginning, is that the most powerful force humans
9 have to do in many instances is, is to call for a
10 strike of labor stoppages in order to, ah, you know,
11 get the workers and, and management, quite frankly,
12 to, um, listen to the workers' demands. We believe
13 an interruption of many of these services would be a
14 detriment to the city. Um, and we don't want to get
15 to that point. So what we're simply asking for is
16 peace, an opportunity for the workers to be the ones
17 to decide whether they want to be in a union or not.
18 Ah, and that's what this legislation was looking for.
19 Ah, I want to address some of the stuff that was
20 raised before regarding turnover and what the
21 concerns of the turnover. The vast majority of the
22 contractors that we're talking about, ah, are being
23 rehired by the city on a continuous basis. Where the
24 turnover occurs is with the workers. And some of the
25 turnover occurs because they don't have a union that

1 negotiates good wages, good health insurance, good
2 retirement security. And so they leave from the
3 nonunion work, ah, areas to a lot of the union
4 workers. And you can see right now the difference
5 between a social worker that is represented by, ah,
6 DC37 or UFT as compared to the one that is not
7 represented. Wages are higher, the working
8 conditions are better, they have a mechanism to
9 address, ah, a lot of the work-related concerns,
10 safety issues, and what-not. And I was [inaudible]
11 Mr. Chairman. Again, I thank you for the opportunity
12 to testify today.

14 SERGEANT AT ARMS: Time expired.

15 CHAIRPERSON MILLER: Keep him up there,
16 please. Go ahead.

17 HENRY GARRIDO: I, I just want to
18 conclude. I will conclude with this. I will say to
19 you that many of the labor, we work together with the
20 Health and Human Services Council, with the
21 [inaudible] Council. One perfect example of how we
22 work together with the City Council, the mayor's
23 office, and I thank the mayor for his leadership on
24 this, and thank the speaker for it, is when we
25 handled the pay equity issue with the Daycare

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2 Council, where for years both the city and the
3 providers were trying to figure out a way to fix the
4 inequity which existed with teachers represented by
5 the nonprofit sector providing the same services for
6 the kids were make \$20,000 and \$25,000 less than the
7 teachers represented by a union. And it was, that
8 relationship between the council, between the mayor,
9 between the employers, between the Daycare Council,
10 the [inaudible] that brought that issues to bear were
11 the majority of those represent, unrepresented
12 workers at the time where, you know, black and brown
13 people who were being disenfranchised, and we see a
14 parallel analogy here. But to do so we have to be on
15 the table and the union, ah, ah, needs to be part of
16 it. And we believe Intro 2252 provides that
17 neutrality that allows the workers to decide whether
18 they want the union to represent them or not. Thank
19 you very much, ah, Mr. Chair, for your opportunity to
20 speak today.

21 CHAIRPERSON MILLER: Thank you, Henry.

22 MODERATOR: Thank you for your testimony.

23 The next panelist will be Lawrence Ben from RWDSU.

24 SERGEANT AT ARMS: Time starts now.

1
2 LAWRENCE BEN: Hello, everybody. Ah, my
3 name is Josh Kellerman. Um, I'll be speaking on
4 behalf of Lawrence Ben. Um, I'm the director of
5 public policy at the Retail, Wholesale, and
6 Department Store Union. Thank you for the
7 opportunity to comment, um, to the speaker and to,
8 ah, the chair of the committee and to other committee
9 members. I really appreciate you moving this bill
10 forward. Um, we do support the proposed bill. Um,
11 RWDSU along with a smaller, a small cohort of other
12 unions in New York have advocated for labor peace for
13 ages. As you well know, in 2016 we worked with Mayor
14 de Blasio to pass Executive Order 19, which requires
15 labor peace for subsidized retail projects in New
16 York City. We've also established labor peace at the
17 state level for the cannabis industry, where we
18 representing the majority of the workers in the
19 industry, as well as the Port Authority of New York
20 and New Jersey, which has a labor peace clause for
21 airport contractors, where we representing thousands
22 of concessions and catering workers. All of this is
23 to say is that there is substantial precedent for
24 requiring labor peace, um, where appropriate. Um,
25 and given our history with labor peace, specifically

1 focusing on Executive Order 19, um, I would like to
2 speak about a particular concern we have with the
3 current bill as proposed, which is the arbitrary
4 threshold of 1 million dollars in discretionary
5 subsidies. Ah, similar to EO 19, which also requires
6 a 1 million dollar threshold, um, as well as other
7 arbitrary thresholds around, ah, square footage of
8 business, number of employees, etcetera, um, these
9 thresholds have severely restricted the, the utility
10 of this law. As an example, there are several
11 projects subsidized by New York City where businesses
12 receive just under, like literally just under the
13 threshold of 1 million dollars in subsidies and are
14 not subject to labor peace, whereas several projects
15 receive just over 1 million dollars are subject to
16 it, and there's no rationale difference between those
17 project sizes that would merit, ah, such a threshold.
18 And in fact it actually encourages companies to
19 finagle the subsidy process to arrive just under such
20 thresholds to avoid the standard. Um, so let me
21 speak to a bit of background. Um, the purpose of
22 labor peace is to protect the city's investment in
23 these projects. To be clear, that is the actual
24 purpose of why labor peace is something the city has
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1
2 the authority to mandate. And what this, ah, the
3 city's investment interest is called quote unquote a
4 proprietary interest and the city is protecting that
5 interest from labor strife. So the idea is that the
6 city where it has invested in, in a project through
7 discretionary subsidies, through a land lease, ah,
8 where sort of where it's expecting a return on
9 investment, the city wants to protect that investment
10 from labor strife and therefore would require the
11 contractors to, ah, engage in labor peace. Um, and,
12 ah, and, and so there's no arbitrary threshold that
13 actually determines the proprietary interest. And so
14 we encourage the city to engage in more discussion
15 on, on that issue, um, in order to, ah, arrive...

