

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL SERVICE AND LABOR

-----X

October 6, 2008

Start: 1:15pm

Recess: 3:05pm

HELD AT: Council Chambers
City Hall

B E F O R E: JOSEPH P. ADDABBO, JR.
Chairperson

COUNCIL MEMBERS:
Michael C. Nelson
Melissa Mark-Viverito
Larry B. Seabrook
Helen Sears
Robert Jackson
Simcha Felder
Alan J. Gerson
Hiram Monserrate

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

James F. Hanley
Commissioner
New York City Office of Labor Relations

Lillian Roberts
Executive Director
District Council 37

Eddie Rodriguez
President
Local 1549

James Tucciarelli
President
Local 1320

Michael DeMarco
President
Local 1455

Juan Fernandez
President
Local 154

Faye Moore
President
Local 371

Mark Rosenthal
President
Local 983

John Foster
First Vice President
Local 375

Joseph Colangelo
President
SEIU Local 246

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

Joseph Garber
Director
Civil Service Merit Council

Francis McCaffrey
Board Member and Political Action Committee Chair
Civil Service Bar Association

Ed Ott
Executive Director
New York City Central Labor Council

CHAIRPERSON ADDABBO: Good

afternoon, everyone. Oh, I like that. Good afternoon. My name is Joe Addabbo. I have the privilege of chairing the Civil Service and Labor Committee. And again, welcome to chambers on a very important issue regarding residency of our City workers. Today the Civil Service and Labor Committee will hold a hearing. It's first on the oversight hearing on two introductions, Intro 452-A and Intro 837. Intro 452-A will amend the administrative code in relation to the residency requirement for certain City employees certified to a collective bargaining representative that has entered into an agreement with the City on September 29th, 2006, to modify the residency requirement for those workers, or again, employees which subsequently enter into a collective bargaining agreement with the City. Such residency requirements are changed to allow said workers to reside in the counties of Nassau, Suffolk, Westchester, Orange, Putnam or Rockland counties. Intro 837, introduced by Council Member Robert Jackson, has the same language as Intro 452-A and adds additional language pertaining to a

1
2 two-year City residency requirement for future
3 employees. I look forward to today's discussion
4 on both Intros. And as we go forward on an issue,
5 which is so important to so many workers
6 throughout the City, let me take this moment as
7 Chair of the Labor Committee to thank all our City
8 workers for their hard work and dedication that
9 they put into this city. I want to thank you all
10 for the work that you do. I don't think we thank
11 our City workers enough. So, sure.

12 [Applause]

13 CHAIRPERSON ADDABBO: So thank you
14 for the work that you do, and you definitely
15 deserve this hearing, which can be summed up in
16 one word: Finally. Let me thank those who have
17 put this hearing together, over there sitting to
18 the side is Tracey Udell, our legal counsel; to my
19 immediate left here, our policy analyst, Shaniqua
20 Owusu. Let me welcome our first colleague to the
21 hearing, Council Member Michael Nelson. And I
22 will introduce colleagues as they come along. And
23 let's get started in this discussion regarding
24 Intro 452-A and Intro 837. Our first panel is
25 from the administration, it is Commissioner James

1
2 Hanley, New York City Office of Labor Relations.
3 Commissioner Hanley, if you'll step forward,
4 please.

5 [Pause]

6 CHAIRPERSON ADDABBO: Good morning,
7 Commissioner.

8 JAMES F. HANLEY: Good morning.
9 I'm joined by our First Deputy Commissioner
10 Margaret Connor. Actually, good afternoon. Good
11 afternoon, Chairman and members of the Committee.
12 My name is James F. Hanley, H-A-N-L-E-Y. I am the
13 Commissioner of Labor Relations. I am here to
14 testify on Intro 452-A and Intro 837, which are
15 two residency bills that are currently before the
16 Council. The administration does not support
17 either of these bills as currently drafted.
18 However, if certain amendments were made, the
19 administration could support Intro 452-A. Intro
20 452-A would amend the original residency waiver
21 bill that was introduced at the request of the
22 Mayor on October 11th, 2006. By limiting the
23 waiver only to those employees who reached an
24 agreement with the City, dated September 29th,
25 2006, and employees in certain related unions who

1
2 serve in titles covered by section 220 of the
3 Labor Law. September 29th was the date the City
4 entered into its contract agreement with District
5 Council 37 therefore, this bill would limit
6 coverage to only DC37 employees and employees of
7 certain affiliated unions. Intro 837 would also
8 limit the residency waiver to these employees, but
9 it includes an additional requirement that an
10 employee must have completed two years of city
11 service before they would be eligible for a
12 residency exemption. As you know, the City's
13 original residency waiver legislation, Intro 452,
14 was an outgrowth of contract negotiations between
15 the City of New York and DC37 for the 2005-2008
16 round of collective bargaining. As part of these
17 negotiations the parties agreed to support
18 legislation to remove residency requirements,
19 where feasible, for nearly all employees working
20 in titles covered under that Agreement. Once this
21 initial settlement was reached with DC37 the terms
22 of this Agreement were offered to every other
23 civilian union in the City. As a result, to date,
24 approximately 27 other unions representing
25 numerous titles within the city have agreed to the

1 contract terms of DC37 Agreement. The two bills
2 being discussed today would change the terms of
3 the original legislation in several problematic
4 ways. First, both bills would limit coverage to
5 only those employees represented by DC37 or its
6 affiliates and would thereby leave out the other
7 unions that I just mentioned that have settled on
8 the same terms as those found in the DC37
9 agreement. Second, intro 837 goes even further by
10 requiring employees to have two years of service
11 before they would even be eligible for a residency
12 waiver, which was never discussed or agreed to in
13 collective bargaining. That being said, the
14 administration believes that with certain changes,
15 Intro 452-A can be drafted in such a way so that
16 we could support this bill and that it would be
17 consistent with the numerous collective bargaining
18 agreements between the City and the unions. The
19 City's original bill, Intro 452, contained a
20 clause that allowed employees in categories
21 otherwise designated by the Mayor in the interest
22 of the City to also be exempt from the residency
23 requirement. If the Council inserted the clause
24 into 452-A, thereby giving the Mayor the
25

1
2 discretion to exempt other categories of
3 employees, both represented and non-represented,
4 where it's deemed in the interest of the City, the
5 administration could then be able to support this
6 proposed bill. The end result of this change is
7 that DC37 would be guaranteed the residency
8 exemption under the legislation and the Mayor
9 would also be empowered to administratively waive
10 the residency requirement for other titles,
11 including those represented titles that agreed to
12 this residency waiver under the DC37 deal. This
13 we believe would eliminate the need for the
14 Council and the administration to introduce and
15 pass multiple residency bills and it would be in
16 keeping with the residency waiver Agreement that
17 has been entered into by the City in the course of
18 collective bargaining negotiations. Thank you for
19 your time.

20 CHAIRPERSON ADDABBO: Thank you
21 very much, Commissioner Hanley. We have been
22 joined by Council Member Melissa Mark-Viverito,
23 Council Member, thank you. Commissioner, thank
24 you very much for your time and testimony today.
25 And obviously we will take your testimony under

2 advisement as we discuss with the legal counsel
3 and Committees and of course the administration
4 after this hearing. You had mentioned other
5 unions now that might be included. Do you have a
6 listing of those, who they might be?

7 JAMES F. HANLEY: We can get them
8 for you, but off the top of my head the larger
9 ones would certainly be the Teamsters, the
10 Communication Workers of America, Local 246 of the
11 Autoworkers. We'll get you a complete list.

12 CHAIRPERSON ADDABBO: Please. If
13 you forward that, that might be helpful.

14 JAMES F. HANLEY: Many, many
15 unions.

16 CHAIRPERSON ADDABBO: And you
17 mentioned there are other titles and you could
18 forward me those as well.

19 JAMES F. HANLEY: Sure, absolutely.

20 CHAIRPERSON ADDABBO: Okay. How
21 many people do you think would be affected, how
22 many workers do you think might be, estimated,
23 might be affected by Intro 452 or 837?

24 JAMES F. HANLEY: Well DC37 has a
25 little less than 100,000 employees, but there are

2 at least another 50,000 employees that are
3 excluded as a result of this. Those are round
4 numbers, obviously. But because this bill does
5 not apply to any other union, it would be about
6 50,000 people that would be excluded. And we had
7 agreed to cover them in the exact same fashion as
8 we did with DC37.

9 CHAIRPERSON ADDABBO: And what was
10 the premise when you were negotiating this with
11 DC37, what was the premise of the waiving of the
12 residency requirements? What prompted this idea
13 to be negotiated with DC37?

14 JAMES F. HANLEY: As you had said
15 earlier, finally. The unions have been pushing
16 for this for quite some period of time and we
17 finally agreed to it.

18 CHAIRPERSON ADDABBO: Do you think
19 it's in light of the rising cost of living in the
20 City, the high cost of rent or the high cost of
21 property ownership or in general the high cost of
22 living in the City?

23 JAMES F. HANLEY: That went into
24 some of the discussions we had with DC37 across
25 the table, and every other union as well.

2 CHAIRPERSON ADDABBO: And does the
3 administration do any kind of research about the
4 cost of living in the other counties that were
5 mentioned and why these five counties?

6 JAMES F. HANLEY: Had we done it at
7 the time? The answer is no. Why these five
8 counties? Those are the five counties of the
9 City, but we would give them the ability to move
10 to contiguous counties. Obviously you don't want
11 them to move, you know, too far away because it
12 becomes very difficult for the commute.

13 CHAIRPERSON ADDABBO: Do you
14 believe that with the passage of Intro 452-A, 837
15 or any variation thereof, that the City would be
16 in a better position to recruit for our City
17 workers or City titles?

18 JAMES F. HANLEY: Yeah, I mean we
19 certainly support 452, as with our modifications
20 of it, as you know. Do we think it would help?
21 If you have a larger pool it always help.

22 CHAIRPERSON ADDABBO: So not only
23 would it help in recruitment, but then let's go
24 one step further in retaining our good City
25 workers, do you think that these Intros or

1
2 variation thereof helps in retaining these city
3 workers?

4 JAMES F. HANLEY: We think so. It
5 also brings them more in line with our uniform
6 force employees who have enjoyed these benefits
7 for decades.

8 CHAIRPERSON ADDABBO: Do you think
9 there's a number of people who might actually
10 leave a City job because of the residency
11 requirement, that this is actually a hindrance,
12 that we alleviating the hindrance of living in the
13 City as a requirement?

14 JAMES F. HANLEY: I mean, it's
15 anecdotal, but we certainly have heard that over
16 the years, but it's anecdotal more than anything
17 else.

18 CHAIRPERSON ADDABBO: At this point
19 let me see if there's any questions from my
20 colleagues. Any questions at all? Commissioner,
21 is there a price tag with either of these Intros?
22 Is there a cost to the City or in the alternative,
23 is there revenue to be gained for the City?

24 JAMES F. HANLEY: When we
25 negotiated this with DC37 we certainly didn't

1
2 ascribe an economic value or benefit to it. So we
3 didn't require the union to pay for it, nor did we
4 have any economic consideration that took part in
5 those negotiations or discussions.

6 CHAIRPERSON ADDABBO: And again, in
7 just subsequent to the agreement of waiving the
8 residency requirements, does the City feel that
9 again there will be any revenue gained or any
10 costs out because of these bills? And again,
11 tough financial times, both of these issues costs
12 to the City or revenue are quite important.

