



**Testimony of Ed Ott, Executive Director of the
New York City Central Labor Council**

**Before New York City Council
Committee on Civil Service and Labor**

May 31, 2007

Good Afternoon, Chairman Addabbo and members of the Committee on Civil Service and Labor. My name is Ed Ott and I am the Executive Director of the New York City Central Labor Council/AFL-CIO, a federation of 400 affiliated local unions representing one-and-a-half million working men and women in New York City.

As the country's largest municipal labor federation, the Central Labor Council has always worked to support and advance New York City's workforce, especially in the areas of a worker's safety, health, and welfare on-the-job. Our city's workers are at risk in countless ways every day. Whether an EMT or hospital worker dealing with a multitude of contaminations, a sanitation worker picking up hazardous substances, or a rescue workers breathing the atomized air of the World Trade Center after 9/11, our city's workers can work in very dangerous conditions and in some cases put their lives on the line every day.

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The Central Labor Council **strongly supports** Intro. 507 and thanks Council Member Gennaro for introducing this important bill regarding worker safety, and most importantly, worker protection. Intro. 507 will require city agencies to include the critical information detailing on-the-job injuries or illnesses experienced by City workers be made publicly available. This information will help in identifying the most hazardous workplaces throughout the city and provide us the knowledge and the facts in order to develop the most effective safety and training programs to protect our workforce.

I want to thank Chairman Addabbo and the Committee for allowing me the opportunity to testify today on this important matter of worker protection.

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**Testimony of
Joel Shufro, Executive Director
of the
New York Committee for Occupational Safety and Health (NYCOSH)
before the
New York City Council Committee on Civil Service and Labor
May 31, 2007**

I am here on behalf of the New York Committee for Occupational Safety and Health to testify in favor of Intro 507 amending Local Law 41 of 2004.

NYCOSH is a coalition of 200 local unions in the New York metropolitan area and several hundred safety and health professionals, lawyers, doctors, public health advocates and rank and file workers – all dedicated to preventing workplace injuries and illnesses.

The current law requires agencies to collect and transmit information about workers' compensation claims to the mayor's office. This information is detailed in section of the law subsection c-1, Section 1, Section 12-127. Unfortunately, subsection c-3 of Section 1, Section 12-127 of the law was written to require mayor to prepare a report with some of the information transmitted. He is not forbidden from using all of the information transmitted, but the Law Department chosen to interpret the law narrowly.

The consequence has been that the information provided in the report fall far short of what is needed to develop a rational, reasonable plan to determine which job categories and type of injuries city workers are suffering within each agency. Consequently, the City cannot have an effective hazard prevention program which targets jobs in which workers suffer injuries or

of intervention.

We know that such prevention programs can reduce direct and indirect costs dramatically – thereby improving productivity. For example, major corporations such as Verizon, Texas Instruments and other major corporations throughout the country have introduced ergonomics programs that have saved the company millions of dollars in workers' compensation costs. Nursing homes in the western part of New York State, as well as throughout the country, have introduced zero lift programs and have cut back injuries to almost zero – saving hundreds of thousands of dollars within a year or two.

The mayor has repeatedly asked the municipal unions in negotiations for productivity improvements. We believe reducing workplace injuries and illnesses is the most effective way to achieve those gains. Not only does the city save because there would be less down time, but the indirect costs of recruitment, training and retraining be realized and the legal costs and other friction costs of defending city would be reduced.

We are at a loss to explain why the city has refused to prepare a report which would allow the identification of jobs in which workers suffer the most dangerous costly or most frequent injuries. We understand that the City Law Department may be concerned that information about individual cases may be released. We have no interest in information in obtaining through this law information about an individual case. We are interested in aggregate data which would allow us to develop programs that would allow us to target job categories suffering the most injuries and illnesses so intervention programs could be instituted to prevent such injuries and illnesses. But what is more troubling is the city's refusal to meet with us to even discuss the issue. We have called and written letters to request meetings so we could discuss this issue. We know the members of the Council have done the same.

