



**OFFICE OF THE MAYOR**

**OFFICE OF CONTRACT SERVICES**

253 Broadway – 9<sup>th</sup> Floor  
New York, New York 10007  
(212) 788-0018 Fax (212) 788-0049

MARLA G. SIMPSON  
*Director*

**Testimony of Marla G. Simpson, City Chief Procurement Officer and  
Director, Mayor's Office of Contract Services, Before the City Council  
Committee on Contracts: Oversight Hearing on Apprenticeship Program**

**April 28, 2008**

Good morning, Chairperson James and Council Members. Thank you for the opportunity to appear before you today on behalf of Mayor Michael R. Bloomberg. I am pleased to report to you on the implementation of the City's apprenticeship program for construction and service contracts.

The City's apprenticeship requirement emerged as a means of promoting the objectives of the Mayor's Commission on Construction Opportunity. In March 2005, Mayor Bloomberg appointed the Commission, which was co-chaired by the Deputy Mayor for Economic Development and the Deputy Mayor for Education and Community Development. In October of that same year, the Commission released ten recommendations to improve access to construction employment for minorities, women, veterans and high school graduates. Anchoring all of these recommendations was a historic commitment from the City's construction industry – both labor and management – to dedicate specified portions of their new apprentice slots, so as to ensure opportunities in accord with the following percentages: 15% for graduates of City high schools, 10% for women, 10% for returning veterans, and 5% (rising to 10% by 2010) for individuals who are economically disadvantaged.

The Commission further amplified this expansion of apprenticeship opportunities by ensuring access through the following efforts:

The Commission recommended and the City agreed to work closely with such programs as Construction Skills 2000, a pre-apprentice program operated by the Building and

- Construction Trades Council and the Building Trades Employers Association, and to focus additional resources on pre-apprenticeship, GED preparation and work readiness training, so that economically disadvantaged individuals could succeed in apprenticeship programs.
- The Commission recommended and the City agreed to collaborate with the organization, Non-Traditional Employment for Women (“NEW”), on a pre-apprentice program for women entering the building trades, as well as a public advertising campaign to increase participation by women in the construction industry. It is noteworthy that this campaign produced a 400% increase in the number of inquiries from women seeking employment in the construction trades. NEW has now placed more than 300 women in construction jobs since the release of the Commission’s recommendations, 85% of whom self-identify as ethnic minorities.
- The Commission recommended and the City obtained commitments to ensure that developers of several major projects, including Bronx Terminal Market, Atlantic Yards, the World Trade Center site, and the Columbia University expansion, set good faith goals of staffing 15% of the journey person and apprenticeship positions with women.
- The Commission recommended and the City is now conducting an independent study that will collect demographic and work pattern information on pre-apprentices, apprentices and journeypersons to enable accurate assessments of the longer-term effectiveness of the Commission’s recommendations.

However, more was needed to ensure a robust apprenticeship program. In 2001, the State Legislature had amended §816-b of the State Labor Law to allow municipalities to mandate the use of state-approved apprenticeship programs in certain types of construction and services contracts. In consultation with the Commission, Mayor Bloomberg determined that this authorization provided an excellent tool for the City to move aggressively to achieve the Commission’s goals.

Thereafter, my office, in conjunction with the Deputy Mayor for Economic Development, recognized that if we could increase the number of City contract opportunities that incorporated apprenticeship slots, this would in turn help promote and achieve the Commission’s ambitious employment and apprenticeship goals. To that end, as the City’s Chief Procurement Officer, I relied



on the authority provided by the 2001 Labor Law amendment, to issue a Mayoral Directive mandating the creation of our current apprenticeship program.

Under this Directive, the City now conditions eligibility for certain City construction and service contracts on vendors' participation in State-approved apprenticeship programs. Beginning in July 2006 (at the outset of Fiscal Year 2007), MOCS directed all Mayoral agencies to include bid requirements so that any vendors awarded construction and service contracts valued at more than three million dollars, for work that includes apprenticeable trades, must have in place agreements with State-approved apprenticeship programs appropriate to the type and scope of work to be performed, and must ensure that all subcontracts valued at above one million dollars also contain such requirements. For example, if a City agency awards a six million dollar contract to replace and repair the plumbing in City buildings, the vendor awarded that contract must sponsor or participate in a state-approved plumbing apprenticeship program. This ensures opportunities for New Yorkers and furthers the Commission's goals of expanding pre-apprenticeship and apprenticeship training.

