

COMMITTEE ON CIVIL SERVICE AND LABOR

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CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE  
AND LABOR

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Wednesday, May 31, 2023

Start: 10:14 A. M.

Recess: 11:52 A. M.

HELD AT: Council Chambers - City Hall

B E F O R E: Hon. Carmen De La Rosa, Chair

COUNCIL MEMBERS:

Erik D. Bottcher

Tiffany Cabán

Eric Dinowitz,

Oswald Feliz

Kamillah Hanks

Rita C. Joseph

Julie Menin,

Francisco P. Moya

Sandy Nurse

## COMMITTEE ON CIVIL SERVICE AND LABOR

## A P P E A R A N C E S

Stella Xu  
Assistant Commissioner for Human Capital at the  
Department of Citywide Administration Services

Silvia Montalban  
Chief Citywide Equity and Inclusion Officer at  
the Department of Citywide Administration  
Services

Brian Geller  
Assistant Commissioner at NYC Office of Labor  
Relations

Zachary Lider  
Assistant Commissioner at NYC Office of Labor and  
Relations

Darrell Sims, R.A.  
President of the New York City Managerial  
Employees Association

Alice Wong,  
Executive Director of the New York City  
Managerial Employees Association

Innis Layne,  
Field Rep., Bricklayers & Allied Craftworkers  
Local Union No. 1, NY

John Bachenski  
Representing Glenwood Mason Supply and  
Manufacturing

Michael McGuire  
Director at Mason Tender's District Council of  
Greater New York PAC

COMMITTEE ON CIVIL SERVICE AND LABOR  
A P P E A R A N C E S (CONTINUED)

Raul Rivera  
Representing Himself

Nicholas Carparelli,  
Executive Director of the New York State  
Concrete Masonry Association

Zoë West  
Senior Researcher of Worker Rights and Equity and  
the Worker Institute at the School of Industrial  
and Labor Relations at Cornell University

Pabitra Dash  
Senior Organizer at Adhikaar; Representing All  
Hands In

Daisy Chung,  
Director of the New York Healthy Nail Salons  
Coalition

Lara Maldjian  
Associate Director at New York Committee for  
Occupational Safety and Health

Estorgia Moran,  
Representing All Hands In

2 SERGEANT AT ARMS: This is a microphone check for  
3 The Committee on Civil Service and Labor; recorded  
4 on May 31, 2023, located in Chambers, by Nazly  
5 Paytuvi.

6 SERGEANT AT ARMS: Good morning, and welcome to  
7 the Committee on Civil Service and Labor, at this  
8 time, we ask if you could place all electronic  
9 devices to vibrate or silent mode, thank you.

10 Chair, we are ready to begin.

11 CHAIRPERSON DE LA ROSA: Thank you.

12 [GAVELING IN] [GAVEL SOUND]

13 Good morning, I am Council Member Carmen De La  
14 Rosa, Chair of The Committee on Civil Service and  
15 Labor. Thank you for joining us for today's  
16 legislative hearing. We will be hearing the  
17 following four pieces of vital legislation to protect  
18 the public and private sector workforce:

19 Proposed Introduction 877-A, sponsored by  
20 Council Member Abreu, this bill would establish a  
21 comprehensive exit strategy for resigning and  
22 retiring municipal employees.

23 Resolution 27, sponsored by Public Advocate  
24 Williams, this resolution calls for state action that  
25

2 would eliminate the subminimum wage for employees  
3 based on their disability or age.

4 Resolution 0393, sponsored by me [Council Member  
5 De La Rosa], which calls for state action to  
6 establish the Nail Salon Minimum Standards Act to  
7 secure higher wages and improve conditions for nail  
8 salon employees.

9 Finally, Resolution 574 (sic) (\*547), also  
10 sponsored by me [Council Member De La Rosa], which  
11 calls for SCA and DDC to reconsider their decision to  
12 substitute precast concrete wall panels in place of  
13 traditional handset brick and block walls in light of  
14 the environmental and economic consequences.