It is not that there would be additional costs in collecting the information we are requesting.

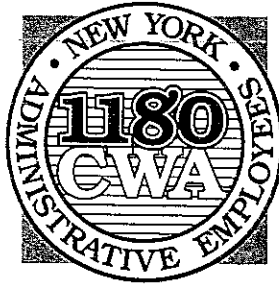
Local Law 40 already required that information we are requesting be transmitted to the mayor under the current law. They have just chosen not to use it in preparing reports to the City. However, what is totally incomprehensible, however, is that we have requested the information under the Freedom of Information Law – a request the city has refused to comply with for over a year. It is one thing for the city to interpret Local Law 40 strictly and comply with it; it is another to fail to provide information that it is required under the State's Freedom of Information Act.

Let us be very clear. Passing this law will not in and of itself make workplaces safer or healthier. But it will provide information which would allow the City to develop an effective program to target the most dangerous workplaces. Without this information, the city cannot have such a program.

Finally, while we think the city would benefit from instituting such programs, the real beneficiaries would be City employees themselves. Whatever costs the City saves by reducing workplace injuries, pales in the reduction of the human suffering that the workers of this city would experience if we could intervene to eliminate workplace hazards and reduce the unnecessary suffering workers and their families experience from job related injuries and illnesses.

LOCAL 1180

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ARTHUR CHELIOTES
President

Testimony in Support of Intro. No. 507
Workplace Safety Legislation

by Bill Henning
Vice President
CWA Local 1180

The Council of the City of New York
Committee on Civil Service and Labor

May 31, 2007

We are here today in support of Intro 507, which amends a law passed two years ago requiring the City of New York to report on workplace injuries. Unfortunately, the report issued last May, while in technical compliance with the law, in large measure failed to provide meaningful information from which to build a safety program that would address the causes and types of injuries and illnesses sustained by dedicated city workers in the performance of their duties.

That is why this bill is sorely needed. I want to focus specifically on one aspect of this bill which we find to be critical to the development of a successful injury prevention program. The amendment to Paragraph 3 of subdivision c of section 12-127 of the administrative code of the city of New York requiring that “the information gathered pursuant to paragraph (1) of subdivision c of this section, disaggregated by agency, job title, and the city as a whole” will allow the city, with the participation of its unions, to devise and implement programs to protect workers from the debilitating injuries they suffer now, and to spare the city the costs associated with preventable workplace injuries and illnesses. This provision will require the city to capture the trouble spots in workers compensation claims. Are a significant number of workers sustaining injury or illness in a particular agency or workplace? Does a particular city job title suffer a disproportionate share of those injuries or illnesses? Are there particular types of injuries, involving specific body parts, more prone to happen in one type of work?

Ironically, the genesis for this kind of reporting mechanism arose out of the great failure of the Bush Administration in early 2001, when in its first substantial act of his presidency, President George W. Bush moved to rescind a recently adopted ergonomics standard. This standard, in the planning stages for many years, would have finally set an enforceable set of rules for employers that would require them to make the job fit the worker, rather than the other way around. Since we were then in the middle of a mayoral election campaign, some of us asked of the declared candidates whether they would adopt such a standard for the city’s workforce in order to reduce the #1 cause of industrial injuries across the country. As the largest employer in the city, we felt this would be a shining example in the face of the Bush failure. The City would then join some other large employers who have implemented effective prevention programs.

But when we sought information about where and which city workers were getting hurt, we discovered the city did not track such data. We commend Council Member Gennaro and his colleagues for taking up the challenge and exercising appropriate oversight over city government in the enactment of the earlier version of this reporting requirement. This new improved version will allow us to stem the tide of injured city workers while putting in place an effective risk management program which stands to save city taxpayers the costs of medical care, replacement for lost wages, and lost productivity.

As unusual as this may sound, enactment of Intro 507 will truly be a win for everybody. We are delighted to testify in its support.