13 JAMES F. HANLEY: We did not
14 ascribe any costs or savings to it.

15 CHAIRPERSON ADDABBO: And I guess
16 lastly, Commissioner, do you feel that if these or
17 a variation of these bills were implemented that
18 there would be a mass exodus of people from the
19 five boroughs of the City into these outer
20 boroughs? Do you see there being mass exodus or
21 flight from the City?

22 JAMES F. HANLEY: We don't
23 anticipate any mass exodus, no.

24 CHAIRPERSON ADDABBO: We have a
25 question from Council Member Melissa Mark-

Viverito.

COUNCIL MEMBER MARK-VIVERITO: Hi. Good afternoon. You just mentioned at a previous question that Chair Addabbo mentioned, asked you, that in the bargaining negotiations you felt that this is something that you wanted to do. Was it understood that this was something that had to be legislated and would need approval of the City Council?

JAMES F. HANLEY: We knew that.

COUNCIL MEMBER MARK-VIVERITO: So why was that commitment-- was any conversations had prior to making that commitment?

JAMES F. HANLEY: We knew that it would require the appropriate action by this body--

-

COUNCIL MEMBER MARK-VIVERITO: [Interposing] So I guess the question would be, if that was the case, why would there be a commitment to something without having had conversations previously with the entity that would need to enact that?

JAMES F. HANLEY: Because our commitment was to support legislation, which is

1 something that we have done many times over the
2 years.
3

4 COUNCIL MEMBER MARK-VIVERITO:

5 Okay. Because that's one of the questions I had
6 that I know that there was a commitment put out
7 there but yet conversations had not been happening
8 with this body as of, you know, at that time that
9 that commitment was made. And I think that that's
10 something that some people had concerns about.
11 And since that commitment cannot be fulfilled
12 without having this body act on it, then I think
13 that that's something that should have happened
14 before that commitment was made. That's something
15 that I think about. So that's the only question I
16 had. Thank you.

17 JAMES F. HANLEY: For well over 20
18 years, we have bargained on supporting legislation
19 for pension bills, and I have testified in front
20 of this body on that commitment itself. So it's
21 not something new and it has happened over the
22 years.

23 [Pause]

24 CHAIRPERSON ADDABBO: Thank you,
25 Council Member. Council Member Mike Nelson.

2 COUNCIL MEMBER NELSON:

3 Commissioner, some people have registered concern
4 that there'd be greater competition should it be
5 open to people from surrounding areas for the City
6 jobs. Any concerns from you and any way to offset
7 this somewhat, whether it be more points involved,
8 people living in this City on any tests or some
9 sort of incentive?

10 JAMES F. HANLEY: Obviously we'll
11 monitor it. We don't anticipate any problems with
12 it. If there were any problems with it there are
13 ways of addressing that. And as you had indicated
14 yourself in the case of points, additional points
15 being given to people who are City residents. We
16 had not discussed that. We don't anticipate any
17 problems. If that were a problem, however, we
18 could always address it.

19 COUNCIL MEMBER NELSON: Okay. And
20 anything special, as there usually is, for
21 veterans?

22 JAMES F. HANLEY: That's a matter
23 of state law right now. We certainly have no
24 intention of--

25 COUNCIL MEMBER NELSON:

[Interposing] You can't defy. Okay.

JAMES F. HANLEY: --changing that
in any way.

COUNCIL MEMBER NELSON: Thank you.
Thank you, Mr. Chair.

CHAIRPERSON ADDABBO: Thank you,
Council Member Nelson. Commissioner Hanley,
always a pleasure having you here and I look
forward to additional and subsequent conversations
regarding both of these bills with the
administration as we go forward, for the sake of
the people who should have a choice in where they
reside.

JAMES F. HANLEY: Okay. Thank you.

CHAIRPERSON ADDABBO: Our next
panel is Lillian Roberts, Executive Director of
DC37.

[Pause]

CHAIRPERSON ADDABBO: Ms. Roberts,
good to see you. Good afternoon.

LILLIAN ROBERTS: Good afternoon.

CHAIRPERSON ADDABBO: Please.

LILLIAN ROBERTS: My name is
Lillian Roberts. I am the Executive Director of

1
2 District Council 37, AFSCME, the City's largest
3 municipal labor union-- representing 125,000
4 members and 50,000 retirees. DC Council 37
5 consists of 56 local unions representing more than
6 1,000 titles. First, I want to thank Speaker
7 Quinn, the leadership of the Council and the
8 Asian, Black and Latino Caucus and Chairman
9 Addabbo for holding this hearing today. For more
10 than 30 District Council 37 members have waited
11 for the opportunity to change this legislation, so
12 for our members this hearing is long overdue.
13 Approximately two years ago the City agreed as
14 part of our collective bargaining to seek
15 legislation which would modify the residency
16 requirements now in place for many civilian
17 employees. More than 97% of our members ratified
18 the contract and together, we worked to craft a
19 bill that covers the spirit of the collective
20 bargaining agreement. Some of the members of the
21 Council expressed concerns about how the
22 legislation would impact the communities and
23 whether it would erode entry-level jobs for
24 minorities. Intro 452, as presented today, is a
25 compromise that addresses the concerns, while

1
2 achieving what our members originally sought in
3 the last contract. We believe that residency
4 requirements, as a term and condition of
5 employment should be the same for all City
6 employees. In all fairness, it is important to
7 note that many members of the City's workforce
8 such as police officers, firefighters, teachers
9 and sanitation workers do not have a residency
10 requirement. The members represented by District
11 Council 37 would like to enjoy the same freedom to
12 choose where they live as teachers and uniformed
13 employees. Intro 452-A would allow our 45,000
14 District Council members to live in six suburban
15 counties, Nassau, Suffolk, Orange, Rockland,
16 Putnam and Westchester, if they choose to do so.
17 Approximately 35% or 45,000 of our members are
18 subject to the residency requirement. Most of
19 them hold clerical or blue-collar positions
20 primarily and are for the most part at the bottom
21 of the salary scale. We believe these workers
22 should be able to enjoy the same freedom as
23 professional, uniformed and other higher paid
24 exempt New York City employees. You should note
25 that more than 85% of our members reside in the

1
2 five boroughs and more than likely will continue
3 to do so. Adding to the need for our members to
4 have this option is the significant decrease in
5 affordable housing within the City. The loss of
6 thousands of rent controlled units and the
7 increase in the construction of luxury housing
8 have decreased the affordable housing available
9 for our members. The issue of homelessness is
10 very real for our members. Several years ago it
11 came to my attention that many of our members were
12 homeless and living in shelters. More than 300
13 families of municipal employees were residing in
14 homeless shelters. In addition, a significant
15 number of District Council 37 members were coming
16 to us for help because of their need for legal
17 assistance because they were facing eviction or
18 foreclosures. We attempted to address many of
19 these problems with a first in the nation city
20 assisted municipal employees housing program,
21 which gives our members a 5% preference on City
22 and state sponsored housing developments. And
23 while this program represented a tremendous step
24 forward in addressing the problem, it still
25 doesn't fully address the needs of our members.

1
2 In closing, the time has come to lift the
3 residency requirement for all of the reasons I
4 stated. I would like to urge the City Council to
5 vote for Intro 452-A. Its passage will go a long
6 way in removing a longstanding inequitable and
7 discriminatory application of this law. I will
8 avail myself for any questions. Thank you.

9 CHAIRPERSON ADDABBO: Thank you,
10 Ms. Roberts. Any other statement from any of your
11 panel? No? Okay. Once again, Ms. Roberts, thank
12 you so much for being here and just a couple of
13 questions on your testimony. You had mentioned
14 that 85% of your members reside in the five
15 boroughs, and you do feel that more than likely,
16 most of them will remain here, correct?

17 LILLIAN ROBERTS: Oh, absolutely.

18 CHAIRPERSON ADDABBO: Even after
19 the implementation of either bill--

20 LILLIAN ROBERTS: [Interposing]
21 Absolutely. It costs them to live outside of the
22 boroughs in terms of commuting into the City.

23 CHAIRPERSON ADDABBO: You're not
24 concerned, as Commissioner Hanley I don't think
25 was concerned, you're not concerned of a mass

1
2 exodus out of the City or the five boroughs of the
3 City?

4 LILLIAN ROBERTS: Not at all.

5 CHAIRPERSON ADDABBO: You also said
6 in the next paragraph the issue of affordable
7 housing. And I tend to agree with you that there
8 is a severe issue regarding affordable housing
9 throughout this city. And do you think that this
10 is an odd way of dealing with the affordable
11 housing issue, that you know, this is one way of
12 dealing with it, telling people that they can
13 leave because there is no affordable housing, and
14 the high cost of living does exist for your
15 members, I'm sure. Is this an odd way of dealing
16 with the affordable housing crisis?

17 LILLIAN ROBERTS: No, it's not.

18 Because some of our members may be married to some
19 of the uniform forces and what have you, and in
20 that process, if they should move with them, they
21 will lose their jobs. And then some of them,
22 because they don't have housing, are homeless
23 because they cannot and maybe there's friends and
24 relatives outside the City that would afford them
25 housing, but if they move they lose their jobs.

2 CHAIRPERSON ADDABBO: And Ms.

3 Roberts, you mentioned also in your testimony the
4 Municipal Employees Housing Program, which was a
5 good program that did help some of our city
6 workers. Do you think the City could do more of
7 those type of programs, and if not more, are there
8 other alternatives to dealing with the housing
9 issue in the City?

10 LILLIAN ROBERTS: I don't know of
11 any. We have approximately 15,000 of our members
12 who living in housing projects. And some of them
13 may be able to at some point move out so that some
14 of the homeless can move into the housing. Our
15 members don't make very much money and it's very
16 difficult for them, extremely difficult.

17 CHAIRPERSON ADDABBO: Do you have a
18 rough estimate of how many of your members, if not
19 all, would benefit by either of these bills or
20 variation thereof, once it's being implemented and
21 signed by the Mayor?

22 LILLIAN ROBERTS: Well we have
23 45,000 of our members who would like the
24 privilege, not that they would want to-- if
25 housing opened up they would certainly be happy to

1
2 stay here. Who wants to move and have to commute?
3 But they should have the opportunity. That's what
4 we're seeking here.

5 CHAIRPERSON ADDABBO: We've been
6 joined by Council Member Larry Seabrook, who has a
7 question at this point. We've also been joined by
8 Council Member Helen Sears. Council Member
9 Seabrook?

10 COUNCIL MEMBER SEABROOK: Thank you
11 very much, Mr. Chairman and I certainly don't have
12 a question because I have heard all of the facts,
13 read the bill and approve of the bill. But I just
14 want to say that if we believe in fairness and
15 justice and the level of equality and that the
16 playing field should be level for those who work
17 here, that this is certainly an opportune time for
18 us to move forward with doing what can be done.
19 And I want to thank the leadership, who have put
20 on a courageous battle to do what is just and what
21 is right, and you must be commended for the work
22 that you all have done for the members, and I
23 stand with you on this issue from start to finish.
24 And thank you very much.

25 [Applause]

LILLIAN ROBERTS: Thank you.

CHAIRPERSON ADDABBO: Thank you,
Council Member Seabrook. Council Member Sears?