15 Today's discussion with the Administration will  
16 focus on our understaffed municipal agencies that are  
17 struggling to deliver critical city services to New  
18 Yorkers.

19 The City Council s Data Team calculated a  
20 citywide vacancy rate of 7.9 percent among municipal  
21 agencies in April of 2023 with 26 agencies reaching a  
22 vacancy rate of 10 percent or higher.

23 I look forward to a productive dialogue on  
24 Introduction 877, which would require bill would

1                   COMMITTEE ON CIVIL SERVICE AND LABOR                   6  
2       establish a comprehensive exit strategy for resigning  
3       and retiring municipal employees.

4           An exit survey would help us identify both the  
5       unique circumstances and systemic reasons for high  
6       rates of attrition. Once we identify the root causes  
7       of attrition, we can improve recruitment and  
8       retention for our city workforce.

9           Today we will also hear three resolutions that  
10      touch on different populations and sectors in our  
11      city's economy. These resolutions call for city and  
12      state to close the wage gap for workers with  
13      disabilities, improve working conditions for nail  
14      salon workers, and protect local manufacturing and  
15      trade workers. Each resolution supports the  
16      Committee's mission to safeguard the economic well-  
17      being of and safety of City workers. Although the  
18      Administration does not comment on resolutions, I  
19      look forward to a collaborative discussion with  
20      members of the public on how government can help  
21      protect workers in their respective sectors.

22           I would like to thank the Committee staff for  
23      their hard work in preparing for this hearing,  
24      Nicholas Connell, Assistant Deputy Director;  
25      Elizabeth Arzt, Legislative Policy Analyst, and  
      welcome Rie

1  
2 Ogasawara; as well as my staff, Chief of Staff James  
3 Burke, Legislative Director Kiana Diaz; and  
4 Communications Director, Fraynette Familia.

5 Now, I would like to turn to Council Member Abreu  
6 for his opening statement on his bill, thank you.

7 COUNCIL MEMBER ABREU: Thank you, Chair De La  
8 Rosa. I am thrilled to have a bill being heard  
9 today, Introduction 877-A, which would create uniform  
10 exit surveys for departing municipal employees.

11 Questions in the survey would include, for  
12 example, whether or not they are leaving because of  
13 salary, remote work, caregiver responsibilities,  
14 conflict with management, lack of promotions, or if  
15 they faced discrimination on the job.

16 For the first time, we would be giving departing  
17 employees the space to share their experiences and  
18 give us a legislators the opportunity to solve some  
19 of the issues where we can.

20 Currently exit interviews are not standard across  
21 city agencies, and we are not capturing crucial  
22 information about retention issues our City workforce  
23 faces.

24 I am proud to have the support of the Five  
25 Borough Institute, which included this bill in their

2 policy brief *Solving the Staffing Crisis*. I am also  
3 excited to have garnered some preliminary feedback  
4 from the Administration, and I appreciate that we are  
5 on the same page conceptually, and want to make the  
6 legislation as impactful as possible to make sure we  
7 address the refinements, which you included in your  
8 own testimony.

9 So, I want to thank you, and I look forward to  
10 hearing from the Administration, and thank you again  
11 ,Chair, for your support of this bill.

12 COMMITTEE COUNSEL: Uh, we will now hear testimony  
13 from the Administration. Before we begin, I will  
14 administered the affirmation.

15 Panelists, please raise your right hand; I will  
16 read the affirmation once then call on each of you  
17 individually to respond.

18 Do you affirm to tell the truth, the whole truth,  
19 and nothing but the truth, before this committee, and  
20 to respond honestly to council member questions?

21 [ADMINISTRATION AFFIRMS]

22 CHAIRPERSON DE LA ROSA: Thank you, I also want  
23 to recognize Council Member Menin, Council Member  
24 Dinowitz, and Council Member Moya on Zoom, thank you.

