

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

**Testimony by Daniel Pollak, First Deputy Commissioner,
Mayor's Office of Labor Relations (OLR)
Oversight - Future of Municipal Work
September 26, 2023**

Introduction

Good morning, Chair De La Rosa and members of the Committee on Civil Service and Labor. I am Daniel Pollak, First Deputy Commissioner at the Office of Labor Relations, and I am joined by Stella Xu, Assistant Commissioner for Strategic Planning, Human Capital at the Department of Citywide Administrative Services. Thank you for the opportunity to testify today about this important topic.

The City of New York has made tremendous progress in creating more workplace flexibility over the past several months and I'm excited to report our efforts.

Background

The City and District Council 37 reached a tentative agreement in February that was overwhelmingly ratified at the end of March. The agreement included the creation of a Flexible Work Committee where the parties set a joint goal of establishing a flexible work pilot program by June 1, 2023. The committee also agreed to discuss other work flexibility options, including flexible and compressed schedules, but the priority was on establishing the remote work pilot.

The City and DC 37 announced an agreement to launch the pilot, allowing eligible employees to work remotely for up to two days per week. The term of the pilot Agreement is June 1, 2023, to May 31, 2025, with an option to automatically renew for an additional year if both parties agree.

Under the terms of the pilot, the employing agency determines which employees have the ability to work remotely and how many days per week. Employee participation in the Pilot is strictly voluntary. DC 37 is provided a list of employees at each agency that has been determined eligible for remote work, and has an opportunity to meet with each agency to discuss that list and any concerns.

The Flexible Work Committee, which has representatives from City Hall, DCAS, OMB, OLR, the Law Department and DC 37 (and various locals) is a collaborative committee which has been meeting regularly since April to create the pilot, and now to oversee the rollout of the pilot. The committee will also continue to meet to discuss other work flexibility options, as mentioned earlier.

In all, there are about **24,000** DC 37 employees eligible for Flexible Work across the Mayoral agencies. As of today, **43** agencies have been approved to begin the Flexible Work Pilot, and **34** agencies have kicked off their pilot, with more agencies slated to kick off their pilot within the next month.

Lastly, the City expects to add other non-DC37 unions to the Pilot upon ratification of their individual collective bargaining agreements.

Int. No. 467

Int. No. 467 would require each City agency to develop a policy regarding the off-hour work-related usage of electronic communications—including phone calls, text messages, and e-mail—and to submit such policy to the Mayor.

We appreciate the importance of the underlying concerns behind this bill, and that the implementation of remote work and a hybrid workforce brings new challenges. However, we need to ensure that agencies are able to communicate appropriately with employees to carry out their operations, and also must be mindful of any impact or requirements related to collective bargaining. We look forward to working with the Council to take a closer look at this issue.

Thank you for this opportunity to testify, and we will be happy to answer any questions you may have.



JUMAANE D. WILLIAMS

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS TO THE
NEW YORK CITY COUNCIL COMMITTEE ON CIVIL SERVICE AND LABOR
SEPTEMBER 26, 2023**

Good afternoon,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. I would like to thank Chair De La Rosa and members of the Committee on Civil Service and Labor for holding this hearing and for the opportunity to share my statement.

Today, the Committee will hear Resolution 0481-2023. The Resolution calls on the New York State Legislature to pass, and the Governor to sign Assembly Bill A1435¹, otherwise known as the “New York City Teleworking Expansion Act.” For our city workers, the ability to telework has been a consistent ask for years, and its need was emphasized tenfold by the COVID-19 pandemic. When the pandemic first struck our city, many municipal employees were able to work in temporary remote arrangements. In the time since, most have returned to in-person work with the expectation that the workplace operates as it did prior to the pandemic.

The reality of the situation is that we are in a different work landscape today than three years ago. We have seen what is possible with remote, hybrid, and flexible work arrangements. Our city, despite a health crisis, still kept the figurative lights on and running in part due to the city workers who performed their duties remotely and did so effectively. Additionally, the impacts of the pandemic continue to be felt by our city workers who at the end of the day, are just like any other New Yorkers. They too have childcare duties, family commitments, health ailments, and other responsibilities that may have arisen and doubled as a result of the pandemic. My office recognized these needs and has instituted a hybrid work schedule for over a year, with three days in our physical office location. As a result, commute times are lessened, our staff are able to maintain personal responsibilities and commitments, and notably, productivity has not seen any drops.