COUNCIL MEMBER SEARS: Thank you,
Mr. Chair. And good afternoon, it's good to see
Ms. Roberts and everyone else connected with the
DC37. I'll be very brief and say the comment that
I've made from the very beginning and why I
supported this request, actually this action, is
that we have done a terrible job in the City of
New York for affordable housing. And when we have
been so lax and our attention has been so meager
to this, I find it absolutely appalling that we
place a restriction on where people live. I think
that's outrageous. I've felt that way from the
very beginning. I think we need to do a better
job of affordable housing. I don't believe
suddenly it's a mass exodus from anywhere or to;
but the fact of the matter is this City gets more
and more expensive to live in and we have not done
that much to see that they're able to meet what
our bills are. As a result if anybody has the
opportunity to live somewhere where they can put
food on their table, pay for their shelter and

1
2 clothing and somehow have a decent quality of
3 life, I don't see how anybody could say no to
4 that. I really don't.

5 [Applause]

6 COUNCIL MEMBER SEARS: And I know
7 that the City has had the restrictions, but the
8 City changes. And this City has become more and
9 more difficult to live in, much more difficult,
10 and we have to do everything we can, I believe and
11 have always felt that way, that we have to do
12 everything to keep families together, that we have
13 to do everything to see that the quality of life
14 is better for each and every one. And I do
15 believe that this will help a great deal. As I
16 say, I don't think it's a mass exodus out of the
17 City. I never believed that. And we're not going
18 to have everybody leaving the City, but wherever
19 anybody has an option, I do believe that your
20 members should have that right. So, with that, I
21 support this bill, I always have, and I want to
22 thank you for your leadership for doing-- and
23 thank you Mr. Chair.

24 CHAIRPERSON ADDABBO: Thank you,
25 Council Member Sears. Ms. Roberts, any comments

1
2 about-- you heard Commissioner Hanley's-- oh, I'm
3 sorry.

4 COUNCIL MEMBER NELSON: That's all
5 right.

6 CHAIRPERSON ADDABBO: Council
7 Member Nelson wanted to ask that question. I'm
8 going to let him ask that question.

9 COUNCIL MEMBER NELSON: That's all
10 right.

11 CHAIRPERSON ADDABBO: It's a good
12 question.

13 COUNCIL MEMBER NELSON: First of
14 all I see which way the wind is blowing. I'm
15 going with this too. No, I'm already signed on to
16 452. According to my esteemed Chair, the
17 Commissioner's statements, when you get into the
18 realm of contract negotiations, collective
19 bargaining, some of the things he said, would you
20 like to address any of the statements he made or
21 any of the people on your panel there?

22 [Pause]

23 COUNCIL MEMBER NELSON: Well, it's
24 going through collective bargaining, let's sort of
25 leave it. They weren't so crazy about 452 or 837

1
2 for that matter as well. Do you understand?

3 Would you like to comment why you would believe
4 that they should not be going along with this?

5 JAMES F. HANLEY: We negotiated
6 this along with the City to support legislation,
7 to lift and modify the residency requirements.
8 The City Council has, after much discussion with
9 us, taken action, and we wouldn't comment on the
10 City's position at this time.

11 COUNCIL MEMBER NELSON: Okay, thank
12 you.

13 LILLIAN ROBERTS: I simply wanted
14 to thank the Council Members who are supportive,
15 because in this world of change, laws, rules,
16 regulations, they change with the times. And
17 sometimes people are a little rigid about making
18 that change. So it takes a lot of exploring and
19 then moving forward. And that's what we tried to
20 do. We tried every way we could by having our own
21 little housing program that's doing very little--
22 everything is so expensive. So I am pleased that
23 there are Council Members among you who believe
24 the way we do; it's time to make that change.
25 Thank you.

2 [Applause]

3 CHAIRPERSON ADDABBO: I want to
4 thank this panel for being here. Ms. Roberts, I
5 want to thank you personally for obviously the
6 work that you do on behalf of your members, and
7 it's always a pleasure having you before the Civil
8 Service and Labor Committee. So thank you very
9 much for being here.

10 LILLIAN ROBERTS: Thank you.

11 CHAIRPERSON ADDABBO: Thank you
12 very much. Our next panel, Eddie Rodriguez,
13 president of Local 1549.

14 [Applause]

15 CHAIRPERSON ADDABBO: James
16 Tucciarelli, president of Local 1320, and Mike
17 DeMarco, president of 1455.

18 [Applause]

19 [Pause]

20 EDDIE RODRIGUEZ: Can you hear me?
21 Good afternoon, Chairperson Addabbo and members of
22 the Committee. My name is Eddie Rodriguez, the
23 president of local 1549, representing 18,000 New
24 York City employees. Thank you for holding this
25 important hearing. Local 1549 is the second

1 largest local in DC37, representing members who
2 serve as 911 operators, 311 dispatchers, Medicaid
3 and Food Stamps Eligibility Specialists, Hospital
4 Financial Counselors, Interpreters, Clerical Aides
5 and Clerical Associates among other titles. They
6 work among every New York City agency. The
7 starting salary of a Clerical Aide is under
8 \$23,000 a year. Most of my members are female and
9 minorities who have worked for many years in City
10 government. Turn the page. The increased cost of
11 living and the lack of affordable housing for my
12 members is an every day reminder that they can no
13 longer live in the city that they love and work,
14 because it has become a playground only for the
15 very rich. My members need an option to
16 affordable housing. The City Council Intro 452-A
17 gives them those options. Not passing Intro 452-A
18 would deny my members an opportunity to explore
19 means of affordable housing. In the Police
20 Department and other city agencies, my members
21 work side by side with co-workers who are not
22 mandated to live in New York City. This is a
23 discrimination and should not continue. The time
24 has to come to give my members the same
25

1
2 opportunity as their uniformed colleagues. I urge
3 the passing of Intro 452. I thank you for this
4 opportunity to appear in front of the whole body.
5 Thank you.

6 [Applause]

7 JAMES TUCCIARELLI: Good afternoon.
8 My name is Jim Tucciarelli. I'm president of the
9 Local 1320. I represent the Sewage Treatment
10 Workers and senior Sewer Treatment Workers in New
11 York City. My members work side by side with each
12 other and since 1986, when the law was changed, if
13 you were hired on prior to 1986, you could move
14 freely about and go wherever you need to. To
15 answer some of the questions that the panelists
16 had raised before, of Lillian and Commissioner
17 Hanley, we haven't seen a mass exodus. What we're
18 asking just is to have fairness. It's not fair
19 that uniforms, teachers, sanitation have this
20 right to choose if they want to. I heard some of
21 the concerns that were raised about Civil Service
22 points. If that becomes an issue, the Department
23 of Citywide Administrative Services can deal with
24 that, can monitor it, deal with it and set the
25 regulations to do whatever they have to do. I

1 believe that all of the safeguards are in place.
2 All we're asking is for, please, just be fair and
3 be as expeditious as possible. Mr. Chairman, you
4 said finally. That's exactly the way we feel. It
5 took us a long time to negotiate it. Finally when
6 we got it-- usually when we come to you guys with
7 some legislation you say, well why don't you see
8 if you can get the City to support you first and
9 how do you do that. We do it by negotiating. So
10 we negotiated this deal and now we came to you and
11 for two years, it's going to be two years on the
12 11th, I believe, that this has been out there, as
13 Commissioner Hanley testified. Two years, the
14 members and your constituents have been waiting
15 for this. We're just asking you to be fair, give
16 us the same rights that the other uniform services
17 have and the sanitation workers and the teachers.
18 I don't think we've seen mass exodus or major
19 problems in any of those groups. And give us the
20 same right that our members who came on in city
21 employment before 1986 have. Thank you. I'm
22 going to be brief so that you can do your work so
23 that we can get this signed and the members can
24 enjoy it. Thank you.
25

[Applause]

MICHAEL DEMARCO: Thank you
Chairperson Addabbo and members of the City
Council. My name is Michael DeMarco and I am the
president of Local 1455, District Council 37
AFSCME. On behalf of the 450 members of the New
York City Traffic Employees, Local 1455, I am
asking the City Council to support Intro 452-A.
This issue has been a legislative priority of
Local 1455 for over 25 years. My members have
expressed their interest in being able to live
within the six surrounding counties. Fortunately
through the last round of collective bargaining,
DC37 won the right to have the residency
requirement lifted for city employees as part of
the agreement with the City. This, as my
colleagues have said, and said over and over
again, this is a matter of fairness and equity to
allow the DC37 members the same right that is
already afforded to other unions such as police,
firefighters, sanitation, correction and teachers.
And again, I will be brief and urge the Council to
support this matter, and I thank you for the
opportunity to testify before you today.

[Applause]

CHAIRPERSON ADDABBO: Gentlemen I want to thank you for being here today and for your testimony. Let me ask the question that Council Member Nelson had asked. You've heard Commissioner Hanley. Obviously he has some issues with both bills. Any comments on Commissioner Hanley's statements?

JAMES TUCCIARELLI: You know, I believe when we do negotiations, our lead negotiator always does the talking for us. Dennis Sullivan gave his comment before as the lead, and I follow his lead always. We're not going to comment on the City's negotiations and they're stance on this here. We know what we have to do. You guys know what you have to do. It's been negotiated, it's been worked out. Let's just get it done.

EDDIE RODRIGUEZ: All we want is the 452 to be passed, that's all. That's the bottom line.

CHAIRPERSON ADDABBO: Again, thank you very much, Gentlemen.

JAMES TUCCIARELLI: Thank you.

2 EDDIE RODRIGUEZ: Thank you.

3 MICHAEL DEMARCO: Thank you.

4 [Applause]

5 CHAIRPERSON ADDABBO: Our next
6 panel, Juan Fernandez, president of Local 154;
7 Faye Moore, Local 371; Mark Rosenthal, president
8 of 983; and Claude Fort, president of Local 375.