1                   MS. STELLA XU: Good afternoon. Chair De La Rosa,  
2 and members of The Committee on Civil Service and  
3 Labor. I am Stella Xu, Assistant Commissioner of the  
4 Human Capital the Department of Citywide  
5 Administration Services or DCAS. I am joined today by  
6 my colleagues Silvia Montalban, DCAS's Chief Citywide  
7 Equity and Inclusion Officer; as well as Brian Geller  
8 and Zachary Lider from the Office of Labor and  
9 Relations.  
10

11                   On behalf of DCAS, I want to thank you for the  
12 opportunity to testify here today and delve into the  
13 important work that we have been doing to retain our  
14 staff city's most valuable asset, our municipal  
15 workforce.

16                   At DCAS, we successfully launched our first exit  
17 survey eight years ago in 2015. The survey was then  
18 undated in 2018. The results are aggregated at the  
19 citywide level, and if an agency has more than 30  
20 responses it receives an agency specific report.  
21 While the surveys are voluntary for employees, DCAS  
22 works with their agencies to ensure participation.  
23 Those efforts include providing email templates for  
24 both initial notification about the agency survey and  
25 subsequent reminders to complete the questionnaire.

1           Discussions with agencies about the importance of  
2 their employees taking the workforce surveys are held  
3 during our compliance meetings and our agency  
4 personnel office meetings. And we also share best  
5 practices to maximize participation.  
6

7           In the analysis of the survey results for Fiscal  
8 Year 2022, we found that overall, narrowly 80 percent  
9 of departing managers are satisfied with their  
10 experience working for the City, and some three-  
11 quarters are satisfied with their experience working  
12 for their respective agencies.

13           The top two reasons given as a reason for  
14 departure were better job opportunity at 29 percent  
15 at retirement at 27 percent.

16           In the area of EEO, pursuant to Local Law 101 of  
17 2018, DCAS is required to develop a Climate Survey to  
18 examine how familiar employees, including  
19 supervisors managers, are with the citywide EEO  
20 polices. We gauge employees' awareness of their  
21 rights, responsibilities, and protection related to  
22 workplace discrimination, harassment, and retaliation  
23 including the recourses that are available to address  
24 these issues. The results are also serving to further  
25 the planning and development of enhanced resources,

1 trainings, programs, and initiatives. Participation  
2 in the survey is both voluntary and is designed to  
3 preserve an employee's anonymity. Following the  
4 first release of the survey in 2018, CIE created a  
5 one page document titled EEO Complaints Process at a  
6 Glance to provide information to all City employees  
7 on how to file EEO Complaints, and make them aware of  
8 the EEO Investigation process. In 2022, the number  
9 of respondents who indicated they were familiar with  
10 the EEO policy increased from 92 percent to 96  
11 percent. DCAS will be conducted the next Climate  
12 Survey in July of 2024, then every four years  
13 thereafter. Additionally, every year, CEI submits to  
14 the Equal Employment Practices Commission [EEPC], as  
15 summary of the complaints filed with city agencies  
16 for violations of the EEO policies.

17  
18 With respect to Intro 877, we look forward to  
19 discussing with the Council refinements to the text  
20 of the bill that will promote the effective use of  
21 exit surveys of City workers leaving their agencies.

22 The City remains committed to ensuring that we  
23 have a municipal workforce that is ready and eager to  
24 serve our fellow New Yorkers. Part of Mayor Adams'  
25 overall plan to fortify our workforce includes our

1  
2 New York City Government Hiring Halls such as the one  
3 we co-hosted with Chair De La Rosa in her district  
4 last month. The Hiring Halls and enable agencies to  
5 meet, screen, interview, and potentially make  
6 conditional offers on the spot to job seekers. To  
7 date, we have hosted ten Hiring Halls, visited all  
8 five boroughs, and made almost 1,500 conditional  
9 offers. These Hiring Halls will continue to be  
10 hosted in various sites throughout the City on a  
11 weekly basis between now and the end of June. DCAS  
12 is also participating in an interagency working group  
13 tasked with reviewing the City's pre hiring and  
14 onboarding processes to expedite cycle times  
15 experienced by job seekers.