Our apprenticeship program also mandates that, when the total value of a *project* exceeds five million dollars, any vendor awarded a contract (or subcontract) valued at more than one million dollars must participate in a State-approved apprenticeship program. This was envisioned primarily as a way of bringing into the program a number of projects governed by the Wicks Law. To illustrate, if a project entailed construction of a building at a total cost of \$8 million, and included a large general contractor contract, along with smaller contracts for electrical, plumbing and heating/air conditioning work, each of which ranged in the one to two million dollar range, all four vendors working on that project would be required to sponsor or participate in a state-approved apprenticeship program.

Pursuant to the Directive, to be eligible a vendor must participate in an apprenticeship program that has been registered with, and approved by, the New York State Commissioner of Labor, and that has had three years of current, successful experience in providing career opportunities. This is



important because apprentices in state-approved programs become skilled craft workers who are well versed in safety procedures, who average better attendance, who possess the latest technological skills and who fill critical needs for trained workers as new jobs are created. Also, the requirement that an approved program have a three-year track record ensures that the program demonstrate its successful history of training workers and moving them through graduation and into full journeyman status.

This program was launched at the same time as the Local Law 129 M/WBE program, and was designed to work in tandem with that program. By setting the thresholds of the apprenticeship mandate at one million dollars, we ensured that the largest possible pool of vendors remained eligible to obtain contracts or subcontracts covered by the Local Law 129 participation goals.

To date, I have approved no waivers from the apprenticeship mandate. Instead, we continue to work to ensure that all vendors who participate in apprenticeship programs know about and seek out the opportunities to perform construction and service work for the City. To ensure robust competition for the City's work, City agencies, along with MOCS staff, have conducted outreach to trade groups, industry organizations, vendor associations and individual vendors to inform them about the specifics of the apprenticeship requirement, and to encourage more vendors, particularly more union vendors, to compete for City work by responding to the bids and solicitations that are subject to the Directive.

We remain confident that the City is best served by doing business with companies that share our commitment to deliver solid worker training programs, including strong emphasis on occupational safety, as well as full and fair access to opportunities for good paying jobs – all of which flow from participation in apprenticeship programs. Thank you for the opportunity to speak with you today. I am available to answer any questions you may have.





## AFFILIATES

MASON TENDERS  
DISTRICT COUNCIL OF  
GREATER NEW YORK  
& LONG ISLAND

GENERAL BUILDING  
LABORERS LOCAL 66

ASBESTOS, LEAD &  
HAZARDOUS WASTE  
LABORERS LOCAL 78

CONSTRUCTION &  
GENERAL BUILDING  
LABORERS LOCAL 79

LABORERS  
INTERNATIONAL UNION  
OF NORTH AMERICA

266 WEST 37TH STREET  
7TH FLOOR  
NEW YORK, NY 10018

TEL: (212) 452-9500  
FAX: (212) 452-9599

E-MAIL:  
MTDCPAC@JUNO.COM

## MASON TENDERS' DISTRICT COUNCIL OF GREATER NEW YORK POLITICAL ACTION COMMITTEE

### Testimony of Michael J. McGuire Before the Committee on Contracts Oversight - The Apprenticeship Program Requirement for Certain New York City Construction Contracts April 28, 2008

Good morning Chairwoman James and distinguished committee members. My name is Michael McGuire and I am the Director of the Mason Tenders' District Council of Greater New York and Long Island. The Mason Tenders' District Council is comprised of some 15,000 members in six local unions of the Laborers' International Union of North America. We represent a diverse workforce that includes building construction laborers, mason tenders, high school teachers, professional and specialty personnel, demolition workers, recycling plant employees and asbestos and hazardous material abatement laborers.

The truth of the matter is that college is not for everyone. Some students aspire to be mechanics or athletes, musicians or artisans. Many just take which ever path life leads them down, and this path often leads to blue-collar employment. There is no shame in that...in fact, it is just the opposite. There is a certain nobility in hard work, in creating things, in being able to point to a refurbished classic car, a nicely landscaped park or a towering skyscraper and say "I did that."