9 [Pause]

10 CHAIRPERSON ADDABBO: Is Claude in
11 the room, Claude Forte?

12 [Pause]

13 CHAIRPERSON ADDABBO: Thank you
14 very much. State your name for the record and
15 give your testimony please.

16 JUAN FERNANDEZ: Okay. Good
17 afternoon, Chairman Joseph Addabbo and fellow
18 Committee Members. My name is Juan Fernandez. I
19 am the president of Local 154 District Council 37,
20 AFSCME. I remembers workers in the titles of
21 Research Assistant, Human Rights Specialist,
22 Claims Specialist, Special Consultants, Public
23 Record Aide, Title Examiners, Departmental
24 Librarians and a number of other related titles.
25 Our members provide professional, technical and

1
2 clerical services at over 20 New York City
3 agencies and departments. They audit the quality
4 of contractual services provided by certain
5 community agencies, they investigate Human Rights
6 complaints, they analyze data and produce reports,
7 they investigate claims against the City, and they
8 organize and classify records and provide library
9 services, among other functions. I am here before
10 today to speak in favor of removing residence
11 requirements for Local 154 members and all members
12 of DC37. I am here to speak in support of Intro
13 452-A. In July 2006, DC37 and the City of New
14 York signed a contractual agreement, which
15 included a clause for changes in the residence law
16 for some of the municipal workers represented by
17 DC37. Intro 452-A, which would have put those
18 changes into effect, met unnecessary and
19 unexpected opposition from some members of the
20 City Council. Local 154 strongly believes that
21 passing Intro 452-A and changing the residency
22 requirements is a matter of fairness and equity
23 for our members. The current residency law is
24 inequitable, unfair and past beyond its usefulness
25 to the City. The residency law was created in

1986 in response to the middle class fleeing the City in the 1970s and early 1980s. Lawmakers argued that enacting a residency law would keep City workers in the City and therefore use their incomes to support their respective local communities. Today, the reverse situation exists; too many people want to live in the City and residential costs have skyrocketed. At the same time, a City worker with an average City salary cannot afford to buy or rent in its won City. The residency law has become a burden for the same workers that make this City move. It is clear that the law has outlived its usefulness and its original intent. Two; contrary to popular belief, current residency requirements do not apply to all City workers. Already over 70% of the municipal workforce is excluded from the residency requirement law. Since the law was created, a series of exemptions in the original document and added exclusions throughout the years helped to increase the number of City employees who are not covered by the City's residence law. The law exempts teachers, firefighters, police, sanitations and corrections. The law is

1 inequitable, since today only 30% or less of the
2 municipal workforce is required to live in the
3 City. Third; the residency law is unfair since it
4 mostly targets workers in clerical, support,
5 paraprofessional and semi-professional titles.
6 For example, a Claims Specialist at the Law
7 Department making \$35,000 a year work side-by-side
8 with an Attorney that makes twice as much. The
9 Claims Specialist is required to live in the City
10 but the Attorney is not. A receptionist in the
11 same Law Department is required to live in the
12 City, but the Attorney is not. That is unfair and
13 discriminatory because it targets people in the
14 lowest paid titles. The residency law is unfair,
15 inequitable and discriminatory. Many other
16 examples could be presented to support the case.
17 The law is archaic because it does not respond to
18 the current interests or needs of the City and its
19 people. Also, the existence of this law has been
20 used as an excuse to investigate and invade the
21 privacy of City workers. However, a key issue in
22 the discussion--
23

24 [Applause]

25 JUAN FERNANDEZ: --is the right to

1
2 choose where to live. We believe that in this
3 time and age, a worker should have the right to
4 live where she or he wants to live. That is
5 dignity. That is fairness. Local 154 strongly
6 recommends that the Civil Service and Labor
7 Committee supports Intro 452-A, such amendments
8 are much needed for the workers we represent. We
9 commend and thank the Civil Service and Labor
10 Committee for holding this public hearing
11 regarding Intro 452-A. Thank you, Mr. Chairman.

12 [Applause]

13 FAYE MOORE: Good afternoon. My
14 name is Faye Moore and I am the president of the
15 Social Service Employees Union, Local 371. Local
16 371 represents approximately 18,000 professionals
17 that provide social services to New York City's
18 most vulnerable citizens. I am here to speak in
19 support of Intro 452. Within the membership of
20 Local 371, approximately 50% of our members work
21 in titles that are exempt from meeting the current
22 residency requirement. These titles, the
23 Caseworker series, the Child Protective and Child
24 Welfare series and the Job Opportunity Specialist
25 series, have been determined to be hard to recruit

1
2 or hard to retain due to the nature of the work of
3 the titles. However, the other half of the
4 membership, many performing similar work, is
5 required to reside in the five boroughs creating a
6 huge inequity within the union and in the social
7 service profession. The largest group of our
8 members required to live in the five boroughs are
9 in the title of Fraud Investigator and in the
10 Community titles. The negotiated agreement of
11 2006 provided language to finally address this
12 inequity. For many reasons, many different
13 reasons, this issue has lingered without
14 resolution for almost two years. In these two
15 years, municipal employees have watched as
16 affordable housing stock has disappeared from our
17 neighborhoods and opportunities for decent housing
18 remain out of their grasp by virtue of their
19 career choice. Yesterday the Mayor told Wolf
20 Blitzer that New Yorkers pay more in taxes for a
21 better standard of living and a better quality of
22 live. Unfortunately, many civilian employees do
23 not enjoy this better standards because our wages
24 have not kept up with inflation and as a result a
25 larger proportion of our take home pay is

2 dedicated to housing costs. Beyond the
3 affordability issue--

4 [Applause]

5 FAYE MOORE: Beyond the
6 affordability issue is the issue of fairness and
7 equal treatment. The concept that it is
8 permissible for people to come in from other
9 places to police us and educate us, but it's not
10 permissible for people that chose a career path in
11 other parts of the public sector to have the
12 option of living where they choose is inherently
13 unfair. People that choose public service should
14 be afforded as many options as possible so that
15 they stay in service. I urge you to support Intro
16 452, and I thank you for having this hearing.

17 [Applause]

18 MARK ROSENTHAL: My name is Mark
19 Rosenthal. I'm the president of Local 983, DC37.
20 AFSCME AFLCIO. I'm here to speak on residency
21 requirements for City workers before the City
22 Council Civil Service and Labor Committee.
23 Monday, October 6th.

24 [Pause]

25 MARK ROSENTHAL: Good afternoon,

1 Chairman Addabbo and members of the Committee.

2 Thank you for the opportunity to address your

3 Committee on the subject of residency requirements

4 for City workers. Two years ago the Mayor of the

5 City of New York and District Council 37 made a

6 negotiated agreement to relax residency

7 requirements for city workers. The Mayor

8 understood that working people in this City want

9 to have an option of living outside the five

10 boroughs. But the Council did not agree and

11 prevented the negotiated agreement from going

12 forward. I am here to tell you that working

13 people I represent, the truck drivers, park

14 rangers, traffic agents and others want residency

15 requirements relaxed or abolished. Most of my

16 local 983 members, who are African American and

17 Latino, want the chance to live in Rockland

18 County, Westchester or on Long Island. They

19 believe that it is the American way, the way of

20 free choice and opportunity. Residency

21 requirements came into being in the 1970s, when we

22 were suffering from fiscal crisis and the

23 government was trying to keep as many paying jobs

24 in the City as possible. We're a long way from

25

1
2 those days. In fact in a radio call in program in
3 2005, Mayor Bloomberg talked about the 1970s and
4 he said: There were forces to try to keep people
5 in the city. Today we've got the reverse problem,
6 too many people trying to live outside of the
7 city. The Mayor was right. There are a lot of
8 people who are coming to New York from all over
9 the world, which resulted in raising rents so
10 working people can't afford to pay. I'm asking
11 the City Council to do the right thing and allow
12 working civil servants more of a choice about
13 where they can live. I urge the Committee to
14 swiftly pass Intro 452-A. Thank you very much.

15 [Applause]

16 JOHN FOSTER: Good afternoon. My
17 name is John Foster. I'm the first Vice President
18 of Local 375, and I want to present these remarks
19 on behalf of our president, Claude Forte, today.
20 Good afternoon, Chairman Addabbo, members of the
21 Committee. Thank you for the opportunity to
22 testify. We represent the 6,800 members of the
23 Civil Service Technical Guild, Local 375 of DC37.
24 We're the engineers, the designers, the planners,
25 the architects, the project managers and the

1
2 scientists who work for the City. As such, we
3 play a very significant role in our City's
4 prosperity and hopes for the future. In the last
5 12 months, the cost of basic goods and services
6 has shot up by nearly ten percent. Union members
7 we represent are facing difficult times and so is
8 our economy. At a time like this it makes sense
9 to give our members, your City workers and
10 employees, more options rather than less. One
11 important option is not to limit their choices of
12 where they might choose to live. If City workers
13 want to live near the City but not within the City
14 limits, they should have the right to do so.

15 Raising a family is difficult enough without being
16 locked into living within the five boroughs if
17 good housing and schools can in fact be found
18 elsewhere as well. Objections have been raised
19 that passing the least restrictive bill before you
20 will encourage non-City residents to displace City
21 residents in City jobs. We do not feel that this
22 concern is sufficient to withdraw support for the
23 bill. The overwhelming majority of men and women
24 who will take advantage of this new flexibility
25 are men and women who already work for the City of

1
2 New York and who deserve this options, the same on
3 that our uniformed police officers and
4 firefighters have. Put simply, residency rules
5 are obsolete in today's economic climate. Real
6 estate values remain strong, despite the recent
7 economic trouble and crime, really, remains low.
8 The City's tax base is strong and we no longer
9 need to force our workers to live here if they do
10 not choose to. Thank you for considering our
11 remarks in terms of your deliberation.

12 [Applause]

13 CHAIRPERSON ADDABBO: Mr. Foster,
14 thank you Mr. Foster on behalf of Claude Forte, if
15 I could just get a copy of your testimony sent to
16 the--

17 JOHN FOSTER: [Interposing] I've
18 got it right here.

19 CHAIRPERSON ADDABBO: Okay. Thank
20 you. Again, let me thank this panel for being
21 here today. A number of you mentioned the high
22 cost of living obviously going on in this City.
23 And that's an issue that obviously we grapple with
24 each and every day and it's a growing issue for
25 many of our workers. Because of the high cost of

1
2 living, do you feel, as we have asked panels
3 before, do you feel a lot of your members would
4 take advantage of the choice of moving to the five
5 outer counties and move out? Do you feel that,
6 again, there would be an exodus, you know, outside
7 the City?

8 MARK ROSENTHAL: I think it may be
9 a few thousand.

10 FAYE MOORE: I don't think it would
11 be an exodus. But I just think that people would
12 like the option to consider outside of the five
13 boroughs, depending on what they earn and how much
14 they have of their budget to apply to housing.

15 CHAIRPERSON ADDABBO: So Ms. Moore,
16 a question, and again to the panel as well, to be
17 more specific; so you may not feel the exodus
18 would be right away, maybe a year or two or three
19 possibly? Or no?

20 FAYE MOORE: I don't anticipate an
21 exodus. As I said in my remarks, half of our
22 members are allowed to live outside the five
23 boroughs right now and most of them live in the
24 five boroughs. So I don't see a mass exodus out
25 as a result of having the option of looking for

1 housing elsewhere where they can afford it.

2
3 JOHN FOSTER: I would respond also
4 on that, just for a moment, and that is that we
5 too have several titles that are excluded, so that
6 residency is not required. I believe that it is
7 more in terms of this particular situation where
8 people might choose to move out. I don't expect
9 and exodus to occur, but I think that the option
10 is really critical. In many cases it's a place
11 where you literally, someone has to-- for instance
12 in a married situation whereby the spouse may be
13 living outside, and they're not allowed to live
14 outside. I mean some of this stuff is really
15 heartbreaking when I've had to go up and defend
16 our members on this stuff. I don't think it will
17 be an exodus, but I do think it's terribly
18 important.

19 JUAN FERNANDEZ: Yes. I would like
20 to add that I don't see an exodus of people. The
21 bottom line here is the salaries, you know. Our
22 union salaries are all \$32,000, \$33,000. I don't
23 see people moving on those salaries out of the
24 City en mass, right?

25 CHAIRPERSON ADDABBO: We have a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

question from Council Member Seabrook.

COUNCIL MEMBER SEABROOK: Thank you very much again, Mr. Chairman. And just a note for full disclosure, I'm a former member of 371.

[Applause]

COUNCIL MEMBER SEABROOK: And I never, ever lived outside of the City, but I think that people should have a right to make a choice as to what they want. And so I think that that's the most important aspect of it and I was a member, never lived outside of New York City ever. So I would say that's why the importance of it-- it makes no sense. This is about equality, fairness and justice.

JUAN FERNANDEZ: Yes.

[Applause]

CHAIRPERSON ADDABBO: Thank you Council Member Seabrook. We have been joined by, to my right here, Council Member Robert Jackson, and we have a question from Council Member Mike Nelson.