16 SERGEANT AT ARMS: Time expired.

17 LAWRENCE BEN: ...at the right standard.

18 Um, I have a couple more comments, if you'll just
19 give me another minute, is that OK, Chair? I will be
20 quick.

21 CHAIRPERSON MILLER: Yep, go ahead.

22 LAWRENCE BEN: Thank you. Um, so I'll
23 note that, that removing the million dollar threshold
24 may capture some smaller projects, but in practice
25 there's really, you establish a stronger proprietary

1
2 interest argument through larger projects and unions
3 will typically not try to organize smaller businesses
4 anyways. So although a smaller business may be
5 covered by the provisions of this bill if we remove
6 the million dollar threshold there will be no
7 practical impact on these smaller businesses. Um,
8 I'd like to speak to a couple comments, um, that,
9 that have been made so far. So the chair's question
10 about why so few projects are covered by Executive
11 Order 19. Um, so firstly the arbitrary thresholds.
12 Ah, our analysis is about five projects since 2015
13 have been covered by the, the standard. Um, but once
14 a project actually gets subsidized then it has to get
15 permits, it has to actually build out, which can be a
16 multi-year process. Then it has to find tenants. So
17 we're actually just now at the point at which
18 projects are beginning to be completed that were
19 subsidized back in 2016. And we are currently in, in
20 conversations with some of those employers. Um, so,
21 for example, a new portion of Hudson Yards is covered
22 by Executive Order 19. But they still haven't built
23 out their ground floor retail or found tenants. So
24 therefore there's actually nothing to do yet under
25 the executive order, ah, because there's no tenant to

1 actually enter into a labor peace agreement with.
2 And in fact, ah, Hudson Yards, again, because of
3 these arbitrary thresholds may try to build out under
4 15,000 square foot tenants in order to avoid coverage
5 under the law. So, again, these thresholds are
6 problematic. Um, as to housing and construction, um,
7 again, the EO only covered retail employers. So a
8 developer may build housing with retail on the ground
9 floor, but the housing portion is not subject to
10 labor peace, only the retail employer that comes in.
11 So that's why it's so narrow in scope and, and
12 similar to the construction, ah, that's not covered
13 by this. Um, and in as relation to the city's
14 comments, ah, the Fresh program in particular is
15 actually covered by the Executive Order 19. So, um,
16 this proposed bill would create no new standards for,
17 ah, fresh food groceries that are taking, ah,
18 subsidies through the Fresh program because they're
19 already covered by a labor peace requirement. Um,
20 and as to the on to ground specifics of contracts,
21 like seasonality, it's, that is a largely irrelevant
22 question for establishing whether the city has
23 proprietary interest in a project for determining
24 whether they can establish labor peace. So I'd love
25

1
2 to talk to you all more about this, we've got a lot
3 of background on this, and, ah, we really appreciate
4 you bringing this forward. We've been advocating for
5 this issue for a long time, and thank you to the
6 chair for giving us some extra time.

7 CHAIRPERSON MILLER: Thank you.

8 COMMITTEE COUNSEL: Thank you for your
9 testimony. The last panelist will be Pete Dorton
10 from Right to Recall.

11 SERGEANT AT ARMS: Time starts now.

12 PETE DORTON: Thank you, ah, Council. So
13 I, ah, was, ah, fortunate enough to testify back in
14 January about I'm one of the 850 terminated employees
15 of the Marriott Marquis in Times Square, which is a
16 nonunion hotel, and, um, after listening to everyone
17 this afternoon hearing that we, we nonunion people
18 need protection, and I think some people forget how
19 difficult it is to organize and, and try to get a
20 union into a corporation that is fighting you. And,
21 you know, I worked there for 16 years trying to get,
22 um, protections and now that the, the pandemic hit we
23 were all terminated and we have no protection. So
24 we, we organized ourselves and we got Right to Recall
25 legislation and we finally got introduced to City

1 Council and, um, thanks to Brad Lander and it's
2 cosponsored by, ah, Council Member Adams, ah, Council
3 Member Ayala, and, ah, ah, Council Member Reynoso.
4 Um, we unfortunately, you know, we need to get this
5 passed right away because the city is opening up.
6 The mayor is going to be opening up the city and we
7 need are jobs back.

9 CHAIRPERSON MILLER: OK, with, with all
10 due respect, could you speak to 2252? This hearing
11 is about 2252.

12 PETE DORTON: Right, so, so with that I
13 would, ah, just want to say that, you know, um, a lot
14 of nonunion workers need that union protection, but,
15 but it's difficult for us to organize when these
16 companies aren't letting us organize and, and we, we
17 need help with the organization to get a union behind
18 us, and, you know, and, and I'm, I'm an example of
19 how having, ah, no union protection, look where,
20 where we are now, you know, we are jobless, and we
21 have, we have no voice, and we're just trying to get
22 our voices heard, and I know that, that goes for all
23 the industries in New York City that are nonunion.
24 We, we need the union to protect us. Um, it's just,
25 you know, how do we get that protection if, you know,

1 we, we were thrown out? And I'm, and I'm sorry if I,
2 ah, if I'm speaking off topic, I'm just, you know,
3 we're desperate. We're, we're desperate workers
4 trying to, to survive this pandemic and we are New
5 Yorkers and we need City Council to help us.

7 CHAIRPERSON MILLER: Thank you, thank you
8 for your testimony.

9 PETE DORTON: Thank you, thank you.

10 MODERATOR: Thank you for your testimony.
11 That concludes the public panel. I'll now turn it
12 over to Chair Miller for any questions for the
13 panelists.

14 CHAIRPERSON MILLER: Thank you, Thomas.
15 So, um, the, there was a question, ah, that I did
16 have some concerns about, ah, the, the retail, ah,
17 subsidies, ah, involved here. Ah, say for instance
18 Hudson, Hudson Yard, is, is, is the retail portion
19 subject to, ah, subsidies? Do they have subsidies
20 available to the retail portion of the development,
21 or is it just, was it the land, is it whatever that
22 goes in, 'cause, you know, we were, we, you know,
23 often in, in, ah, in affordable housing, you know, it
24 is the units that are actually subsidized and, and
25 therefore, ah, ah, community space, retail space not

1 applicable in, in certain areas. Ah, what makes this
2 different? Could you explain that?

3
4 LAWRENCE BEN: Yeah, I, I can speak to
5 that, Chair, if that's OK.