Apprenticeship programs are the best way to ensure that our young people end up with the type of training that will give them the skills necessary to allow them to make a good living for the rest of their lives. Further, this training is given at no cost to the public. In the construction industry, responsible contractors understand the need for a skilled workforce, and thus provide the funding for these training programs.

Further, because these programs are overseen by the New York State Department of Labor, it is ensured that they provide equal opportunities for all

**City Council Testimony**  
**Nontraditional Employment for Women (NEW)**  
Amy Peterson, President  
**Committee on Contracts Hearing**  
**“Oversight on the Apprenticeship Program Requirement for  
Certain New York City Construction Contracts”**

Thank you for the opportunity to speak to the Committee on Contracts. NEW is grateful to the City Council for its continued support of our program. City Council funding for our programs and our City-owned facility have helped NEW to grow substantially in the last few years.

NEW strongly supports the requirement that construction contractors and subcontractors maintain apprenticeship agreements with programs that are registered with and approved by the New York State Department of Labor. In January 2007, the Mayor’s Office of Contract Services (MOCS), pursuant to the authority granted to the City by New York State Labor Law Section 816-b, issued a directive establishing the requirement for certain construction contracts. Specifically, the apprenticeship program requirement applies to individual construction contracts over \$1 million on a capital project with an overall value of more than \$5 million, and to individual construction contracts over \$3 million on a capital project with an overall value of less than \$5 million. Furthermore, if a prime contract is subject to the apprenticeship requirements, any subcontracts over \$1 million are also covered. NEW supports the expansion of this requirement by lowering the dollar thresholds established in January 2007.

Nontraditional Employment for Women (NEW) prepares women for skilled, unionized jobs in the construction trades. Over the last thirty years, NEW graduates have excelled as tradeswomen - carpenters, electricians, and plumbers, among other trades - in New York City. Building on their success, NEW’s goal is to increase the percentage of women in the building and construction trades from three percent to the seven percent goal set by the Federal government in 1978, the year NEW was founded. NEW is working towards this goal in partnership with the building and construction trades unions.

NEW works directly with apprentice directors in the building and construction trades to place women in apprenticeship positions. In 2006, the Building and Construction Trades Council of Greater New York committed to filling ten percent of first-year apprenticeship slots with women. The New York State Department of Labor approved direct entry into apprenticeship training programs for NEW graduates.

NEW has experienced tremendous growth in the number of women served since the beginning of 2006. In FY05, NEW enrolled 194 women. In FY08, NEW expects to enroll 400 women, a 100% increase in three years. This growth resulted from the implementation of the recommendations of the Mayor’s Commission on Construction Opportunity. Since the approval of direct entry for NEW graduates by the Department of Labor, NEW has placed 347 women in the building and construction trades. NEW doubled the number of women placed in building and construction trades apprenticeship programs from 82 in 2005 to 167 in 2006 after the approval of direct entry.

The following unions are consistently placing NEW graduates in ten percent of the apprentice class slots: New York City District Council of Carpenters (exceeded ten percent); International Brotherhood of Electrical Workers, Local 3; International Brotherhood of Electrical Workers,

**City Council Testimony**  
**Nontraditional Employment for Women (NEW)**  
Amy Peterson, President  
**Committee on Contracts Hearing**  
**“Oversight on the Apprenticeship Program Requirement for  
Certain New York City Construction Contracts”**

Local 3, Elevator Maintenance and Repair Division; Mason Tenders District Council, Local 79; International Union of Painters and Allied Trades, District Council 9; and United Association of Plumbers, Local 1. NEW is working closely with the other unions to recruit women interested in these trades and to place women in ten percent of their apprentice slots. NEW is working in partnership with construction unions including sheet metal, metal lathers, operating engineers, ornamental and structural ironworkers, and steamfitters.

NEW focuses on skilled, unionized jobs in the blue-collar trades with starting wages averaging \$15 per hour, benefits, and a path to higher-wage employment. These careers provide a real opportunity for women to move into the middle class and support their families. NEW primarily serves low-income minority women.