16 Please allow me, again, to thank the Council for  
17 the opportunity to testify today. We look forward  
18 to working in partnership with the Council and Civil  
19 Service and Labor Committee to accomplish these  
20 goals. I am happy now to take any questions the  
21 Committee may have in relation to the role of DCAS in  
22 the exit survey process.

23 CHAIRPERSON DE LA ROSA: Thank you so much.

24 First of all, let me just say that I appreciate  
25 DCAS' partnership with the Hiring Halls. I attended

1 the one in my district, and it was successful. There  
2 was a lot of excited potential in the room who wanted  
3 to make sure that they could secure a job. And, so,  
4 that was heartening to see given the crisis that we  
5 are facing. And I know that this council has not  
6 been shy about talking about the hiring crisis and  
7 the vacancy crisis that we are now facing.

9 I wanted to ask some questions around the vacancy  
10 rates. The City Council's data team calculated that  
11 of April 2023, there is a 7.9 percent citywide  
12 vacancy rate totally 22,964 vacancies across  
13 government agencies.

14 We know you are doing the Hiring Halls, but what  
15 is DCAS doing to address the bureaucrat hiring delays  
16 and expediting hiring across City agencies?

17 MS. STELLA XU: Thank you for your question. So,  
18 DCAS is working with our city agencies on a number of  
19 initiatives. There are Hiring Halls, which you know  
20 about. But, we are also participating in an  
21 interagency working group that looks at the City's  
22 pre hiring and onboarding process in looking for ways  
23 to expedite the process. We continue to publish  
24 Civil Service Exams and lists and holding our Hiring  
25 Pools. On average, over the last five years we held

2 about 180 Civil Service Exams a year. We  
3 administered that over 103,000 candidates, and we  
4 have established over 150 lists. We are looking at  
5 ways in which DCAS can modernize civil service, such  
6 as reviewing our Title, what we call MQRs, which are  
7 Minimum Qualifications Requirements to remove  
8 barriers to entry, reducing the test questions, as  
9 well as looking at more education experience to exams  
10 to make simplify the process for job seekers. We  
11 also... Sorry... (CROSS-TALK)

12 CHAIRPERSON DE LA ROSA: Go ahead, go ahead...

13 MS. STELLA XU: We also offer a number of  
14 workforce planning tools, the exit survey, which I  
15 spoke about, but we also offer agencies the Workforce  
16 Profile Report, the salary benchmarking tool, which  
17 agencies can use to look at a title across agencies  
18 of similar size and function, and we also offer a  
19 retirement predictor tool that will allow agencies to  
20 look at 30 years of retirement data -- make  
21 predictions, uhm, for their own workforce planning  
22 needs.

23 CHAIRPERSON DE LA ROSA: Does DCAS have a  
24 methodology for identifying vacancies that are

1 critical to agency operations that must be filled  
2 quickly?

3  
4 MS. STELLA XU: Yes, thank you for the question.  
5 We work with agencies to supplement their efforts,  
6 their own efforts at recruitment and hiring. The  
7 agencies self-report to us in the titles in which  
8 they have the most vacancies as well as the titles  
9 which they consider critical, and we feature those  
10 titles at our Hiring Halls. We target specific CBOs  
11 that may have a foothold on those industries, and we  
12 try to gather agencies with similar job titles  
13 together at a Hiring Hall to attract the candidates  
14 to come to those Hiring Halls.

15 CHAIRPERSON DE LA ROSA: Good. When was the last  
16 time that DCAS conducted an analysis of titles to  
17 identify new positions that have become difficult to  
18 recruit or retain?

19 MS. STELLA XU: So, I think, uhm, you're referring  
20 to the DCAS Hard to Recruit List?

21 CHAIRPERSON DE LA ROSA: Mm-hmm

22 MS. STELLA XU: Which is a list of titles that are  
23 residency exempt, and that is under Administrative  
24 Code 12-121, uh, that provision provides for the DCAS  
25 Commissioner to review applications for agency heads

1 when a title is particularly difficult to recruit  
2 for. And we recently just added agency attorney  
3 titles to the Hard to Recruit List last year.