6 CHAIRPERSON MILLER: Um-hmm.

7 LAWRENCE BEN: Um, the, certainly we
8 imagine some finagling has happened in that way
9 where, you know, they set up a separate LC for the
10 upper floor construction, um, similar to how some
11 housing is done, um, but it's a little bit hard to
12 track all of that, that. For Hudson Yards in
13 particular, um, so this is, this is the newer portion
14 of Hudson Yards that was approved and subsidized
15 since 2016 and therefore subject to the EO. Um, the
16 entire project was subsidized in sort of one lump...

17 CHAIRPERSON MILLER: Um-hmm.

18 LAWRENCE BEN: ...at least that's how I
19 understand it. And therefore any ground floor tenant
20 that's retail that also is, meets the other
21 thresholds, which has to be over 15,000 square foot
22 tenant and have more than 10 employees, um, would be
23 required to enter into a labor peace agreement.

24 CHAIRPERSON MILLER: And so do you have
25 any examples of, of, of folks who kind of, ah,

1 through some actions have, have tried to use certain,
2 the, the, the law, Local Law 19, ah, that, that
3 subsequently, ah, there were some compliance
4 grievances or some oversight grievances that, that,
5 and concerns, ah, that RSDW has had that, that you
6 know of?
7

8 LAWRENCE BEN: Again, it's still too
9 soon, um, as, um, ah, Krishna from the EDC noted, um,
10 no project that is covered by the EO actually has
11 employees in the retail portion yet. In other words,
12 we, there's no one to enter into a labor peace
13 agreement yet with the union in any of these
14 projects, and it's just simply because [inaudible]
15 time.

16 CHAIRPERSON MILLER: OK, OK.

17 LAWRENCE BEN: We are close, though. I
18 mean, hopefully we will have an answer for that in
19 the next few months.

20 CHAIRPERSON MILLER: Hopefully yes, and
21 hopefully that, that this is just hyperbole and it
22 doesn't happen and, and that, you know, things work
23 as they were intended to work and, and if, and then
24 we don't have to revisit it.

25 LAWRENCE BEN: Yeah.

1
2 CHAIRPERSON MILLER: Ah, ah, Executive
3 Director Garrido, good, good morning again, sir. Is
4 there a, ah, you know, we did talk about, ah, we
5 spoke specifically, ah, about the school bus industry
6 and, and some of the precedents that have occurred
7 there, ah, with contracts, ah, ah, ah, rolled into,
8 or rolled into RFPs until the challenge, ah, by, by,
9 by Bloomberg administration and, and we saw, ah,
10 quite frankly a, a middle class industry, ah, with,
11 with experienced, ah, workers, particularly bus
12 drivers and matrons, um, see their quality of life
13 greatly diminished because of that. Um, and, and so
14 that's a two-parter. Ah, do, do you foresee
15 something like that occurring and in the case that,
16 ah, ah, wages and benefits are rolled into RFPs,
17 which had been previously negotiated, um, that, ah,
18 there needs to be additional provisions to ensure
19 that that happens in, in perpetuity, regardless of
20 who gets the contract and/or who, who the mayor is.

21 HENRY GARRIDO: Right. So I, I see a bit
22 of a parallel. I think there are fundamental
23 differences in, in the, the proposal for the bus
24 contract and I think the biggest issue is the federal
25 preemption law and whether in fact this bill, you

1 know, would do that. I think this bill doesn't do
2 that. This bill provides simply a labor neutrality
3 and a peace agreement which allow the workers to
4 choose a union, um, and to the second point, look,
5 let's be honest with you. Even with, imagine the
6 Bloomberg administration for years this industry has
7 been defunded. Ah, it has not been properly provided
8 for and I think that when you heard the testimony
9 from the Health and Human Services Council the city
10 does have a responsibility in setting wages. The
11 difference, though, is that under the City Charter
12 when there are wages that are on the collective
13 bargaining agreement in the charter then when the
14 city contractor has an obligation to fulfill that
15 responsibility and I submit to you that the reason
16 why so many of these workers, thousands of them, have
17 been underpaid and undervalued and, um, did not have,
18 ah, job security, did not have, ah, retirement
19 security, did not have proper health insurance, it's
20 because they don't have a union. And so the
21 industry, I mean, the, the sector, I should say, has
22 been trying to advocate for all these things that
23 include increasing living wage or prevailing wage or,
24 or retirement security for all, ah, separate from the
25

1
2 legislation, those are piece, in our opinion,
3 piecemeal approach to the bigger question, which is
4 do you have an entity that not only advocates for
5 these workers on a permanent basis, ah, not just for
6 the providers, but for the workers themselves, right,
7 do we have a mechanism to, ah, adjudicate dispute
8 within the workers. Do we have a mechanism to
9 address long-term turnover and sustainability of the
10 sector? And so if the city wants to be responsible
11 by providing all these services to the hundreds of
12 thousands of people that are affected, both the
13 workers and the people are affected, why not have a
14 mechanism to do that? And so what we've been able to
15 do in the public sector, which we do now, we
16 represent a lot of social services and a lot of other
17 unions, ah, titles that would be covered under the
18 public sector is we've been able to do and where the
19 are difficult issues or health insurance, whether
20 there's pensions, salaries, we do it in a [inaudible]
21 that, you know, the city's economic, um, ah, reality
22 doesn't outweigh the, the current and existing
23 situation, and I think that for social services
24 workers, who are workers that are covered under a
25 contract with the City of New York that would be a

1 profoundly different tool that the city could
2 [inaudible] to, I should say, that the city could use
3 to both not only raise wages and eliminate the kind
4 of turnover we're seeing, but also to create a fair
5 process where those workers can adjudicate their
6 problems and where we have a sustainable workforce
7 that can serve the public and sometimes the most
8 vulnerable population consistently.
9

10 CHAIRPERSON MILLER: You know what, I, I,
11 I agree and, and, and that kind of brings to light
12 the, the conversation that we've been having probably
13 for the last seven-and-a-half years about the work
14 that we have done in the council on behalf, with the
15 best of intentions on behalf of, of working families,
16 working people here in New York City. Um, I would
17 submit that the work that we've done has, has been
18 great, but oftentimes it's been a floor. Not only
19 has it set a floor and, and not the ceiling, it has
20 probably prohibited, ah, workers from achieving, ah,
21 ultimately the fair compensation, ah, because when we
22 start talking about living wages, ah, living, what,
23 what, what is that, you know, ah, is it, is it
24 industry standard? Um, who decides what that living
25 wage is? Ah, are the benefits and, and fringes that