COUNCIL MEMBER NELSON: Well, actually a statement, Mr. Chair. There was a time that I felt that I wished that every New York City

1
2 employee would live in this City, especially the
3 police and fire department members. I felt it
4 would be safer and better. But, you know, the
5 zeitgeist is such that I totally understand where
6 you're coming from. And to think that a husband
7 may not be allowed to live with a wife or vice
8 versa is really a ludicrous concept at this time.
9 Just one of the problems that we have is we all
10 know where this City is right now and it's getting
11 just so expensive that I wouldn't be surprised if
12 some Council Members could not afford to live in
13 this city. So, my heart is with you. Things have
14 changed and this is one of them. Thank you.

15 [Applause]

16 CHAIRPERSON ADDABBO: Thank you
17 Council Member Nelson. Council Member Jackson?

18 COUNCIL MEMBER JACKSON: Thank you,
19 Mr. Chair. And let me apologize for being late.
20 I had previous engagements, but I do understand
21 this is an extremely important issues to members
22 of DC37 and other unions that are interested in
23 addressing this issue that has been outstanding
24 for at least two years. Let me just say as a
25 member of the City Council, as a co-chair of the

1
2 Black, Latino and Asian Caucus, and as a resident
3 of New York City, I clearly understand what the
4 economic situation is now and what it was when
5 this was negotiated between DC37 and the City of
6 New York. Unfortunately, as what was stated
7 previously before, is that the negotiations
8 between an union and the City of New York does not
9 mandate the City Council of New York City to act
10 as a rubber stamp on behalf of those parties
11 involved in negotiations. And obviously the City
12 of New York, the Mayor's office, does not have the
13 authority under the law in order to enact this
14 particular legislation. So I say that to say that
15 I've had many discussions with many members of
16 DC27 individually, and I've also met with your
17 leadership going back and expressed my opinions
18 about the proposed bill that's not in front of us
19 today, but was originally put into place, which
20 was 452. And my primary objection at that time
21 was the whole issue of the proposed bill, 452,
22 opened up jobs that in my opinion should go to New
23 York City residents, to people living in the six
24 counties that are in question. And I was not
25 willing to do that considering the fact that many

1
2 constituents, and especially now with the economic
3 situation, want those jobs that live in New York
4 City. That was my position then; that's still my
5 position as of today. Jobs are critical for the
6 people that we represent. And if you don't know
7 the District that I represent, District 7, is in
8 Northern Manhattan, Washington Heights, Inwood,
9 Hamilton Heights, part of Harlem and based on the
10 2000 census, the average family of four earned
11 less than \$34,000 a year, average family of four.
12 And in District 9, which is Inez Dickens's
13 district, the average family earning of four was
14 less than that. And in District 10, Miguel
15 Martinez, which is to the north of me and to the
16 east of me, it was less than \$34,000 a year. And
17 as you know, if you don't know, the poorest
18 congressional district, and congress represents on
19 the average 660,000 people, the poorest
20 congressional district in the entire country is in
21 the South Bronx, represented by Jose Serrano, Sr.
22 I say that to say that the requirement to lift the
23 residency requirement where if you became employed
24 by the City of New York that you must move into
25 the City within 90 days, that would open up all of

1
2 the jobs that are available to all those
3 individuals living in the six counties of Nassau,
4 Suffolk, West Chester, Rockland, Putnam and
5 Orange, I think it's Orange, where many of those
6 individuals, if they were required to move to New
7 York, they would not do it. But lifting the
8 requirement, they would say well, considering the
9 things the way they are, I'll go and commute into
10 New York City, I was not willing to do that. And
11 obviously I introduced proposed bill number 837,
12 which basically allows employees after two years
13 of being a City employee to be able to, if they
14 wished, to relocate outside of the City if they so
15 desired. I think that that is a fair compromise,
16 all things considered, and I am willing to support
17 that. And I've said that to your leadership, to
18 Lillian Roberts, to your director of political
19 action, months ago. I said that I was willing to
20 support that. And I stand here today, I sit here
21 today, not stand here today, saying that I will
22 support as I introduced Intro number 837 as per my
23 word. If in fact 452 comes into play, and my
24 understanding that the administration in
25 testifying testified in relationship to the two

1
2 bills that are in front of us, Intro number 452-A
3 and Intro number 837 as currently written the
4 administration is not in favor of either one of
5 these bills. So I think that whatever happens
6 that there's going to be, I guess, an amendment to
7 either 452-A or 837. But, as it stands now, I
8 fully support Intro number 837, which I submitted.
9 Let me ask a question of the panel, if I may.
10 With respect to the residency requirement and the
11 opportunity for employment for City residents
12 drying up by opening up those jobs to the six
13 counties in question where residents, members of
14 DC37 would be able to move to, if in fact the
15 residency requirement was lifted, do you believe
16 that this would dry up opportunities for
17 employment for City residents who currently live
18 in New York City?

19 FAYE MOORE: I'd like to respond
20 first.

21 COUNCIL MEMBER JACKSON: Sure.

22 FAYE MOORE: First of all to your
23 general comments. People outside the five
24 boroughs can compete for City jobs right now as we
25 speak. The former president of this union took

1
2 the Caseworker exam while he was a resident of
3 Washington, DC. The requirement is once you're
4 called off a list and appointed, you have the 90
5 days to move into the City and become a resident,
6 if you are in a residency title. The problem that
7 we have with the other version of the bill is that
8 the two-year requirement to stay in the City
9 promotes the unequal treatment that exists right
10 now. So I hear what you're saying about people
11 thinking that opportunities would dry up, but
12 people from all over the country can compete for
13 these jobs via a Civil Service exam right now.
14 The change of making people live in a city where
15 they cannot afford right now promotes a standard
16 of unequal treatment, which is what we tried to
17 address in this last round of bargaining.

18 COUNCIL MEMBER JACKSON: No--

19 [Applause]

20 COUNCIL MEMBER JACKSON: I

21 understand what you said. But your response did
22 not answer my question. My question was that
23 understanding what I explained, my reasoning and
24 logic for saying and the position that I took, my
25 question was do you feel that this legislation,

1
2 452, I believe 452-A also does not require
3 employees to move in within 90 days after they're
4 employed. My question was, do you think that that
5 would dry up the opportunities for New York City
6 residents because you're opening it up to all
7 those individuals who live in the six counties
8 that I've described. That's what my question was.

9 FAYE MOORE: Okay. Well then let
10 me answer your question. If people take
11 competitive Civil Service exams from outside the
12 five boroughs and get appointed, there is still an
13 affordability of housing issue, so they'll
14 probably be reluctant to move into the five
15 boroughs because they can't afford to move in.
16 People keep talking about residing somewhere.
17 Moving nowadays is expensive. That is why people
18 are staying in the five boroughs that are in
19 titles that are not required to live in the five
20 boroughs, because it's expensive to uproot and
21 move. So if you have people from Putnam County,
22 Rockland County, Westchester, passing exams, they
23 have to make a decision on whether they can afford
24 to move into New York City, because it's been
25 stated on the panel many times, it's expensive to

1
2 live in this city and to uproot yourself based on
3 a career choice and passing a competitive Civil
4 Service exam doesn't automatically mean that you
5 get to move in this City and displace anyone.

6 [Applause]

7 COUNCIL MEMBER JACKSON: Well, I'm
8 sorry, you know, you talked about individuals in
9 those counties if they were employed that they in
10 your opinion they may not move in. But that was
11 not my question. My question was, and very
12 specifically, is that by passing 452 or 452-A,
13 which would eliminate the requirement for those
14 individuals that were hired, no matter where they
15 live, to move into New York City, would that dry
16 up the opportunities for employment for people who
17 currently live in New York City? That's what my
18 question was.

19 FAYE MOORE: I will answer the
20 question. It does not now, and so the answer
21 would probably continue to be no.

22 [Applause]

23 JUAN FERNANDEZ: Council Member
24 Jackson, I would like to add that already over 70%
25 of the City work positions are not required to

1 live in the City. Those are the high paid
2 positions that those people living outside New
3 York City are looking forward to get. Right?
4 Here, at this moment today, we're talking about
5 positions which in average are \$32,000 salaries
6 per year positions. I don't see how people just
7 with the commute are going to be able to afford
8 moving en masse, I mean taking those jobs en masse
9 from outside the City. So the answer is no.
10 Those positions that are already being-- that do
11 not have the restrictions, are already being
12 coveted by those people living outside the City.

14 MARK ROSENTHAL: All right, Mr.
15 Jackson. For most people to move out of the City,
16 your spouse would have to have a job. So usually
17 you have two or three jobs in a family. I don't
18 know anybody that has one job that can move out of
19 the City. So the answer would be no, based on the
20 salaries that are paid my workers, it couldn't be
21 done. It would be impossible to move out of the
22 City or to move back in. It just costs too much
23 money, anything that you rent. Most of my
24 members, their wife works, their older kid who
25 lives with them works. They pool the money and

1
2 then maybe they can afford an apartment. So if
3 they want to go outside of the City, where it
4 costs less money, let them do so.

5 [Applause]

6 COUNCIL MEMBER JACKSON: Well I'm
7 sorry, Mark. That was not my question. My
8 question was whether or not, you know, you
9 answered a different question. I'm sorry, your
10 answer is no. It would not have a negative impact
11 on the people currently living in New York City?

12 MARK ROSENTHAL: No, I don't think
13 it would.

14 COUNCIL MEMBER JACKSON: Well, let
15 me just say that I appreciate each one of you,
16 your opinions on this particular matter. I think
17 the most important thing is that communication,
18 discussing this, so that hopefully we'll reach a
19 resolution that we will all be happy with, not
20 necessarily-- that we will reach a compromise or
21 consensus; and in fact that's what I thought we
22 had reached, a consensus on this particular
23 matter. And as you know, a consensus is not that
24 you're happy with it, but that you can live with
25 it. And, you know, one of the things is that to

1
2 do, you know, what the Mayor and what DC37 wants
3 us to do, another thing is reaching a consensus or
4 compromise. And I thought and I believe that we
5 have a compromise agreement on the two-year
6 residence situation. And so if the answer is, yes
7 we do, as I said, I will stand up and support that
8 in front of all of my colleagues, those that agree
9 and those that disagree. If the answer from DC37
10 is no, we don't have a compromise agreement, then
11 I will withdraw 837 totally. And I'm not asking
12 for an answer now, but I'm just trying to be
13 straightforward and upfront to everyone, as I've
14 always been. So let me thank you for coming in,
15 and I look forward to working with you in the
16 future on this particular matter and other
17 matters. Thank you, Mr. Chair.

18 CHAIRPERSON ADDABBO: Thank you.
19 Thank you, Council Member Jackson. A statement
20 from Council Member Sears.

21 COUNCIL MEMBER SEARS: Thank you,
22 Mr. Chair. I just wanted to say that we can adorn
23 this regulation any which way we like. We can
24 wrap it in mink or leopard or cotton or wool.
25 Discrimination is discrimination.

[Applause]

COUNCIL MEMBER SEARS: That regulation is discriminatory. I truly believe that. And I always think that when there are people on the lower economic level of a ladder, quite frankly, they get stuck to them all the time. And that is wrong. That is really wrong, and we can't camouflage it any other way. When you make rules that are going to punish people on certain levels of income, I don't think anybody can tell me that's right, because I won't believe that. I really won't believe it. When you're struggling with your dollars you're struggling with your dollars. And if we've got rules and regulations that really prohibit what people on that income, where they can live and how they feed their family, that is just plain wrong and there isn't any other reason for it.