4  
5 CHAIRPERSON DE LA ROSA: And, so, how often does  
6 the analysis of these titles happen with an agency?

7 MS. STELLA XU: So, DCAS doesn't proactively  
8 perform an analysis, the Admin code provides for  
9 agencies to request titles. So, if agencies go  
10 through their process and realize that a title may be  
11 difficult to recruit, they make an application to the  
12 DCAS Commissioner.

13 CHAIRPERSON DE LA ROSA: Okay, uh, the primary  
14 function of DCAS' Human Capital Team includes  
15 recruiting candidates for city employment and helping  
16 city agencies to meet their hiring needs in a manner  
17 that is consistent with local, state, and federal law  
18 -- as you know -- however; in September 2022 a PEG  
19 ordered the Office of Management and Budget  
20 implemented a temporary hiring freeze until the  
21 office approved all agency staffing plans.

22 What role does OMB play in establishing and  
23 implementing personnel policies for city agencies?

24 MS. STELLA XU: So, OMB would implement policy,  
25 such as the hiring freeze, which was most recently

2 lifted in December of 2022, uh, and as of right now,  
3 agencies are free to hire up to their budgeted  
4 headcount. And we would defer to our colleagues at  
5 OMB for more discussion on that.

6 CHAIRPERSON DE LA ROSA: Is OMB still reviewing  
7 all new hires and promotions? And how much time does  
8 that usually add to the process?

9 MS. STELLA XU: So, the OMB review process is a  
10 part of our hiring process, and a they review agency  
11 hiring and promotion requests that confirm to labor  
12 agreements within ten business days, and where they  
13 have to request a salary exemption, that review  
14 process takes within a 21 business days.

15 CHAIRPERSON DE LA ROSA: So, from the time a  
16 person is offered a conditional job offer to the time  
17 the time the person is hired, how much time usually  
18 elapses?

19 MS. STELLA XU: So, it depends on agency process.  
20 Some agencies seek OMB approval before they make the  
21 conditional offer, before they come to our Hiring  
22 Halls. It is actually... We had that as one of our  
23 conditions at a Hiring Halls that you had come with  
24 OMB approved positions. Some agencies choose to  
25 submit to OMB, uh, after the Hiring Hall, uh, after

1                   the conditional offer is made. So, it really depends  
2  
3                   on the agencies process.

4                   CHAIRPERSON DE LA ROSA: As part of the September  
5                   2022 PEG order OMB promised to take steps to reduce  
6                   delays in approving agency hirings per approval of  
7                   positions. What concrete steps to your knowledge has  
8                   OMB taken to fulfill this pledge?

9                   MS. STELLA XU: So, they recently worked with  
10                  decease to update a personal service bulletin on  
11                  posting vacant positions. On the that PSB, they added  
12                  an appendix which outlined the timelines, which I  
13                  just spoke about -- ten business days within their  
14                  prescribed limits -- up to 21 days if we want to  
15                  deviate, they describe conditions in which agencies  
16                  can deviate. And we would defer to OMB on the  
17                  specifics of how they are handling that process.

18                  CHAIRPERSON DE LA ROSA: In DCAS's function as a  
19                  Chief Personnel Officer, can you comment on whether  
20                  OMB is delaying hiring in order to achieve budget  
21                  savings?

22                  MS. STELLA XU: Well, I am not the Chief Personnel  
23                  Officer, but thank you for the promotion.

24                  Uh, no, I think each oversight agency performs a  
25                  role in ,you know, making sure the city works. DCAS

2 watches for compliance with civil service laws, ORR  
3 watches for compliance with labor agreements, and OMB  
4 has their own mandate.

5 CHAIRPERSON DE LA ROSA: Okay. The OMB director  
6 testified at a recent Executive Budget hearing that  
7 the government's high vacancy rate was partly due to  
8 a difficult labor market. However, union leaders  
9 have testified that they routinely receive an  
10 overwhelming interest at Government Hiring Halls and  
11 often have to turn people away because they have  
12 reached capacity. Why are unions reporting high  
13 volumes of applicants yet the City's vacancy rate  
14 seems to remain stagnate.