1
2 go along with it that create the kind of quality of
3 life that, that, ah, mitigates the need for the type
4 of attrition that we see in these industries. As you
5 said that first opportunity that, that early
6 childcare developers that, that require, ah, that do
7 the same work, that require the same, ah, academic
8 certifications, and get paid \$25,000, \$30,000 less,
9 first chance they get to leave, ah, and the same
10 would, would apply to in the human service industry
11 and, and come over to, to a city-ran agency, ah,
12 which, which is unionized, which has, ah, these
13 benefit packages they're, they're not gonna leave,
14 right? So the quality of deliverable of services
15 really depends on not just, even me in my expertise
16 and, and, and, and contract negotiations and, and
17 experience, ah, in, in that area, you know, I don't
18 have the ability and resources to negotiate for these
19 workers. Therefore, um, anything that we do in terms
20 of passing laws, um, really omits the most important,
21 the, the, the second-most important component to, to
22 lifting up workers after the right to organize is the
23 right to collective bargain, right? And, and, and if
24 that's not there, you know, the standard is not what
25 the standard can be.

1
2 HENRY GARRIDO: Right. I mean, Mr.
3 Chair, and if I may, I think that the analogy that
4 was already in place by the administration with
5 regard to what happen our [inaudible] workers and
6 [inaudible] is a pretty good, you know, analogy for
7 this. First of all, we're not being, we're not
8 [inaudible]. The City Council in New York City has
9 set the standards about how workers should be treated
10 and I think applauded you for it. And we're not
11 denying the progress that has been made over the last
12 seven years under the administration, seven-and-a-
13 half years, ah, in terms of how do you treat workers.
14 But we need a permanent structure here. We, we
15 cannot just be on the basis of well, we negotiated,
16 ah, a budget so maybe we can do something direct care
17 here, we're doing direct care there. And one thing
18 that we're, has not been said is the union is giving
19 up one thing, very critical component, to what has
20 been a tool to unions, which is the right to strike.
21 Because if we were to strike in those industries, to
22 demand what would be fair, which is equal pay, not
23 better pay, just equal pay, equal pay, equal
24 protection under the law, you know, especially in
25 what we've been through, you know, in this, this

1
2 moment of the pandemic. You know, health and safety
3 measures.

4 CHAIRPERSON MILLER: Absolutely.

5 HENRY GARRIDO: Um, [inaudible] standards
6 where people will be, you know, protected in the work
7 place. If we were to strike, if we were to do a work
8 stoppage, who would be affected, right? Senior
9 citizens, people who need to work, right, the most
10 vulnerable population would be affected by that. So
11 we want to be a responsible union and saying we don't
12 want to have any kind of work disruption. There is
13 another way. And in exchange what we asking for and
14 giving that process, that tool, is simply we just
15 want a peace process. I want to emphasize the word
16 peace. A peaceful process by which the workers can
17 elect to have a union [inaudible]. It doesn't force
18 them. It doesn't obligate an employer. It gives the
19 workers a choice without having to go through that,
20 that, the war that it sends up with both employer
21 and, and unions set on the one side and beginning to
22 have a fight. So that's what we're asking for, and
23 we think under the circumstances this is only fair.

24 CHAIRPERSON MILLER: Thank you, Mr.
25 Director. Ah, Council Member Rosenthal. Good

1 morning. How are you? Ah, Helen Rosenthal has a
2 question.
3

4 COUNCIL MEMBER ROSENTHAL: Great. Thank
5 you so much. Thank you, Chair. This has been a
6 great hearing. I really appreciate your moving this,
7 um, idea along. Um, I do have a question for, um,
8 Executive Director Garrido. Um, but I want to sort
9 of explain my thinking first. Um, you know, I'm a
10 huge proponent of paying these essential workers as
11 much as humanly possible. Um, I think they should be
12 paid in the same, um, payment range as construction,
13 as union construction workers. Um, the work they do
14 to, um, foster healthy communities is critical to our
15 city. I think that, um, the city has for years taken
16 advantage of the fact that the human services sector
17 is a mission-driven sector that has the capacity to
18 raise money from private donors and for that reason
19 all three levels of government, the federal, the
20 state, and the city government, um, don't pay for a
21 hundred percent of the work. If the city were doing
22 the work itself, if the city had its own city
23 employees for senior centers, for example, they would
24 be probably unionized, DC37 union, um, and, and, and
25 that would all be great and appropriate. But they're

1 not. They're these mission-driven agencies that grew
2 out of religious institutions that provided care for
3 the poor for no money or very little money. That's,
4 that's just the history of it. And I am, you know, a
5 thousand percent in support of these workers
6 unionizing. I'm in a thousand percent support of
7 them being paid what they should be paid. I think
8 what I don't understand is who's gonna pay once the
9 contracts, once we've gone through a negotiation and,
10 you know, Henry, you might say oh, Helen, you're
11 getting a step ahead of yourself. Let's just first
12 say let's give them the right to organize. Of
13 course, of course. But I really, unless we add a
14 provision to this bill saying that all levels of
15 government or city government has to make up the
16 difference in pay so the burden doesn't fall on the
17 social service provider, I guess from a practical
18 standpoint I don't understand how it works. Like
19 another way to do this is just make these all city
20 services to release, you know, make them government-
21 run services and then, you know, we'll be
22 accountable. But right now we're not and I just,
23 this is an issue that, I'm sorry to keep yammering
24 on, but this is an issue that I've thought about for
25

1
2 all eight years and have tried to come up with
3 legislation that would require, um, you know, market
4 rate payment, you know, a fair and just payment for
5 these workers. Um, I just don't know to effectuate
6 it. Can you help me with that?

7 HENRY GARRIDO: If I may. I think, I
8 think, let me address this in two parts. First of
9 all, much has been done about the discussion about
10 wages and, yes, we, we do have generally folks that
11 get paid substantially more with the union contracts
12 than in the nonunion contracts. So obviously there's
13 an inequity there that we're like to fix, and we
14 would do so by having, you know, the kind of
15 collective bargaining agreements, and the right to
16 collective bargain. It's a key issue. We don't want
17 to see that to be a result of an unfunded liability
18 for the providers.