There are limited opportunities for poor and minority women to obtain secure jobs that provide a living wage and essential benefits, such as health insurance. Eighty-five percent of the women NEW serves identify themselves as minorities. NEW students face many risk factors including histories of domestic violence, histories of substance abuse, criminal records, and lack of stable housing. Many NEW students are low-income New Yorkers who struggle to provide for their families. NEW serves women that are NYCHA residents, have not been employed in the last year, and are receiving public assistance or unemployment insurance benefits. NEW serves women from all five boroughs in New York City and the surrounding counties. NEW students range from age 18 to over 50.

NEW places women in nontraditional careers because of the high wages that give NEW graduates a real opportunity to provide for their families and enter the middle class. In traditional jobs, such as child care workers, hair stylists, home health aides, and housekeepers, women earn in the low to mid \$20,000 range with few to no benefits. Nontraditional careers in construction have average earnings from the mid \$40,000 to the low \$60,000 range plus solid benefits. (USDOL Current Population Survey, 2006. NYS DOL Occupational Employment Statistics, 2007.)

NEW focuses on placing women in the building and construction trades unions apprenticeship programs because of the benefits and opportunities that these positions provide. Women with only a high school diploma or GED and their own initiative can enter the building and construction trades in an entry level position. These women receive training by the apprenticeship program in a skilled trade, they receive critical health and safety training, they are ensured wages equal to the men they work with, they are provided with wages that grow as their skill level grows allowing them to enter the middle class, they receive important health benefits for them and their families, and they receive retirement benefits.

It is critical that the City Council support the requirement that New York City construction contracts be awarded to contractors and subcontractors with agreements with New York State Department of Labor registered apprenticeship programs. This will ensure that women from the

**City Council Testimony**  
**Nontraditional Employment for Women (NEW)**  
Amy Peterson, President  
**Committee on Contracts Hearing**  
**“Oversight on the Apprenticeship Program Requirement for**  
**Certain New York City Construction Contracts”**

communities will be able to participate in construction in New York City and earn a living that will allow them to support their families. Through these apprenticeship programs, NEW has been able to make a significant difference in the lives of many New Yorkers including:

Connie Bradley- Plumber, Local 1

Connie Bradley graduated from New at Night in August of 2007. With a college degree under her belt, Connie was focused on a blue collar career but found herself relegated to low level maintenance and stocking positions that paid minimum wage. During the program Connie cultivated a passion for plumbing and it was clear that little could stop her from achieving her goal, including caring for her grandmother at home. During the public recruitment for Local 1, she arrived at 4:00am in the morning to obtain an application. This dedication, along with NEW's referral earned Connie a spot in last month's apprentice class with Local 1. She is now working for Par Plumbing. Connie has maintained her relationship with NEW and continues to attend math classes to study for her Grade 1 Apprentice courses as part of NEW's increased retention efforts.

Tyisha Jackson- Carpenter, Local 926

Tyisha Jackson graduated from NEW during the summer of 2007. Tyisha describes herself as a tradeswoman at heart and knew from the time she was a teenager that she wanted to have a hand in building New York City. She shaped jobs and attended public recruitments prior to coming to NEW, but was unsuccessful in securing employment. A mother of three, Tyisha needed a steady job and settled for a series of unfulfilling customer service positions to make ends meet. After finding NEW and successfully completing the day program, Tyisha holds a card with Local 926 of the Carpenters union. She was placed with the Carpenters in January with a group of 19 NEW graduates and is currently working for R&J as a first year apprentice. Tyisha is thrilled to be working and is a passionate advocate of NEW. She continues to participate in recruitment efforts to enroll more women into the program.

These are just two of the hundreds of stories of NEW graduates who have been given opportunities as a result of NEW's partnership with the building and construction trades unions apprenticeship programs.

**Amy A. Peterson**  
**President**  
**Nontraditional Employment for Women (NEW)**  
243 West 20<sup>th</sup> Street, NY, NY 10011  
(212) 627-6252  
apeterson@new-nyc.org  
[www.new-nyc.org](http://www.new-nyc.org)





*Louis J. Coletti*  
*President & CEO*

**BTEA: NEW YORK'S ALLIANCE OF UNION CONTRACTORS**  
1430 Broadway, Suite 1106 • New York, NY 10018 • [www.bteany.com](http://www.bteany.com)  
Telephone: 212 704 9745 • Facsimile: 212 704 4367

**TESTIMONY TO THE NEW YORK CITY COUNCIL  
COMMITTEE ON CONTRACTS**

**“THE APPRENTICESHIP PROGRAM REQUIREMENT  
FOR CERTAIN NEW YORK CITY  
CONSTRUCTION CONTRACTS”**

**SUBMITTED BY**

**HENRY C. KITA, SENIOR VICE PRESIDENT**

**APRIL 28, 2008**



Good morning.