15 MS. STELLA XU: Uh, thank you for that question,  
16 Chair. So, unfortunately, at our very first Hiring  
17 Halls, we did have to turn people away. For those  
18 applicants, we collected their resumes, we added to  
19 our mailing list, so that they can receive  
20 information about future Hiring Halls. And ,you  
21 know, to be honest, it was our first Hiring Halls, we  
22 learned a lot from that experience. We made process  
23 improvements. But, in terms of matching the job  
24 seekers to titles, you know, not every title is  
25 suited for a Hiring Hall. These are not titles that

1  
2 you can make on the spot job offers, but that screens  
3 out titles may require a second interview with  
4 leadership. It screens out titles that require  
5 special skills and certifications, uh, extensive  
6 background investigations. And, also, sometimes the  
7 job seekers come to the Hiring Halls with a skills  
8 mismatch. So, we see a lot of job seekers with  
9 experience in the food service industry, and that is  
10 just not a type of title that the City has in  
11 abundance, so they may not find what they are looking  
12 for at the Hiring Halls.

13 CHAIRPERSON DE LA ROSA: I have a question, you  
14 testified that there was... There have been ten  
15 Hiring Halls and 1,500 conditional offers so far, so  
16 from the 1,500 conditional offers, have any of those  
17 folks already filled vacancies were existing...

18 (CROSS-TALK)

19 MS. STELLA XU: Yes, so, that's a great question.  
20 Uhm, so, we did... We did want to... Last week we  
21 followed up with agencies, because they indicate to  
22 us not only if they made a conditional offer, but if  
23 a second round interview is scheduled...

24 CHAIRPERSON DE LA ROSA: Mm-hmm

1  
2 MS. STELLA XU: So, last week, we followed up with  
3 agencies to say, hey, you said x number of people  
4 went for second rounds, x number made conditional  
5 offers, how many people... What was the result of  
6 those second round interviews, and how many of those  
7 conditional offers have been onboarded? Those  
8 results are due back to us this week, so we are  
9 hoping to have some future data soon. I do want to  
10 share a story that at one of our prep sessions, a  
11 woman... This was our fourth or fifth Hiring Hall, I  
12 don't remember which, she was saying how much she  
13 looked forward to going there and recruiting on  
14 behalf of her agency. And, it turned out that she  
15 was hired at our very first Hiring Halls.

16 CHAIRPERSON DE LA ROSA: Great.

17 Would you be willing to share that data with the  
18 Council once you have it?

19 MS. STELLA XU: Yeah, we can take a look at that.

20 CHAIRPERSON DE LA ROSA: Great, thank you.

21 Some agencies, including The Department of  
22 Sanitation, Fire, and Parks have relatively low  
23 vacancy rates, around five percent or lower, what  
24 best practices or procedures are in place at these  
25

1  
2 agencies that enable them to recruit and retain  
3 staff?

4 MS. STELLA XU: So, each agency has their own  
5 hiring practices, recruitment practices, and they  
6 have unique needs based on the population, based on  
7 the titles that they hold. Uniform agencies, such as  
8 Sanitation and Fire, uhm, have a large pool of  
9 uniformed employees who all have to pass a civil  
10 service exam. And we are proud that Sanitation and  
11 Parks have been at six of our Hiring Halls. And we  
12 look forward to continuing to work with City  
13 agencies.

14 CHAIRPERSON DE LA ROSA: Great. Has DCAS  
15 measured... So, we ,you know, we have a chart of  
16 some of the top 20 mayoral agencies that have  
17 vacancies, and at the top of that list are Department  
18 of Small Business Services, The Department of  
19 Buildings, and The Department of Investigations. I  
20 know some of my colleagues have talked about some of  
21 the oversight and investigation ,you know, concerns  
22 with high vacancies. The Commission on Human Rights,  
23 The Department of Social Services, uh, has DCAS sort  
24 of created an impact matrix on the delivery of City  
25 services based on vacancies?

2 MS. STELLA XU: So, each agency should be working  
3 with their HR offices to make sure that service  
4 impact... If not delivered.