[Applause]

COUNCIL MEMBER SEARS: It's just plain wrong.

[Applause]

CHAIRPERSON ADDABBO: Thank you, Council Member Sears. I want to thank this panel

1
2 for their time and testimony today, and we look
3 forward to further discussion on this bill as we
4 go forward. So thank you very much. Our next
5 panel-- oh, I'm sorry.

6 [Pause]

7 CHAIRPERSON ADDABBO: He did. Can
8 we have that panel sit down again? My apologies.
9 Sorry about that. Come back here, Mark. We do
10 have a question from Council Member Mark-Viverito.

11 COUNCIL MEMBER MARK-VIVERITO:

12 Well, it may not be a question, per say, but I
13 think I wanted to just take a moment to express my
14 position and I want to thank Council Member
15 Jackson for kind of laying some of the ground
16 work. And this is an issue that I personally have
17 been really challenged with and very much
18 struggling. I am also a member of the Black,
19 Latino, Asian Caucus. We've talked about this
20 issue within the Caucus. I represent Council
21 District 8, which is to the far east of the other
22 Council Districts that Jackson was talking about.
23 I represent East Harlem and a portion of the South
24 Bronx. And my demographics are very similar to
25 the ones that were laid out by Council Member

1
2 Jackson with regards to Upper Manhattan and
3 salaries being on the really low end of the
4 spectrum. Prior to this position I come from a
5 union, 1199, SEIU, so I understand, and our
6 constituents, you know, are your members. We
7 understand the challenges in this City. The
8 challenge that I struggle with very much so, is I
9 may have issues with residency in any position.
10 And I don't think that-- I really believe that
11 these jobs should stay as New York City jobs. The
12 question I have and the challenge that I have is
13 that I find it very interesting that this Mayor
14 will be so quick to say, oh sure, let people
15 outside of the City. We need to be challenged
16 each and every day as an institution, as a body,
17 to be fighting to increase the salary ranges in
18 this City of New York for civil service workers.

19 [Applause]

20 COUNCIL MEMBER MARK-VIVERITO: We
21 need to be putting pressure on this administration
22 that they have not gone far enough in the creation
23 of affordable housing. Those are the issues that
24 I struggle with. And when this Mayor is so quick
25 to accept something, I kind of question it, that

1
2 it creates an escape valve for him to not deal
3 with the issues of critical importance to our
4 constituents. That's my challenge. It's not to
5 say that I do not believe that we're struggling
6 with the issues you've laid out. It is very
7 difficult to live in the City of New York. It is
8 very expensive. Constituents walk through my
9 doors every day talking about the fact that their
10 landlords are trying to push them out, talking
11 about the fact that they're going to the soup
12 kitchens and the soup lines are really increasing
13 in length and much longer and the food is not
14 enough. I hear these stories and it's a reality
15 in my community, in my life each and every day.
16 So that is not the issue. I do believe in
17 equality as well. But as an institution we have a
18 greater responsibility and a greater challenge to
19 look at these challenges and make every
20 opportunity to put pressure on this administration
21 to do the right thing by our members by, you know,
22 civil service workers in this City. So it's been
23 a very challenging, you know, it's very
24 challenging for me to sit here, because I really
25 would want to jump and be supportive of the call.

1
2 But there's other things at play here too. And so
3 I wanted to also be up front and honest with
4 regards to this and I still have not fully made up
5 my mind, I will be very frank and honest, and I
6 continue to have conversations and look at it and
7 analyze this issue, but it's not an easy one. And
8 in this day and age in the City of New York, I am
9 not so quick to accept that this City should be
10 left to the rich and the wealthy alone. I believe
11 that we need to have a diverse city; that we need
12 to have a mixed city in all demographics, you
13 know, ethnicities, nationalities, races; but we
14 have to fight for that. And I'm just putting out
15 here, I'm listening to what you're saying and I
16 really want to thank all of you for your
17 positions. But I want also people to understand
18 the challenges that we have as council members in
19 having these discussions, because it really brings
20 to play where this city is going and what the
21 future of this city is as well. So with that, I
22 don't really have a particular question if anybody
23 wants to respond, I'm here to listen, and that's
24 why I'm at this hearing. Thank you.

25 [Applause]

CHAIRPERSON ADDABBO: Thank you very much. Our next panel is Joseph Colangelo, president of SEIU Local 246; Joseph Garber, Director of the Civil Service Council, and Francis McCaffrey from the Civil Service Bar Association.

[Pause]

CHAIRPERSON ADDABBO: I want to thank this panel for being here, and we were also joined by Council Member Simcha Felder. Please state your name and give your testimony.

JOSEPH COLANGELO: Okay. Good afternoon Chairman Addabbo and members of the Committee. My name is Joseph Colangelo. I'm the president of SEIU Local 246. I represent career and salaried as well as 220 prevailing rate employees, most of whom are in the titles of Auto Mechanic, over 1,500 city workers. Over two years ago as a part of our contract negotiations with the City of New York, we reached an agreement on wages and benefits that also included a side letter agreement that contained language referring to residency, which stated: The parties agree to support an amendment to section 12-119 of the administrative code for the purposes of expanding

1 permissible limits on residency. This agreement
2 was reached in good faith by both parties. In
3 ratifying our contract, my members believed this
4 change in the administrative code would take place
5 as swiftly as possible. My members felt so
6 strongly about this language permitting them to
7 live in the same geographic areas outside the
8 City, where certain other employees already can
9 reside, that they chose to limit the amount of
10 compensation and wages as they could have achieved
11 if we pursued a 220 prevailing rate determination
12 from the Comptroller's office. Yet here we are,
13 some two years later, still without this
14 legislation and frustrated for the fact that some
15 chose to attack this provision that was agreed
16 upon by both parties. The passing of the
17 amendment you are considering today does not
18 conform with our Collective Bargaining Agreement
19 that was entered into in good faith. Our Agreement
20 does not have a two-year waiting period. I
21 recommend this Committee pass Intro 452, the
22 original Legislation without any changes, to honor
23 the contract agreement between the City and our
24 union, Local 246. I'd like to clarify at this
25

1
2 point, after hearing the testimony prior by the
3 Commissioner, the 452-A and 837, we would support
4 452-A if it had covered my group. What the
5 Commissioner spoke about before was that after
6 DC37 negotiated the change in the residency, what
7 the 452-A language is specific to DC37, that does
8 not include the groups that I represent. I
9 negotiate over eight different contracts with the
10 City and all of my members took the same
11 collective bargaining agreement as agreed to by
12 DC37 in order to have that language attached to
13 our bill, which was that signed letter of
14 agreement. So, therefore, Local 246 could support
15 452-A, if in fact it included language that was
16 protective of my group and would in fact include
17 my members in their contract negotiations. Thank
18 you for your time.

19 [Applause]

20 FRANCIS MCCAFFREY: Good afternoon,
21 Mr. Chairman, Committee Members. My name is Frank
22 McCaffrey. I'm a Board Member, the Political
23 Action Committee Chairman of the Civil Service Bar
24 Association, which are the 800 unionized lawyers
25 that work for the various departments and agencies

1
2 in the City of New York. This is not to be
3 confused with the New York City Law Department,
4 which I'll get to in a couple of seconds. I'd
5 like to mention first of all that about 80, 75 to
6 80% of the City employee population does not have
7 to abide by necessarily the City residence
8 restrictions. They have the option to live either
9 in six contiguous counties or in the case of
10 waived positions, waived titles; they can live
11 anywhere they want. And this is kind of a burr in
12 the saddle of us lawyers, because the City Law
13 Department, the City's Law Department, can live in
14 any state they want, including Mars if they can
15 afford the commute. There is no restriction on
16 them. Also, I might add Councilman Jackson; they
17 have no residency or time in service restriction,
18 like the two years you were suggesting before. I
19 think that because of the number, the percentages,
20 if you took a giant pie chart and you took that
21 chart and you took the slice of people who
22 actually have to abide by residency restrictions
23 it would be a very, very small slice. I'm not
24 saying that the other titles live outside the
25 City. What I am saying is they have the right to

1
2 exercise the option. I think protection of City
3 employment positions is not really an issue,
4 because of the number, the number of people that
5 already have the option that already live in every
6 Council District in the City. I've attached the
7 City Law article to my synopsis that indicates the
8 list of titles which have been relieved of
9 residency restrictions. I counted 137, but I
10 don't think this is a complete list. It has to do
11 with those that are hard to recruit. I can only
12 speak for the lawyers, we're as hard to recruit if
13 not harder than the New York City Law Department,
14 that has absolutely no restrictions whatsoever.
15 As a matter of fact, we're tougher to recruit,
16 because they have a bigger name and more legal
17 disciplines in which their lawyers can practice.
18 I'd like to add also that there will be no mass
19 exodus from the city for a couple of practical
20 reasons. I don't think they were mentioned here.
21 But under New York City Charter Section 1127, City
22 Employees are required to pay City Tax no matter
23 where they live, that's inside or outside the
24 City. So you get somebody who moves out, somebody
25 may move into their housing unit will also have to

1
2 pay tax. The other thing that I think militates
3 against moving outside the City are the
4 commutation costs as was stated here, and also
5 additional taxes, which may be levied in the
6 county in which they move. So I think there are
7 prohibitions for any kind of great movement out of
8 the City. An historical basis, this also has to
9 be mentioned, many years ago when this was-- city
10 restrictions, residential restrictions were
11 mentioned, this was aimed at the emergency
12 services in the city, the police, the fire
13 department, emergency medical services. Over the
14 years and this starts dating back to 1962, all
15 these emergency services have had the option, have
16 gotten the option, to move out of the city,
17 without any in service or time restriction. So
18 I'm saying that the original purpose of a
19 residency requirement was diluted at the outset.
20 In the meantime, in the most recent residency
21 exclusions was the New York City Department of
22 Sanitation and the fire alarm dispatchers; and
23 just as a common sense example, if you have a
24 front line emergency service like the fire alarm
25 dispatchers, this is the guy that gets the call

1
2 and sends the fire equipment and the trucks to the
3 fire, and they have a six contiguous county
4 allowance in residency, what do you got to keep
5 the lawyers and the clericals and other workers
6 stuck with this restriction? And finally, I'd
7 like to say the-- aside from that purpose, that's
8 since been diluted out of existence; but my
9 conclusory opinion is this: I think 452-A would be
10 most beneficial to at least my constituency, the
11 lawyers in the City of New York. They're what I
12 would call the impoverished middle class. We
13 never really, you know, can apply for any type of
14 housing benefit. And as it's been stated here,
15 most of the housing is being pretty much expanded
16 to beyond affordability. I think that the way you
17 start the change in demography of City Council
18 Districts is to stop this massive change of-- or
19 development, of our City. I think that what's
20 happening is-- and maybe you'd agree, Manhattan
21 Island will become unaffordable, the whole place.
22 And they're working on Brooklyn. I think the
23 residency issue is not the primary one here now.
24 I think it's that kind of development that's
25 changing our whole city and its character. I

1
2 think that that would be beneficial also as far as
3 the two year in service and time residency
4 requirement that I believe Councilman Jackson
5 supports in 837, well that's fine, I mean I guess
6 we can live with it. But I might add this, that
7 none of the services, uniform services or other
8 waived offices, you know, who have the residency
9 option have this kind of requirement of residency
10 and time in service. I'm just saying if we're
11 going to be fair here, please let's be fair.
12 Thank you.