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Testimony of James Huntley
President, Communications Workers of America, Local 1182

Good afternoon, my name is James Huntley and I am proud to be here today on behalf of more than 2,000 active and retired Traffic and Sanitation Enforcement Agents who are proudly part of the Uniformed Forces of the City of New York and are equally proud to belong to Local 1182 of the Communications Workers of America.

I would like to begin today by thanking Speaker Quinn and Chairman Addabbo for holding today's hearing and giving me the opportunity to testify on behalf of my members. I would like to express our appreciation to Councilman Genaro and the other sponsors of Intro 507 for their support for city workers.

The members of Local 1182 are hard working, New York City residents who have devoted their lives to enforcing the law and preserving the quality of life for millions of New York City residents and commuters. The law enforcement and public safety professionals of New York City, whether they are police officers, fire fighters, paramedics, corrections officers, traffic enforcement agents or sanitation enforcement agents provide vital services that benefit the entire region. For example, the members of Local 1182 ensure that traffic can smoothly flow through the streets and those who illegally dump are caught and fined. Our members enforce traffic, pedestrian safety, and environmental laws and we carry out important public safety functions and respond to emergencies.

Unfortunately, each and every day, Traffic and Sanitation Agents are also subjected to violence when carrying out their duties. There are many instances when our members are attacked simply because they are doing their job and enforcing the law. In the first four months of this year alone, there were 121 separate crimes committed against Traffic Enforcement Agents during the course of their official duties. In 2006, our members were victimized 344 times. Let me repeat these numbers: in a 16-month period beginning in January 2006, New York City Law Enforcement professionals belonging to my union were victimized on 465 separate occasions simply for doing their jobs.

But deliberate violence is only part of the story. I could share with you countless examples of hard-working, dedicated public servants tragically injured in the line of duty in senseless accidents. In the past few years alone we have had members lose their limbs or wind up in comas after being hit by vehicles while on the job. Unfortunately I cannot tell you how many of my members have been injured in the line of duty, which is why we strongly support Intro 507.

Only by better tracking workplace injuries can the city effectively plan and protect its workforce. Intro 507 will make this possible and my union urges its swift enactment.

**James Huntley, President
CWA Local 1182**

**TESTIMONY FAVORING ADOPTION OF NEW YORK CITY
COUNCIL INTRO. NO. 507 TO MODIFY THE ADMINISTRATIVE
CODE OF THE CITY OF NEW YORK, EXPANDING THE
WORKPLACE INJURY REPORTING REQUIREMENTS OF
LOCAL LAW 41 OF 2004**

**by DAVID KOTELCHUCK
PROFESSIONAL STAFF CONGRESS OF THE CITY UNIVERSITY
OF NEW YORK, NYSUT, AFT, AFL-CIO**

**Presented on May 31, 2007 at a Hearing of the New York City Council
Civil Service and Labor Committee**

Councilman Addabbo and Committee members:

My name is David Kotelchuck. I am Co-Chairperson of the Health and Safety Committee of the Professional Staff Congress of the City University of New York (PSC-CUNY). Our union represents 20,000 faculty and staff members who teach, counsel, and assist students and administer operations on the 19 campuses of CUNY. Our union is member of the New York State United Teachers (NYSUT) and of the American Federation of Teachers (AFT). As an individual, I taught in the graduate Environmental and Occupational Health Sciences Program for over 20 years, directing this program for 15 years and am now Professor Emeritus of Health Sciences at Hunter College.

I speak to you today on behalf of the members of our Union to tell you that our Union strongly supports the passage of City Council Intro. No. 507 amending Local Law 41, passed three years ago and signed in this room by Mayor Michael Bloomberg.

Local Law 41 was a groundbreaking law, which for the first time required the City of New York to gather and publicly release information about the numbers of workers compensation cases filed by City employees and settled by the City of New York each year, and the agencies from which these cases came. Our union PSC-CUNY supported that bill and I gave testimony on behalf of our union then. We appreciate the strong support given at that time by Chairman Addabbo and Councilmember Gennaro of this Committee, as well as so many other members of the New York City Council.