19 COUNCIL MEMBER ROSENTHAL: Definitely.

20 HENRY GARRIDO: We definitely have to
21 advocate that the payment and the proper funding of
22 those, ah, positions and the subsequent [inaudible]
23 what we expect to be an increase as a result of
24 unionizing that is a fair wage, ah, ah, a living wage
25 and a fair wage that the city would have a

1
2 responsibility to fund it as, as, you know, as part
3 of the discussion. But I will submit to you that
4 wages are not, you know, salaries are not the only
5 issue. Yes, we want workers to get paid better.
6 Yes, we want them to have access to health insurance
7 and, and yes we want them to have...

8 SERGEANT AT ARMS: Time.

9 HENRY GARRIDO: ...[inaudible] pension.
10 But I will say to you...

11 COUNCIL MEMBER ROSENTHAL: Chair?

12 HENRY GARRIDO: Ah, I'm just answering
13 the question, that there's, there's another issue
14 here, which is do the workers have a voice in the
15 workplace, and I use health and safety as an example.
16 Right now, as we get back to work, as the mayor has
17 ordered the agencies to go back to work, unions are
18 working with several agencies doing preoccupancy
19 inspections, making sure that [inaudible], making
20 sure that there is an equality, making sure that we
21 negotiate with agency [inaudible] to make sure that
22 we observe social distancing, right? We have safety
23 and health rules to make the workers and the
24 employers feel more at ease about a transition with a
25

1
2 future pandemic. We don't have that with the
3 nonunion workers.

4 COUNCIL MEMBER ROSENTHAL: Right.

5 HENRY GARRIDO: We do not have that.

6 COUNCIL MEMBER ROSENTHAL: That's right.

7 HENRY GARRIDO: We cannot represent the
8 workers right now.

9 COUNCIL MEMBER ROSE: That's right.

10 HENRY GARRIDO: For them, many of them
11 [inaudible] often say we want to join the union and
12 as you said we didn't join this industry because of
13 the wages because, we, we did it because we believed
14 in a cause. We believed in a cause, but we don't
15 have ourselves mechanisms. You, you have
16 organizations that are fighting for a living wage and
17 for people to get out of poverty that are paying the
18 same poverty wages that they're advocating against
19 for the public.

20 COUNCIL MEMBER ROSENTHAL: [inaudible]
21 workers are living in shelters and they, the workers
22 are working another shelter.

23 HENRY GARRIDO: Correct, and I, and I, I
24 think that, that we want to be able to address the
25 situation and I personally, obviously I'm biased, I'm

1 a union person through and through and have been, but
2 I think the, the evidence is there that when you have
3 a unionized sector, as the chairman mentioned, the
4 [inaudible] services, you have a mechanism to address
5 this experience in a way that doesn't overburden the
6 taxpayers, but in a way it doesn't overburden your
7 providers who are going to leave. So I think there's
8 a mechanism for this and labor peace is one to do so.
9 So, um, the way to implement a lot of these very
10 complicated issues with retention and turnover is by
11 having a mechanism to do that, and one way to do that
12 is by having collective bargaining agreement. But
13 having a collective bargaining agreement you need a
14 union to do that. To have a union you need to work
15 [inaudible] and they don't have to be, ah, punished,
16 discouraged, and also for exercising their right to
17 do that, and that's where we're looking in this
18 legislation is to make it easier. Everybody agrees
19 to a peace agreement and a neutrality agreement and
20 let the workers decide. If the workers decide that
21 being in a union is not the way to do it, then so be
22 it. But we're looking for a mechanism to do so.

24 COUNCIL MEMBER ROSENTHAL: Everyone, I
25 mean, everyone would want to be. I'm a pure union

1 person because that's how, you know, we lift all
2 boats and so I'm a hundred percent committed to the
3 union. That's not my question. My question is sort
4 of who is obligated to pay for it right now. Is,
5 it's not, like in the, maybe we should take this
6 offline, I don't mean to belabor the point. But it's
7 just, get it, belabor. But it's just that these
8 mission-driven, um, nonprofits, I mean, unless we're
9 saying we want you to open up your books and show us
10 that some of your private sector money, philanthropy
11 money, sorry, some of your philanthropy money could
12 pay for higher wages and you're holding back on that
13 philanthropy money and instead working the workers
14 too hard and you're off setting up a new program and
15 you're underpaying your workers. I, I, I can see
16 that. Um, but I just think that, like can I give
17 another example like you gave with the pandemic? At
18 the beginning the homeless service outreach workers
19 met with me. They're not unionized. And they said,
20 you know, we're being asked to go out on the street
21 and we have zero protections. Remember, at the
22 beginning, like you were fighting for your workers,
23 how do we get PPP, how do we, our hours are out of
24 control, people don't want to come to work so other
25

1
2 people have to do multiple shifts. Our, we could
3 have benefitted from a union. And so, you know, one
4 of the things that I pushed very hard for was making
5 the argument to the city that eventually hazard pay
6 would be covered by FEMA and we must give these
7 people hazard pay 'cause we're asking them to do too
8 much, and I don't think, I mean we talked about it, I
9 don't know actually what eventually happened. But I
10 do know that the nonprofits around me basically
11 raised private money, philanthropy, that paid for an
12 additional, I forget, \$2 an hour, and they were, the
13 workers were a little bummed because another
14 nonprofit used philanthropy to raise enough money for
15 \$3 an hour.

16 HENRY GARRIDO: Exactly. That's exactly
17 the point about the...

18 COUNCIL MEMBER ROSENTHAL: Right.

19 HENRY GARRIDO: ...[inaudible] it broke my
20 heart...

21 COUNCIL MEMBER ROSENTHAL: I agree.

22 HENRY GARRIDO: ...in the middle of this
23 pandemic we were distributing PPE to our workers, and
24 some of these workers were working plastic bags to
25 protect themselves.

2 COUNCIL MEMBER ROSENTHAL: Absolutely.

3 HENRY GARRIDO: And to the extent that we
4 had any left over, we gave them, the union gave them
5 to the nonunion workers. But that shouldn't be. We
6 shouldn't be in a city this rich to do this. But in
7 short answer to your question, Councilwoman...