Only several months ago did the administration indicate a serious interest in considering hybrid work and workplace flexibility, especially with the District Council 37 contract ratification this year.² While that is definitely a start, our city continues to witness attrition in our workforce. One may also assume the administration's once staunch position on in-person work has contributed to the high city staffing vacancy rates. These city agency vacancy rates (some as high as 46.5% in

¹ <https://www.nysenate.gov/legislation/bills/2023/A1435>

² <https://www.nyc.gov/office-of-the-mayor/news/375-23/mayor-adams-dc-37-executive-director-garrido-launch-flexible-work-pilot-city>



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the past year)³ are deeply troubling and signal an immediate need for change. I urge my colleagues to join me in supporting Res. 0481-2023 to get A.1435 passed. A.1435 has actually existed in various iterations since 2011.⁴ It is clear that this has been a long fight for our municipal workers, and now is the time for our city to meet the moment and the needs of its workers.

Thank you.

³ <https://comptroller.nyc.gov/reports/title-vacant/#:~:text=As%20of%20October%202022%2C%20the.rate%20of%20about%20%20percent.>

⁴ <https://www.nysenate.gov/legislation/bills/2011/A695>



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**Testimony to the New York City Council
Committee on Civil Service and Labor
Oversight: The Future of Municipal Work**

September 26, 2023

Good Morning Chair De La Rosa and Members of the Committee on Civil Service and Labor. My name is Daniel Kroop and I am the President of the Association of Legislative Employees, the staff union at the New York City Council. ALE is proud to be the largest union of legislative staff in the country.

First, we congratulate our union siblings in the Writers' Guild on their tentative agreement, and stand in solidarity with striking workers out on the line with the UAW and SAG-AFTRA for a fair contract.

These strikes are about making sure workers see their fair share of the enormous profits created in their industries. **Through the collective power of unions, workers can end the historic levels of inequality in the US today.**

We are grateful to provide testimony at today's oversight hearing. ALE believes that the future of municipal work has four key features.

First, it will be UNIONIZED.

Unions ensure that workers' voices are heard. Staff in both the City Council and Public Advocate's office have won union recognition, as have a growing number of workers in New York City's massive non-profit sector.

Yet the pace of bargaining first contracts remains too slow, in the public *and* private sectors. Starbucks employees and the Amazon workers on Staten Island are just two

examples. **Workers deserve a fair contract in a reasonable timeframe, not years after unionization.**

Union contracts change people's lives. They establish "just cause," which protects workers from capricious mistreatment or dismissal. They are a powerful mechanism for higher wages, overtime compensation, regular cost of living adjustments, pay parity within jobs, and more.

The NLRB and Council can do much more to secure strong union rights. The Council led the way on this with Local Law 2 of 2021, which gave access to Just Cause protections to fast food workers after one month.

Government should set the standard when it comes to working conditions – supporting qualified, unionized civil servants with high-quality healthcare and the means to retire with dignity.

Second, municipal work will be HYBRID-ENABLED.

Hybrid work has existed in regular form at the Council since the pandemic, for some staff.

Hybrid means working in person *and* at home *and* on the go. A large share of workers in this economy could benefit from some hybrid work. Council Members are already hybrid-enabled: commuting throughout their districts and the city every day.

This flexibility in the face of pandemics, disasters, caregiving responsibilities, and disabilities makes work more accessible and protects government services from disruption. It's the best of both worlds and should be a joint effort of labor and management to make it succeed.

Third, municipal work will be SUSTAINABLE.

In this context, sustainability means ending the culture of burnout and replacing it with supportive workplaces where staff can perform at their peak over the long term, successfully navigate personal and professional challenges, and maintain good health.

Part of this is the right to disconnect from mobile devices. The science clearly shows that excessive digital communications are detrimental to overall health. We can and should act now to protect the well-being of staff.

Fourth, municipal work will be EQUITABLE.

For ALE, this rests on four principles: democratic representation, equal worth, anti-oppression, and fair distribution of resources.

The long-term goal is to remove disparities between groups with different levels of social advantage. The City will attract the best and most diverse workforces if it integrates equity into all aspects of strategy and operations.

Thank you for the opportunity to testify. ALE is in solidarity with the New York labor movement and we will play our part to advocate for improved working conditions, greater respect on the job, and equity and inclusion. We believe that the Council can and must be a productive partner in achieving that vision.

After the panel is finished, I would be happy to answer any questions you may have.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0467 Res. No. 0481

in favor in opposition

Date: 9/26/23

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I represent: New York City Council Union (ALE)

Address: _____

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Name: Matthew M9/1107

Address: 2700 82nd St, Brooklyn NY 11209

I represent: ALE, New York City Council Union

Address: _____

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Name: Stella Xu, Assistant Commissioner

Address: Yellowstone Blvd

I represent: DCAS

Address: 1 Cente St

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