5 CHAIRPERSON DE LA ROSA: And if there are  
6 agencies that have severe vacancies like this, uh,  
7 are we finding that employees are covering double  
8 duty?

9 MS. STELLA XU: I cannot speak to the practices at  
10 each agency.

11 CHAIRPERSON DE LA ROSA: I am going to turn it  
12 over to my colleagues for questions. I know there  
13 are some questions specifically on the exit surveys,  
14 and then I will come back.

15 Okay, Council Member Menin and then Council  
16 Member Abreu.

17 COUNCIL MEMBER MENIN: Thank you so much. So, I  
18 did have a couple of questions. Uhm, in terms of the  
19 remote work pilot, could you talk a little bit about  
20 that? And how do you think it was affect overall  
21 employee retention?

22 MS. STELLA XU: Sure, and thank you for that  
23 question. I am going to turn it over to my colleagues  
24 at OLR.

1  
2 MR. BRIAN GELLER: So, the, uh, 2021-2026 DC37  
3 MOA included the creation of a Work Flexibility  
4 Committee that includes the development of a flexible  
5 work pilot. We are still meeting with DC37 at this  
6 time and hope to announce a final agreement in the  
7 pilot as soon as possible.

8 COUNCIL MEMBER MENIN: Okay, I mean I just want to  
9 say for the record, I think it is very important to  
10 do so. I want to just say for example, at the City  
11 Law Department where there are tremendous vacancies,  
12 and I used to work at the City Law Department, you  
13 have got lawyers who are... Many are moving over to  
14 the private sector, because they are getting higher  
15 compensation, they have the flexibility around remote  
16 work, so I think it is absolutely critically  
17 important that we give flexibility to employees. And  
18 I just wanted to make sure to state that.

19 A couple other, uh, aspects, I mean, so, in terms  
20 of the pilot, how do you think it will then allow the  
21 City to better retain employees across all of these  
22 different agencies?

23 MR. BRIAN GELLER: Sorry, I don't want to comment  
24 on the ongoing process. But, we are hoping to  
25 announce a pilot as soon as possible.

2 COUNCIL MEMBER MENIN: Okay, moving along, does  
3 the City keep track of the number of applicants who  
4 identify as disabled?

5 MS. SILVIA MONTALBAN: Hi, I can answer for that.

6 So, people... Disability is not really a  
7 category that is required for people to disclose.  
8 And there are a lot of implications about that  
9 because of the privacy concerns that individuals may  
10 have or the incorrect perceptions that there may be  
11 about individuals. However, uhm, we have a process  
12 in the City under our Reasonable... Number one,  
13 under the Reasonable Accommodations Process in  
14 general, if an employee has a need, certainly every  
15 agency has to educate their workforce on the fact  
16 that there is a resource for them to self-disclose in  
17 private... in a private forum to their EEO Office if  
18 they have any needs. But, generally, uhm, no, no one  
19 is... no information about disability status us  
20 solicited we... obviously for concerns of privacy.

21 COUNCIL MEMBER MENIN: Okay, thank you.

22 In terms of city agencies, could you walk through  
23 the city agencies that saw the most number of  
24 resignations and retirements?

2 MS. STELLA XU: So, unfortunately that is not  
3 something that I have in front of me, but we are  
4 happy to get back to on you on that.

5 COUNCIL MEMBER MENIN: Yes, I think that would be  
6 very helpful for the Committee to see that. Thank  
7 you very much.

8 CHAIRPERSON DE LA ROSA: Council Member Abreu?

9 COUNCIL MEMBER ABREU: Thank you, Chair.

10 Does the Administration have concerns about the  
11 implementation of Intro 877-A?

12 MS. STELLA XU: Uh, so, we have been administering  
13 this exit survey. We look forward... We agree with  
14 the spirit of Intro 877-A. We just want to have the  
15 opportunity to discuss refinements to the language  
16 and make certain definitions more clear to make sure  
17 that we are making the most effective use out of the  
18 Intro.