8 COUNCIL MEMBER ROSENTHAL: Yeah, please.

9 HENRY GARRIDO: ...the current City
10 Charter requires that if the city is entering into a
11 contract with a provider and there is a collective
12 bargaining agreement, then unless specified otherwise
13 that collective bargaining agreement reached has to
14 be paid by the city. That's in the charter right
15 now. So what we are hoping and expecting is that
16 that would be the situation.

17 CHAIRPERSON MILLER: And, and, and, and
18 that the RFP would reflect that.

19 HENRY GARRIDO: Yes.

20 COUNCIL MEMBER ROSENTHAL: Right.

21 CHAIRPERSON MILLER: Right? So, so they
22 know what the cost is going in, right? And that we
23 can no longer, ah, you know, earn the right, and
24 Helen, I think, I think that you brought up a very,
25 very valuable point because we're getting caught up

1 in the dollars and the cents and what we've learned
2 over the last year more than anything, ah, the
3 greatest value to, to, to organized labor and, and to
4 unions was, was, was safety and, and, and quite
5 frankly worker protection. We see it day in and we
6 see it day out, ah, that, that, that there is a, a
7 clear difference in, in a workforce that is, that is
8 represented by organized labor and those that aren't
9 and it's unfortunate, ah, those essential workers
10 during, doing the same work during, ah, not just, ah,
11 on a regular basis, but it was heightened during the
12 pandemic, ah, as to how they were being, the
13 workforce was being managed, right? And if you don't
14 have someone to advocate on your behalf to set
15 standards on your behalf, then, you know, that's,
16 that's a problem and we cannot get caught up in that
17 because there is so many folks now in the midst of
18 this pandemic and organized and not organized that,
19 you know, we've retreated to the canary in the coal
20 mine under this pandemic.

22 COUNCIL MEMBER ROSENTHAL: Yeah.

23 CHAIRPERSON MILLER: How much workers
24 take? How much can workers endure? How much can we
25 get away with before, you know, it interferes with

1
2 that we can't hire anyone else 'cause we have to hire
3 a, you know, a three, a one for three situation...

4 COUNCIL MEMBER ROSENTHAL: Right.

5 CHAIRPERSON MILLER: ... and all the
6 things that we see. Even in municipal government
7 where people are, are organizing, that, that workers
8 are no longer just working double shifts, but they're
9 working triple shifts, that we have to get back to
10 the nexus of what organized labor is, right? And,
11 and that is the health and safety of the workers and,
12 and, and we're getting, this conversation is going
13 beyond that, right, and, and, and when you talk to
14 the director, um, and, and you talk to RSDWU that,
15 you know, wages are important, but right now we're
16 just talking about saving lives, right, and, and, and
17 how do we keep people safe, and, and there's a
18 distinct difference in a union shop and a nonunion
19 shop when it comes to that.

20 COUNCIL MEMBER ROSENTHAL: Yeah.

21 CHAIRPERSON MILLER: And, and we've just
22 seen it over the past year and, and we want to return
23 better than left [inaudible] opportunity.

24 COUNCIL MEMBER ROSENTHAL: Yeah, thank
25 you, Chair Miller, and I'll wrap up. I appreciate

1
2 your time and your indulgence. I, I guess I would
3 just ask that as part of this conversation that there
4 is a task force or a working group to sort of, um,
5 get through the tangled web of financing for these
6 mission-drive nonprofits.

7 CHAIRPERSON MILLER: And, and I will take
8 the goal and, and, and no other goal nor should it be
9 the burden of the organization to figure out how to
10 pay these wages, right, and, and, and that, you know,
11 when there's bargaining it's in the RFP. That,
12 that's kind of taken care of, right?

13 COUNCIL MEMBER ROSENTHAL: Got it.

14 CHAIRPERSON MILLER: And, and the
15 contract will take care of that. And, and, and I
16 know before we wrap up we, we had, ah, we had the,
17 ah, service, ah, providers that wanted to jump as
18 well as RSDW, but we can start with service
19 providers.

20 MICHELLE JACKSON: Yeah, thank you so
21 much, ah, Chair Miller, I appreciate. And, and thank
22 you, Rosenthal for, ah, Council Member Rosenthal, for
23 bringing that up, because I think that's definitely
24 one thing that, that we're concerned about with this
25 bill. Um, one component from the Human Services

1 Council's perspectives is that unions have
2 historically not raised the wages for human services
3 providers at our member organizations. HSC has
4 members who are unionized and the limitations have
5 always been city contracts, um, and if to the extent
6 that that provision is there we've never seen it
7 executed effectively up until this point. Um, I
8 think one other concern, just about the price tag of
9 this bill that we have is that the bill imposes an
10 unfunded mandate to the extent that all employees
11 really should work with a labor counsel to talk about
12 and negotiate these labor peace agreements and we're
13 worried that there's just simply not enough pro bono
14 lawyers for us to, for every single human services
15 provider who has a contract to make sure that those
16 costs would be covered and that it could be done
17 effectively. So there's just a lot of questions
18 about the, the cost of this, um, that we would love
19 to be brought to the table, ah, meet with you, meet
20 with the speaker, who's the prime sponsor of this
21 bill, and really hash out like what this would look
22 like in practice. I think, um, based on the opening
23 remarks, um, from this hearing if the intent here is
24 to raise the wages for this essential human, for the
25

1
2 essential human services workforce, which is
3 something we're, we're fully behind and, um, Council
4 Member Rosenthal, we've been working with you on for,
5 for years. But if that's the intent of the bill the
6 city can just do that. These are city contract
7 employees whose salaries are, are set, you know, by,
8 by city agencies through the RFP process and, and,
9 um, and through the contracting system. And like
10 that can be done and that can be done, um, by the
11 city like right now if, if that was, if that was the
12 goal.

13 CHAIRPERSON MILLER: Well, well, kind of
14 if you left it up to the city you would end up with a
15 living wage, right, which is not a living wage and,
16 and the provisions that really lift, ah, workers I, I
17 think, again, that doesn't happen here in the council
18 and it doesn't happen in City Hall. Um, there are
19 experts that really do that, that, that create
20 industry standards that, that do really do the in-
21 depth work that, that come up with these compensation
22 packages and, and, and that is organized labor and,
23 and that kind of, I, I think that's, that's the nexus
24 of where we're trying to get to. But we, I think
25 we're all in agreement that we should not ask about

2 is to bear the burden. And, um, ah, RSDW. Could you
3 unmute?