However, since the bill was passed in 2004 and the first annual summary of workers comp data was released, we have found serious problems with the reporting mechanisms called for in 2004 and implemented by the City Administration. The current bill, Intro. No. 507, again supported by Chairman Addabbo and Councilmember Gennaro, addresses the most serious of these shortcomings, and our Union strongly supports this bill.

For example, the first annual report on compensation cases released by the Administration was in PDF file form only, not in an electronic database format. Thus the

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data could be read as in reading a book or report, or printed on paper from the computer, but not electronically extracted from this file for analysis. Based on my experience doing such public health analyses, I know this hinders any serious attempt by those outside the Administration to analyze this rich, but extensive body of data. Intro 507 requires that these annual reports be in electronic format. I must also add that in this day and age it is disappointing that the Administration has not been willing to release this data in an electronic database format, and needs to be instructed to do so via this bill. But if this is what it takes, then we support doing this via Intro. 507.

May I also note here that Intro 507 in Item (3) currently says that "Such report shall be transmitted in written and electronic format to the mayor,..." It may be argued that the initial report to the mayor was in an electronic format, but as noted above not a useful one for data analysis. May I suggest that if the wording of this section were changed by inserting the word "database" after "electronic" this would clarify it by making more precise what we seek. Thus may I suggest the following wording for Item (3): Such report shall be transmitted in written and electronic database format to the mayor,..."

Intro. 507 also requires that each annual report contain an executive summary and index, the latter of which is missing in the first (2006) report. We note that there is a Table of Contents for the report, which is to be sure a partial index, but hardly a sufficient one. How are we supposed to analyze page upon page of alphanumerical data without a more comprehensive index? The purpose of the original bill was precisely to provide the public, including the public employee unions which represent City employees, with data which they could analyze to pinpoint health and safety problems faced by their members. What then is the purpose of publishing an annual report that does not allow this to be done? We are disappointed that the Administration needs to be prodded on this, but again if they need to be Intro. 507 does this.

Finally Intro. 507 specifically requires that the workers comp data be reported by agency and job title, as well as summarized for City employees as a whole. The absence of job titles in the 2006 report curtails its usefulness enormously.

The Professional Staff Congress of CUNY believes that Intro 507 amends City Law 41 of 2004 fully in the spirit in which the original law was passed. It represents a win-win situation both for City employees and for City government. It provides City workers and their unions with information necessary to identify health and safety problems of which they may not previously have been aware. These could then be remediated through existing labor-management structures, and employee injury and illness rates on the job, and perhaps even their fatality rates, reduced. Such reductions would at the same time reduce the medical and compensation costs of City government, borne by all NYC taxpayers.

We thank Chairperson Addabbo and Councilmember Gennaro for sponsoring this important bill and for holding today's hearing in support of it. We pledge to work with you and our fellow and sister unions to pass this legislation. Thank you.

Testimony
of the
United Federation of Teachers

Before the
New York City Council
Committee on Civil Service and Labor

on the
Workplace Safety and Protection Act

May 31, 2007

COUNT ME IN

Good morning. My name is Sterling Roberson, Director of School Safety at the United Federation of Teachers. I am testifying on behalf of Randi Weingarten, president of the United Federation of Teachers (UFT), which represents approximately 100,000 employees in New York City's public schools. Thank you for the opportunity to testify today on the issue of workplace injuries and illnesses and their impact on UFT members. Approximately 20,000 of our members (including paraprofessionals, occupational therapists, and physical therapists) are covered by Workers' Compensation.

The UFT strongly supports the New York City Council Intro. No. 507 bill to amend Local Law 41 of 2004 – the Workplace Safety and Protection Act. Local Law 41 requires that all city agencies regularly and uniformly record and report information regarding workplace injuries and illnesses. An important feature of this law is the public disclosure of the statistical data on employee injuries and illnesses. However this data is not presented in a meaningful way so that trends and patterns can be identified and thus it is essentially useless.