13 CHAIRPERSON ADDABBO: Thank you.

14 [Applause]

15 JOSEPH GARBER: Good afternoon
16 Chair Addabbo, members of the Council, fellow
17 Civil Servants, retirees of Civil Service and
18 members of the public. My name is Joseph Garber.
19 I'm a director of the Civil Service Merit Council.
20 In the mid 1960s when I developed an interest in
21 civil service and New York City Government, and I
22 started reading the Chief Leader, I became aware
23 that there was a residency requirement for some
24 titles. Some titles there wasn't. But I started
25 taking exams for the City in the late 1960s. Most

1
2 of the applications that I received from the old
3 Department of Personnel indicated there was a
4 residency requirement. And I recall over the
5 years reading in various civil service columns in
6 the Daily News, the Chief Leader, union
7 publications, etcetera. And for the record, let
8 me state when I started my City career on October
9 26th, '71, I was a proud members for three years
10 of District Council 37 until I started moving up
11 the ladder, Local 1549. So I recall under the
12 tenure of Mayor Wagner, okay, Mayor Lindsay, okay,
13 Mayor Beam, Mayor Koch, Mayor Giuliani, the unions
14 try to get a residency requirement passed. And I
15 was completely elated when I read that Mayor
16 Bloomberg agreed with the unions for a residency
17 requirement. And not following the issue that
18 closely I became aware maybe four or five months
19 ago that there was a problem within the City
20 Council, when I read an op-h [phonetic] page by
21 Lillian Roberts. So number one, for the record
22 let me state I know all the City Council Members
23 reside in the City of New York; so that's number
24 one. But I can't believe, and maybe I'm naive,
25 but the other unions, if Mayor Bloomberg offered

1
2 this to DC37, okay, I can't believe that in future
3 negotiations or sitting down with the
4 administration this cannot be offered to everyone,
5 every union who wants it. Okay. But therefore I
6 have to say we have to look at this in an open-
7 handed position. We have to weigh all the issues.
8 If I were a City Council Member at this moment I
9 would not be sure how I'd vote personally, but I
10 would do some more research. Okay. There are
11 pros and cons of all sides. I definitely feel
12 that most of the civil service workers would not
13 move out of the City of New York for various
14 reasons. But the fact that a civil servant lives
15 in New York City, and I've never even attempted to
16 move out, would be that you're concerned about the
17 City and you can be eyes and ears for your
18 neighborhood from a municipal perspective, which
19 is different, versus a non-city employee residing
20 in New York City, because you have a lot of
21 technical knowledge of certain agency procedures
22 or those who have studied in graduate level
23 schools of public administration and municipal
24 government come with a greater gestalt. So,
25 therefore I definitely think that there should be

1
2 some negotiations. There's probably three or four
3 parties at such a negotiation, the City Council
4 Members who are for, the City Council Members who
5 are against, the unions and I think within unions
6 themselves, excluding the executive board or
7 within the executive board there might be a
8 division of opinion, and the administration. So
9 therefore, being this is now the ten days between
10 Rosh Hashanah and Yom Kippur, and we look for good
11 well being, I think we can sit down and try to
12 negotiate all of this and forget some of the
13 acrimony. But I just want to compliment for his
14 forthrightness, Councilman Jackson; you were very
15 honest. You were definitely obeying the Ten
16 Commandments, I shall not lie. You were open and
17 I want to thank everybody.

18 [Applause]

19 CHAIRPERSON ADDABBO: We have a
20 question from Council Member Jackson. I just want
21 to also mention that the last panel will be Ed
22 Ott, head of the Central Labor Council.

23 COUNCIL MEMBER JACKSON: Well first
24 let me thank all of you coming in representing
25 your respective constituencies. I think one of

1
2 the issues that I have had from day one, which
3 I've expressed to Lillian Roberts and anyone who
4 asked me, was that the parties agreed in a
5 contract and the Mayor agreed to say yes, I will
6 do X, Y, Z, when he didn't have the authority to
7 give it to you. So that's a big problem on the
8 face of it. The Mayor did not have authority to
9 sign an agreement that he could not deliver. And
10 he didn't deliver it to you and it's been two
11 years. And in fact, let me just say loud and
12 clear and I've said this to Lillian and anyone
13 else who's asked me, the Speaker of the City
14 Council of New York was not consulted before this
15 agreement was put into place. The City Council as
16 a body, via the Speaker or individually, was not
17 consulted. I Co-Chair the New York City Council's
18 Black, Latino and Asian Caucus. 25 member out of
19 51, and obviously the majority of those members
20 represent majority Black, Latino and Asian
21 districts; we were not consulted. So the Mayor
22 signed a contract or his persons signed a contract
23 with you on something that he had no authority to
24 deliver. And if you know anything about me, I am
25 no rubber stamp for the Mayor any union or any

1 individual or group. That's who I am as an
2 individual. And I say that as-- I'm a union
3 member as of today. I'm a member of Local 4053 of
4 SEIU and Local 4053 of AFT. I've been a union
5 member since I joined State Service in 1975 and
6 worked 22 years for a labor union as a field
7 representative, as a state wide labor management
8 coordinator and as a director of field services
9 representing people in the field. So no one can
10 tell me that my backbone is not about union. But
11 I say to you, the whole issue of this particular
12 matter is one of principle for me, as far as the
13 jobs for people that live in New York City. It's
14 bigger than DC37. It's bigger than your union.
15 It's about people of New York City. And so, as I
16 said earlier, I thought we had agreement on the
17 two-year residency, and if so, I'm moving forward.
18 I'll be standing up and opposing-- not opposing,
19 but communicating with any of my colleagues that
20 may disagree with me that we should not give them
21 anything. I'll stand up and say that this is what
22 was agreed to and I support it. So, as far as the
23 aspect that you talked about, including Local 246
24 into that agreement, I think that that's what
25

1
2 you're going to have to communicate. Obviously
3 you've communicated this publicly, and I don't
4 know whether or not you've put that in writing, to
5 the City Council or to the Mayor's office or
6 somebody else. If you haven't I would strongly
7 suggest you do it, and I'm sure you probably have.
8 But, and I say to the attorney, you're an
9 attorney, is that correct, sir?

10 FRANCIS MCCAFFREY: I hope so.

11 COUNCIL MEMBER JACKSON: Okay. I
12 hope so too, at least as you said you were. As
13 you know, an agreement between the parties, if one
14 party can't deliver, that is an agreement that in
15 my opinion was not put forward in the best good
16 faith effort. So I say that to you, I think my
17 understanding was that they said that they would
18 put it forward in the best effort forward. And
19 so, but putting it forward, I think the Mayor
20 introduced it under the Chairmanship of Joseph
21 Addabbo as the Chair of the Committee, he
22 introduced the bill. That's not enough. Homework
23 should have been done beforehand. And trying to
24 clean up milk after it has been spilled, you're
25 just cleaning it up. And so I am willing to sit

1
2 down and talk to anyone on this particular matter,
3 but I have a principle objection to the one
4 aspect. And now let me finally say that the City
5 Council of New York did not, in my opinion based
6 on all the knowledge I have, give to the police,
7 give to the fire or sanitation their rights as far
8 as their not having a residency requirement.

9 Those matters were done either by the Court or by
10 administrative action, not by the City Council.

11 So I want to be very clear on this particular
12 matter, and the fact is that I'm willing to move
13 forward if we can reach an agreement on 837. So
14 thank you. I'd be glad to entertain any of your
15 questions or any comments.

16 JOSEPH COLANGELO: Yeah, Councilman
17 Jackson, I'd just like to respond. You've been a
18 very good friend, not only of my local, but of
19 many locals in the City and I commend you for
20 that. You were there with the fight with the
21 Board of Education when they were looking to
22 privatize. We have a very good working with you
23 through the 220 prevailing rate Council. The
24 issue, and just to go back in history a little, I
25 mean I've been in City service since 1981. I grew

1
2 up in the City of New York. I attended high
3 school in the City of New York, Aviation High
4 School. I got a degree. The background in my
5 love for the City, I could be here all day. I
6 mean, but the point of the matter is, in 1986 the
7 original intent was to have the public officers,
8 which is the police and the firefighters be
9 required to live in the City of New York. When
10 they passed that legislation requiring that you
11 had to live in the City after September of 1986,
12 they found out in fact and under Mayor Koch that
13 they could not impose that requirement for the
14 police and the firefighters because they were
15 covered under Public Officers Law, which is the
16 State of New York-- so therefore they couldn't
17 enact a local law which is greater than the state
18 law--

19 COUNCIL MEMBER JACKSON:

20 [Interposing] The state law.

21 JOSEPH COLANGELO: You know that.
22 Okay. So what really happened? What really
23 happened is at the time, nothing, because in 1986
24 anybody who was working for the City could have
25 moved out. Anybody who was already here was here.

1
2 So it was only future hires, future hires from '86
3 on. Why did the crisis get to where it is today
4 and why did the perception of the problem that we
5 have get to where it is today? Because over the
6 years, if you look at 300,000 City employees, and
7 if you extract from that group the 50,000 or so
8 police officers, the 12,000 and the other officers
9 that are in the fire department, 15,000 in all the
10 members, the 8,000, 9,000 sanitation workers and
11 the correction officers, we take those 12,000 out.
12 If we take out all the employees in the Board of
13 Education, which is 110,000 people that can live
14 wherever they want, when you start to narrow it
15 down and really take a snapshot of who's impacted,
16 it's only impacted about 40,000 City workers. Out
17 of those 40,000 City workers, how many are really
18 going to move outside of the City? I would
19 imagine, and I would say this from my heart, very
20 few. Only from the fact that-- and I have
21 members, I have a member that grew up in the South
22 Bronx, gets a job as an Auto Mechanic for the City
23 of New York, pays a very good wage, wants to move
24 his kids upstate, can't. I ain't got that
25 opportunity. I'm not in total disagreement with

1
2 you. I want to share that with you. But when we
3 sat down with the City and DC37 negotiated this
4 and everybody else was presented that thing, sure
5 it was something presented that you could say, in
6 the Mayor's language, to support Legislation.
7 Could he have done that? Well he said he was
8 going to support it. I mean nobody-- did anybody
9 anticipate the problem? There were maybe steps
10 made along the way, missteps, where the Council
11 should have been consulted beforehand. I can't be
12 a revisionist and go back in time and say we
13 should have corrected it. I know that for my
14 group I tried to go to the State Legislature. I
15 had a bill; I had a bill up there that was passed
16 by the Senate and the Assembly that was turned
17 down by Governor Pataki at the time. I mean, but
18 we're looking at-- and they've said it before and
19 DC37 said it, it's a matter of fairness. My
20 members work in the police department, the fire
21 department, the sanitation department, work
22 alongside the same City workers who can move
23 outside the City. All we're looking for is
24 fairness. Can we negotiate something?
25 Absolutely. But, you know, it's two years to the

1
2 day and we're still frustrated, and that's where
3 we are today. So, you know, to run over things,
4 it makes no sense. But I share, trust me, I know
5 you're a good friend. And I'm saying from the
6 heart, as is Joe, we need this done. It's two
7 years, my members want it. They come to me, they
8 want it. And 75% of my members live in the City
9 of New York, out of my group. And others that
10 don't some of them work in Hilton Hospital's
11 Corporation, which doesn't have the requirement,
12 and the Board of Ed doesn't have the requirement.
13 That's just a fact of life.