4 LAWRENCE BEN: Ah, yes, OK, here I am.
5 Hi, everybody. Ah, sorry, Josh Kellerman with RWDSU.
6 Hello, Council Member Rosenthal, thank you for your
7 comments.

8 COUNCIL MEMBER ROSENTHAL: Great to see
9 you...

10 LAWRENCE BEN: Great to see you, too.

11 COUNCIL MEMBER ROSENTHAL: And I'm
12 [inaudible] working with you trying to unionize a
13 nonprofit that was in a similar bind.

14 LAWRENCE BEN: Thank you. I was just
15 going to mention something about that. So we
16 recently won a, won a vote, ah, to represent the
17 workers at Housing Works, who do some city
18 contracting, and the, the thing about financing, I
19 say this somewhat tongue in cheek, but there's a
20 reality here, that they spent hundreds of thousands
21 of dollars on a white shoe law firm to bust the
22 union.

23 COUNCIL MEMBER ROSENTHAL: Yes, yeah.

24 LAWRENCE BEN: That's where some money
25 could come from to raise wages of the workers.

2 CHAIRPERSON MILLER: [inaudible] Rose.

3 LAWRENCE BEN: [laughs] Yep, if they were
4 required to be neutral.

5 CHAIRPERSON MILLER: [inaudible]

6 LAWRENCE BEN: Then they would have
7 just...

8 CHAIRPERSON MILLER: We know all the math
9 there, yeah.

10 LAWRENCE BEN: And so this is partly
11 where it comes from, and I'll just, you know, just
12 the big picture is that what we're simply trying to
13 do is to right the wrongs of federal labor law, that
14 federal labor law makes it nearly impossible to
15 organize and the city has the ability and some
16 specific ways to right, to, to balance the, the
17 tables here, to balance the scales in organizing, ah,
18 so that employers are neutral and can't utilize all
19 the loopholes in federal labor law to bust a union.
20 Um, and, and, you know, and so where, of course we
21 need to think about the financing, of course we need
22 to think about some other details here but, um, big
23 picture, this really is just about workers having a
24 voice, um, and, ah, and we thank you for moving this
25 bill forward.

2 CHAIRPERSON MILLER: Thank you, thank
3 you. Um, do, do any of my other colleagues have
4 questions? Any further, Helen?

5 COUNCIL MEMBER ROSENTHAL: I do, but I'm
6 trying to be polite.

7 CHAIRPERSON MILLER: Helen, jump in,
8 because, you know, we, we want to make sure that we
9 have as much information as possible. Ah, that's
10 what we, when, when we, ah, our opening statement
11 said that we want to explore pros and cons and
12 unintended consequences, and so...

13 COUNCIL MEMBER ROSENTHAL: Thank you,
14 Chair Miller.

15 CHAIRPERSON MILLER: ...feel free to do
16 so.

17 COUNCIL MEMBER ROSENTHAL: Thank you.

18 CHAIRPERSON MILLER: Um, this is going to
19 be kind of, ah, the background of, of, of, ah, of the
20 information that goes to administration that, that
21 those two, ah, the, the service providers as well as
22 the unions and, and see if we can get to the core of
23 how we get this done, right, and, and if there needs
24 to be any such amendments, and if not we need to just
25 move forward. So, but we need to talk it through.

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2 With that, we also need to be in the transportation
3 hearing that is happening simultaneously, OK?

4 COUNCIL MEMBER ROSENTHAL: All right, I
5 promise. One quick minute, one last question, um,
6 for Director Garrido. To MG's point that he just
7 brought up that it's in the contract, if what you're
8 say, you understand this so much, you understand
9 this, so if it's in the charter now then why, why
10 can't we force the city to do it now?

11 HENRY GARRIDO: That's, that's actually a
12 very good point. The reason is because only 18% of
13 the sector is unionized. So you don't have enough
14 unionized workers in the sector to raise the wages
15 pursuant to the contract, and you have sort of
16 contract, the contract provides competing with
17 nonunion contractors and trying to compete and doing
18 it big in a budget with compressed wages. So we, we
19 sort of like, it's sort of like a self-fulfilling
20 prophecy, right, that you set the wages by the city
21 with negotiations after you select through a
22 procurement process, but because the vast majority of
23 workers are not in a union you're not raising the
24 sector as it is, and I make, I make the example of
25

1 the, and maybe example that contrary to what was said
2 when DC37 took over negotiations [inaudible]...

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4 COUNCIL MEMBER ROSENTHAL: Yes.

5 DIRECTOR GARCIA: ...pay equity, we've
6 been talking about this for 20 years...

7 COUNCIL MEMBER ROSENTHAL: Yes.

8 HENRY GARRIDO: ...and how we were able to
9 do that, complicated negotiations that include the
10 labor reserve, we managed to come into the city and
11 say here's some things that we can do, and we managed
12 to get it done. And we raised the wages immediately,
13 you know, upon taking over the, the, the organization
14 that was a nonprofit affecting thousands of teachers
15 and non-teaching alike. So I think that, so in our
16 defense we, we have a short but true record in our
17 union having delivered that. What, what has
18 transpired is because the majority of the, of the
19 sector is not a union it's hard to effectuate changes
20 through the nonunion workers when you have no right
21 to represent, and to say that if you have 18% to 20%
22 of the unionized workforce getting paid more than the
23 nonunion within the same scope of contracts, that is
24 incredible. That's an inequity that, that exists
25 right now. But we deal with this all the time.

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2 COUNCIL MEMBER ROSENTHAL: It sounds like
3 it's illegal. I mean, shouldn't then the AG be going
4 after the city to force them to pay all titles the
5 same? I mean, because the deal that you made happen,
6 which, you know, everyone is grateful for, for sure,
7 um, and it did involve the city making up the
8 difference, not the nonprofit, but still there were
9 through special needs, um, daycare providers and
10 others that, you know, unfortunately were left out
11 because, you know, I don't know how you do all you do
12 in the first place.