Every day we see the human toll workplace injuries and illnesses take on our members and the real tragedy is such injuries and illnesses are, for the most part, preventable. Over the years the Union has noticed a pattern of rising accidents, assaults and injuries through internal union reports and anecdotal evidence. Yet this pattern is not reflected in the uniform reporting of the NYC Department of Education.

For example, from September 1, 2006 to date, 456 paraprofessionals have contacted the Union to report being injured on the job. This information is not summarized anywhere else. Sadly we know there are many more of our members who are injured but are not reporting – for a number of reasons. This includes a complicated and bureaucratic reporting process, discouragement and in some cases, intimidation by the employer and the lack of knowledge on how to go about reporting.

We need this bill because existing laws and regulations have failed to convince our employer, the New York City Department of Education, to take all of the steps needed to make schools safe – to put in place programs that prevent injuries.

Intro No. 507 requires reporting on the total monetary costs of injury and illness workers' compensation claims and a list of the specific sites where injuries and illnesses are occurring as well as year-to-year comparisons of this information. We need to target high-risk environments and work tasks throughout our schools citywide and then implement effective prevention strategies. Intro. No. 507 will help make that possible.

I'd like to describe some of these high-risk environments and work tasks affecting our paraprofessionals.

Paraprofessionals provide services to students by assisting teachers in a variety of classroom settings, including working with special education populations, an assignment with far greater occupational safety and health risks. Of most concern to paraprofessionals are the problems faced when working with "medically fragile" students in need of complex and sophisticated medical assistance. Paraprofessionals in these classes are required to perform job duties similar to those performed by a nurse or nurse's aide in a hospital or nursing home: they clean, feed and diaper students, as well as lift them and assist them in going to the bathroom.

Paraprofessionals routinely report to us that they consider assaults and accidents to be part of their job. This culture of acceptance is part of the indoctrination of this segment of the workforce. If they are smacked, kicked, slapped, stabbed or suffer severe back strain from lifting and transferring their limited mobility students, they are told this is part of their job. In surveys we conducted approximately half of the paras report they are assaulted and about a third report that they are repeatedly injured on the job. Yet less than half of one percent ever report these incidents.

A para in a Manhattan school was assigned to work with a student who used a wheelchair and weighed 250 pounds. The student was paralyzed from the waist down and also in one arm. She required toileting care. At the time the para was given this assignment she had no training in how to provide proper care for this student. She informed the principal, who passed on the information to the supervisor of special education services in her district. The supervisor told the paraprofessional that instead of receiving training from the Department of Education, she would

receive toileting instructions from the student's mother. Thinking there was no where else to turn, she received an informal 15-minute lesson from the mother -- and nothing more!

In order for the student to go to the bathroom the paraprofessional was expected to move the 250-pound student from the wheelchair to a special seat that the para had to attach to the toilet. At this point the para was expected to change the student's diapers. During her first day working with this student, she discovered the girls' bathroom was not wheelchair-accessible, so they had to use the boys' bathroom. Even worse, the para discovered the wheelchair slid back when she attempted to begin the toileting. As a result, another paraprofessional was assigned to assist by holding the wheelchair in place. No one was assigned to help the para lift the student and change her diaper. It is no surprise that on the third day of her new assignment the student fell on top of the para. She has permanent injuries to her back and pelvis and it is unlikely she will be able to bear children. The para was only 21 years old at the time.

This situation is happening over and over again throughout the school system. At least once a week we hear about a school where students are being diapered or toileted by paras without the appropriate equipment, supplies and training. The NYC Department of Education has yet to implement a diapering policy.

That's why we urge you to adopt this bill. We believe enactment and enforcement of this regulation will be instrumental in making our schools safer and will prevent many injuries, assaults and accidents. We need to be able to identify the specific sites where injuries are occurring and the total monetary costs involved for each workers' compensation claim. In this way hazardous working conditions can be more readily identified system-wide and targeted for elimination through the implementation of effective workplace designs, strategies, trainings and programs.

Work shouldn't hurt.

Thank you for the opportunity to testify today.