I want to thank the Chair and the members of the New York City Council's Committee on Contracts for the opportunity to provide testimony today.

My name is Henry Kita and I am the Senior Vice President of the Building Trades Employers' Association of New York City (BTEA). The BTEA is an organization representing 27 union trade contractor associations and 1,200 construction management firms, general contractors and specialty subcontractors building here in New York City. The BTEA employs the approximately 100,000 tradesmen/women of the Building and Construction Trades Council of Greater New York (BCTC). The BTEA has over the past 10 years been joined in a partnership to advance the cause of union construction with the BCTC.

Pursuant to authority granted to the City of New York under State Labor Law 816-B, City agencies must comply with the requirement that construction contractors maintain apprenticeship agreements with programs registered with, and approved by, the New York State Department of Labor. Under a directive issued by the Mayor's Office of Contract Services in January of 2007, city agencies were instructed to comply with the state apprenticeship requirements. Specifically, the city agencies were instructed that the state apprenticeship requirements apply to individual construction contracts over \$1 million on a capital project with an overall value of more than \$5 million, and to individual construction contracts over \$3 million on a capital project with an overall value of less than \$5 million. Furthermore, if a prime contract is subject to the apprenticeship requirements, any subcontracts over \$1 million are also covered by the directive.

I am here today to tell you that the BTEA supports the various elements of these city and state directives regarding apprenticeship programs for public work and urges that the City Council and City Administration do everything within their power to monitor and enforce compliance with these requirements. Compliance with these requirements is a “win-win” proposition for the city, its residents and our contractors and labor force.

The union construction industry as represented by the BTEA and BCTC has these registered apprentice programs and can provide quality construction for both public and private development in New York City. It is certainly no secret that one of major elements of union construction is our apprenticeship system. The point of our union apprenticeship program is to have a highly trained workforce that is needed for some of the most complex construction projects anywhere. Through our apprenticeship programs, we are able train a construction workforce whose skills are next to none and who are taught all of the tenets of construction safety. At the same time, our apprentice programs provide residents living in the New York City area who want to pursue a career in construction with the opportunity for a fulfilling economic and professional career.

Our union apprenticeship programs are funded by both management and labor. No public funding is required for these programs. Both BTEA and BCTC members invest over \$50 million dollars annually in our apprenticeship programs. In addition, our union construction apprenticeship programs represent the mosaic of demographic diversity that is New York City. In spite of the misrepresentations of those who seek to denigrate the union construction

movement here in New York City, I am pleased to report today that 62% of the current building trades apprentices are African-American, Latino, Asian and Women.

One of our industry's major programs to recruit New Yorkers into the union construction trades is the Edward J. Malloy Initiative for Construction Skills. The Construction Skills initiative has recruited for and placed into our apprenticeship programs approximately 1,000 New York City residents from public high schools and public housing. Our Construction Skills Initiative serves as a beacon of hope especially for the youth of our City who want to better themselves by pursuing a career in the construction trades.

In addition, the BTEA and BCTC working in concert with the Mayor's Commission on Construction Opportunities, have agreed with the city to reserve 15% of our apprenticeship slots to be set aside for graduates of Department of Education high schools, 10% for returning veterans, 10% for women and 5% of the apprenticeship slots for economically disadvantaged individuals. Also, on significant development projects, contractors and developers have committed to provide mentoring and training programs to minority and women owned businesses.

The apprenticeship programs we offer, give New Yorkers the opportunity to pursue a career for those who are struggling to obtain the chances to do so. On behalf of the members of the BTEA, I urge this Committee on Contracts, the general membership of the City Council and the City Administration to not only follow the previously mentioned directives on apprenticeship programs, but to also embrace future legislative initiatives that promote these programs thus

ensuring that future construction in New York City will be provided in a highly skilled and safe manner.

Thank you for the opportunity to provide this testimony.