14 [Applause]

15 COUNCIL MEMBER JACKSON: Thank you.

16 FRANCIS MCCAFFREY: And if I may,
17 just in response, I agree with Councilman Jackson,
18 yeah, maybe we got sold a bill of goods. It's an
19 administrative code section and the Council has to
20 pass on it anyway as a matter of course. You
21 know. Something got lost in translation, I guess.
22 But one of the other comments I wanted to make
23 along with this gentleman is we're not included in
24 this bill. And I've been at it along time, ever
25 since the Hess waiver for the Law Department, our

1
2 lawyers thought we were involved and we weren't.
3 And I think, again, as a matter of fairness, that
4 we'd like to have this bill passed, but as
5 inclusive of the other unions, otherwise you're
6 going to have groups coming back here piecemeal
7 looking for the same relief. Thank you.

8 COUNCIL MEMBER JACKSON: I'm sorry,
9 and have those other unions written to the City
10 Council and or the Mayor asking for inclusion into
11 the bill--

12 FRANCIS MCCAFFREY: [Interposing] I
13 only found out-- is that the protocol? Because I
14 don't know. I mean is that what we're supposed to
15 do?

16 COUNCIL MEMBER JACKSON: If in fact
17 a union is advocating for their members that's--
18 in my opinion they should have been done that,
19 been done that. Because the union is there for
20 the members.

21 FRANCIS MCCAFFREY: May I respond?

22 COUNCIL MEMBER JACKSON: Yeah.

23 FRANCIS MCCAFFREY: We were taking
24 DC 37 lead on this legislation. We thought that
25 it would be all-inclusive. I guess a more

important call.

[Pause]

FRANCIS MCCAFFREY: Okay.

[Pause]

FRANCIS MCCAFFREY: Yeah, well first of all we let them take the lead and I just saw 837 the other day and I noticed that it included contracts that were concluded on September 29th, 2006. Well we had the same deal, the same contract, only ours concluded November the 14th, seven weeks later. You know, big deal. I think we ought to be included in legislation. Now as far as writing anybody, I mean nobody-- I mean I thought that we were going to be included and then all of a sudden, surprise. So, you know, I think that what we ought to do really is--

COUNCIL MEMBER JACKSON:

[Interposing] Well don't be surprised, advocate.

FRANCIS MCCAFFREY: Well all right, to whom?

COUNCIL MEMBER JACKSON: Well as I've said to you, if I'm your union president, I would have been written to the Mayor, written to the City Council Speaker, written to the City

1
2 Council, saying yes, DC37 did it as a primary
3 union represent X, but don't forget us.

4 FRANCIS MCCAFFREY: Well I think
5 I've been around to see everybody who was
6 responsible on this, Commissioner Hanley, Chairman
7 Addabbo, we've spoken. So I wasn't exactly
8 sitting there with my thumb in my ear. But I was
9 hoping that DC37 would not exclude us.

10 COUNCIL MEMBER JACKSON: Well,
11 enough said.

12 JOSEPH COLANGELO: We only found
13 out about-- the language in A only came to light
14 to us today. I mean, so as far as advocating a
15 change, the only reason why I'm bringing it up
16 here today, I mean I was just as surprised as
17 anybody else when I sat down here and read that
18 language and then it was pointed out to me how
19 that change was from 452. So as far as advocating
20 a change, that's why I had to amend my comments
21 today, because that's in fact when we found out,
22 today.

23 CHAIRPERSON ADDABBO: Okay. I want
24 to thank this panel for being here today and we
25 look forward to working with them in the future.

1
2 Our last panel, and the last word on this is Ed
3 Ott, head of the Central Labor Council.

4 [Pause]

5 [Applause]

6 CHAIRPERSON ADDABBO: Gerson and
7 Monserrate. Thank you for your patience. Give
8 your testimony, please.

9 ED OTT: Good afternoon. No
10 problem waiting. I want to just before I read my
11 formal statement just talk for a second about how
12 I view this. For us at the Central Labor Council,
13 this is not a complicated issue in one dimension,
14 in spite of the complicated history of this issue,
15 which a few of us at this table who've been
16 involved in the labor movement, including Council
17 Members, we've lived with this our whole adult
18 life. This took place in a very specific context
19 when the communities in the City at one point
20 wanted folks to have to live in this city and
21 have, particularly the uniformed workforce, drawn
22 from the members of this City. That was an
23 extremely controversial justice issue in this City
24 that we can't lose sight of. So everything takes
25 place in a context. But for us at the Central

1
2 Labor Council, we just work from one single
3 notion, no employer should have the right to tell
4 a worker where to live. And even though this is
5 municipal work, once they're hired, that is not
6 tax dollars anymore; it's wages. And we can't put
7 municipal workers in the position of being
8 municipal serfs. They can't be tied to the land.
9 So that's kind of the yardstick by which we
10 measure it. I would agree with the folks who say
11 if we're going to do this, we should do it once
12 and do it right for everybody. Lastly, again
13 before I read my statement, it is unusual for
14 legislative bodies to get caught up in what should
15 be a collective bargaining issue. One would have
16 thought that the executive would have been on
17 board before this administration-- before this
18 bill hit the floor, and that you would be
19 codifying something that was agreed to all around.
20 So I understand why it's difficult for the
21 Council. I understand why among people who are
22 colleagues in the union movement, including our
23 Council Members, that this is a complicated issue.
24 That being said, I am here today in support of
25 452-A. And I want to be clear about that and the

1 reasons why. This is an issue of fairness and
2 doing what is right for working people, especially
3 in light of the current economic crisis facing our
4 City and our nation. DC37 represents some of the
5 lowest paid workers in the City, averaging \$23,000
6 a year in salary. The average New York City one-
7 bedroom apartment is about \$24,000 a year. You do
8 the math. The sad fact of the matter is that
9 affordable housing for middle class families to
10 live in the five boroughs are few and far between.
11 Rent stabilized apartments are disappearing. New
12 neighborhood developments are almost always new
13 luxury buildings. Condominiums and single-family
14 homes are unbelievably over priced and
15 unaffordable, even in today's declining real
16 estate market. A very small percentage of
17 existing and new construction projects are pieces
18 of affordable housing. Most of these affordable
19 housing initiatives are targeted to low-income
20 families and not available to middle income city
21 workers. And as many of the Council Members know,
22 the Central Labor Council has been trying very
23 hard on all fronts on this affordable housing
24 question. We're not Johnny Come Latelys to the
25

1
2 issue. Residency requirements have been lifted
3 for police, fire, sanitation, corrections and
4 teachers. The hard working men and women of our
5 municipal workforce deserve the same consideration
6 and respect. As the country's largest municipal
7 labor federation, the Central Labor Council has
8 always worked to support and advance New York
9 City's workforce and to help secure affordable
10 housing options for them in our City. We will
11 continue to fight hard on their behalf to make our
12 city a viable place for them to live, work and
13 raise families; but we need the City's help and
14 support. At this time I respectfully urge the
15 Council to pass 452-A as soon as possible.

16 Working people need relief and they need it now.
17 And I want to thank Chairman Addabbo for giving us
18 the time today to discuss the issue.

19 CHAIRPERSON ADDABBO: And again,
20 thank you very much for being here. A question.
21 As was mentioned earlier, this is it seen or
22 perceived as being an odd way of dealing with the
23 affordable housing crisis in the City, just
24 allowing people to move out?

25 ED OTT: Well earlier, Council

1
2 Member Jackson asked a question before about in
3 terms of the hiring pool. It certainly would make
4 it-- expand the hiring pool; it's more
5 competitive. On the other side, if people have a
6 wider scope of housing options it's possible that
7 they'll be able to find some affordable options.
8 Look, here's the problem. In the private sector,
9 and I talk about this everywhere I go when we talk
10 about affordable housing, we already have people
11 who are commuting in the private sector from-- and
12 some municipal workers who are allowed to, from as
13 far away as Pennsylvania, to work in this City,
14 all driven by the cost of housing. So it's like--
15 and I know everybody in this room that we're
16 talking to, knows about that, is concerned about
17 it. But that's the context in which workers are
18 trying to come to terms with this. City workers--
19 we had, one of the City Commissioners testified at
20 a different hearing on a different subject several
21 months ago, that there were 300 people in the City
22 workforce who were in fact homeless. This is a
23 crisis. Municipal workers cannot afford-- and
24 should the wages be driven up? Yes. And that's a
25 whole other discussion. But housing is one of

1
2 the-- outside of healthcare, is one of the fastest
3 attacks on a wage that you have is the cost of
4 housing in this City. That's why this is here.
5 That's why we're all here struggling with it.
6 We've got to find a way to get it done. We think
7 452-A solves a piece of it for the municipal
8 workforce. The rest of the folks should have been
9 done at the same time.

10 CHAIRPERSON ADDABBO: Do you think
11 that upon implementation that we do see flight,
12 the word exodus was mentioned earlier, do you see
13 many people leaving the City because now they have
14 the choice to move out?

15 ED OTT: You know, look. We're
16 sitting here today; the stock markets dropped 600
17 points this afternoon. I don't know if you could
18 buy, sell; move, live, whatever by the end of the
19 week. The world is changing as we speak, what I
20 do know, it is getting increasingly harder for
21 working people, working middle class people in
22 particular, to find their way through the housing
23 market of this City. And in the end, it goes to
24 the competitiveness of this City. If we can't
25 keep our working middle class here, they're going

1
2 to exercise their options and go to other places,
3 and that's bad for business.

4 CHAIRPERSON ADDABBO: And just so
5 that I'm clear, you believe that Intro 452-A or
6 837 should be expanded to include all?

7 ED OTT: It gets at a piece of it.
8 I support 452-A, but I think that we should move
9 immediately to do a bill that takes care of
10 everybody. Again, I am very aware of the history
11 of this issue in this city and how it cuts. Where
12 the City hires from, that's the employers'
13 prerogative. Where workers are allowed to live,
14 that should be our prerogative.

15 CHAIRPERSON ADDABBO: Okay. Mr.
16 Ott, always a pleasure to have you here and
17 testifying. Thank you very much.

18 [Applause]

19 CHAIRPERSON ADDABBO: I want to
20 thank all who have participated in today's
21 hearing. It is a positive first step to obviously
22 a piece of legislation that matters so much to so
23 many people. And again, let me reiterate, as
24 Chair of the Labor Committee, my appreciation for
25 the work done by City workers throughout this

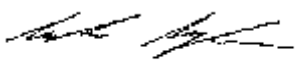
1
2 City, the commitment and dedication, and I do
3 understand commitment and dedication sometimes
4 doesn't pay the bills; we need to pay our workers
5 more. But I also understand that a job is more
6 than a paycheck, it's really the dignity and the
7 respect that these workers deserve. And that's
8 what we're trying to do today is give them a
9 little bit of that dignity and respect back. So I
10 appreciate you all being here and to participate
11 in this hearing, and I look forward to working
12 with you in the future. Thank you very much.
13 Meeting adjourned.

14

15

C E R T I F I C A T E

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

Signature  _____

Date _____ October 15, 2008 _____