13 HENRY GARRIDO: And, and part of that is
14 because what I mentioned about the labor reserve,
15 which is a key component of what we were able to do.
16 The labor reserve only covers the unionized workers.
17 It doesn't count the nonunion employees. And I don't
18 have legally the ability to use any kind of leverage
19 of existing unionized represented workers to create
20 any kind of fund to help out how you move funding for
21 the city. So the answer to your question, it is not
22 illegal because all the charter says is that you have
23 to pay the wages that is consistent with the
24 collective bargaining agreement. If you have a
25 collective bargaining agreement they're paying those

1 wages. But if you don't have one they don't have to
2 pay it, and that's precisely our point, that if you
3 had a union then you would be covered by a collective
4 bargaining agreement and by nature you would have to
5 pay the higher the wages. So it's just, it's cause
6 and effect, right, it's this, and, and to us I think
7 it, but I want to emphasize wages is not the only
8 reason why we're doing this.

10 COUNCIL MEMBER ROSENTHAL: Sure, sure,
11 yep, yep.

12 HENRY GARRIDO: Because living wage in
13 the past, ah, a prevailing wage, has not led to the
14 kind of worker empowerment that have led to the
15 transformative needs and quite frankly have led to
16 more unfunded liabilities for the providers.

17 COUNCIL MEMBER ROSENTHAL: Right.

18 HENRY GARRIDO: Because this is for them
19 as well. What we're asking for is a partnership with
20 the city for neutrality. Let the workers decide and
21 then we come in to ensure to continue the lobbying,
22 not only behalf of the workers but on behalf of the
23 providers as well who would be benefit by unionized
24 sectors, as we've seen in other sectors, like the
25 childcare sector.

2 COUNCIL MEMBER ROSENTHAL: Henry, I'm
3 grateful for your work, and I, I'm, thank you, Chair
4 Miller, for giving [inaudible] time.

5 HENRY GARRIDO: Thank you.

6 CHAIRPERSON MILLER: Thank you so much.
7 Ah, do we have anyone else in, ah, any of the other
8 members that have questions?

9 MODERATOR: Chair, Council Member Adams
10 has her hand raised.

11 CHAIRPERSON MILLER: There ya go.
12 Council Member Adams?

13 SERGEANT AT ARMS: Starting time.

14 COUNCIL MEMBER ADAMS: Yes, sir. Thank
15 you so much, Chair Miller. You know, ah, this has
16 been such a compelling hearing for me, ah, this
17 morning, and I know that, that we got to get out to
18 Transportation, but I, I just had to make a
19 statement. Um, you know, there are just so many, you
20 know, levels again that we've reached, um, in another
21 of what I [inaudible] hearing, um, Executive Director
22 Garrido you are golden, um, for New York City, um,
23 and for, um, for workers, you know, everywhere. Um,
24 it, it's, the, the testimony that we've heard this
25 morning, everything from the gentleman that said, you

1 know, how do we unionize, how do we do this, how do
2 we get help to do this. You know, I've heard that
3 also in my district, um, where we've had, you know,
4 several incidents of people being hurt that were not
5 a part of a union. What do we do about that? I
6 think this legislation covers all of that. But the
7 mere fact that we are here, um, asking these
8 questions and hearing the testimony, and hearing the
9 answers, the results, and, but the magnitude of what
10 this legislation is going to do for nonunionized
11 workers across the city is immensely powerful. You
12 know, um, my colleague, ah, Council Member Rosenthal,
13 you again were reading my mind and that's why you're
14 one of my mentors in the council. How do we do this?
15 How do we pay for it? Who's gonna do this? Who's
16 gonna handle? And I think, um, Henry, you were just
17 spot on, you know, with your response and, you know,
18 and the reason why we're doing and the reason why
19 this legislation is so needed across the board. So I
20 just wanted to make sure that I got my remarks on the
21 record. I think that this hearing has been
22 remarkable and, ah, and this legislation is sorely
23 needed. So, ah, thank everybody that testified this
24 morning, um, for, you know, enlightening all of us on
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1
2 this important issue, even though, I was gonna say
3 for the most part, I can't speak for all of my
4 colleagues, but I, I know for the members of this
5 committee, and I see my chair smiling, we are totally
6 dedicated to this cause, ah, and, and to, and
7 creating equity for our workers in the City of New
8 York. So I thank you all very, very much. Thank
9 you, Chair Miller, for giving me a moment.

10 CHAIRPERSON MILLER: Thank you so much,
11 Council Member Adams, and thank you for being a part
12 of the work and, and, and everyone on the committee
13 for being a part of this work, just committing, ah,
14 'cause we do a lot of work outside of the hearings,
15 um, and, and, ah, I'm, I'm so grateful to, to have
16 each and every one of you as part of the committee
17 because you want to be a part of this committee, that
18 you want to serve working families here in the City
19 of New York, and you want to be thoughtful and figure
20 out how we, ah, lift workers and how we compensate
21 and we value and appreciate workers, essential, ah,
22 how we define particularly those communities of, of
23 color and, and immigrant communities that have been
24 underrepresented, how we bring them into the fold.
25 You and I represent a, a, a southeast Queens

1 community that has the, the highest density, union
2 density nearly in the nation, and, and, and it's not
3 an accident, ah, that we also have the highest
4 African American home ownership and upward mobility,
5 right, that they're not mutually exclusive, that that
6 is the way that it happens, and that is what we want
7 to be able to share with all workers. And, and, and
8 so we, we work hard to, to do that. And so I, I
9 thank you, ah, for being a part and I thank you, the
10 members of the committee, for supporting the work
11 that we do here. Ah, to all the folks that are
12 testifying today, we look forward to working with you
13 in the future in passing this legislation, to get it
14 to a point that we know, um, that it, it can be done.
15 We know it can be done but, more importantly, how it
16 will be done is, is, is more important. And so we
17 look forward to that and if there are no other
18 questions, no other hands, ah, I thank everyone, ah,
19 for joining us here this morning, ah, the work
20 continues, [inaudible] continue, look forward to
21 working with each and every one of you. And with
22 that [gavel] the hearing is adjourned. Thank you.

24 MODERATOR: Thank you.

25 CHAIRPERSON MILLER: Thank you all.

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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 June 26, 2021