19 COUNCIL MEMBER ABREU: Great. DCAS currently  
20 conducts an exit survey of the departing employees.  
21 Currently, do all departing employees receive an exit  
22 survey?

23 MS. STELLA XU: All departing managers are given  
24 the opportunity to participate in the survey.

2 COUNCIL MEMBER ABREU: Got it, and those departing  
3 managers that do get surveys, could you speak to what  
4 is in those surveys? Like what information it  
5 captures?

6 MS. STELLA XU: Sure. Yeah, absolutely. So, we  
7 ask if they a total of 34 questions, 16 of which  
8 center around their reasons for departure, and then  
9 18 are just ,you know, quick demographics questions.  
10 So, we ask questions about why they are leaving; we  
11 ask questions about what industry they are going to  
12 and how long they thought about leaving. We ask  
13 questions about their current working conditions, so  
14 that... if you feel supported by your supervisor, if  
15 you feel that your career options are clearly laid  
16 out for you? Just ,you know, questions to look at  
17 the workplace environment to see if we can get a  
18 clearer picture of why the employee is leaving.

19 COUNCIL MEMBER ABREU: Got it. And are these  
20 surveys voluntary?

21 MS. STELLA XU: Yes.

22 COUNCIL MEMBER ABREU: Does DCAS conduct in person  
23 exit interviews, or are they these like, automated on  
24 computers?

1  
2 MS. STELLA XU: Right now the exit surveys are  
3 automates on computers. However, agencies may have  
4 their own exit offboarding process that may include a  
5 in person interview.

6 COUNCIL MEMBER ABREU: And my last question, does  
7 the Administration believe that the scope of the bill  
8 should be expanded to include employees departing  
9 under different circumstances? For example, should  
10 the exit survey be administered to employees  
11 departing due to layoffs, due to budgetary constants,  
12 dismissals, or transfers?

13 MS. STELLA XU: So, we believe that the scope of  
14 the survey should be expanded to transfers, because  
15 if there is an issue within an agency, we want the  
16 agency to be able to see that. However, right now the  
17 survey is administered to voluntary separations, and  
18 we believe that 877 should also keep it to voluntary  
19 separation, so that people departing under less than  
20 ideal circumstances, their results wouldn't ,you  
21 know, just know of skew the results.

22 COUNCIL MEMBER ABREU: Thank you so much.

23 MS. STELLA XU: Sure.  
24  
25

1           CHAIRPERSON DE LA ROSA: I want to recognize that  
2 we have been joined by Council Member Joseph and  
3 Council Member Feliz.  
4

5           Any other questions, Colleagues?

6           I do have a question around the... You testified  
7 about the minimum requirements for certain titles.  
8 And I wanted to ask, I know that that was a big part  
9 of also our speaker's Agenda during the State of the  
10 City, and I wanted to ask, how is that process going?  
11 And what is the methodology that you are using to  
12 evaluate which titles will see a change or an update  
13 on the minimum requirements?

14          MS. STELLA XU: Thank you for the question.

15          So, right now we are actively looking at changes  
16 to minimum qualification requirements to remove  
17 barriers to entry. I believe one of the titles that  
18 we are looking at is sanitation workers. But we  
19 are... This is an ongoing process and we look  
20 forward to sharing our results when we are at a place  
21 where we can speak definitively to it.

22          CHAIRPERSON DE LA ROSA: Thank you. Any other  
23 questions?

24          Okay, thank you so much for coming in today.

25          MS. STELLA XU: Thank you.

2 COMMITTEE COUNSEL: Thank you to the  
3 Administration.

4 We will now turn to public testimony. We will be  
5 limiting public testimony to three minutes today.  
6 For in person panelists, we will... For in person  
7 panelists, please come up to the table once your name  
8 has been called.

9 For virtual panelists, once your name has been  
10 called, a member of our staff will unmute you, and  
11 the Sergeant At Arms will set the timer and give you  
12 the go ahead to begin. Please wait for the Sergeant  
13 At Arms to announce that you may begin before  
14 delivering your testimony.

15 For our first in person panel, I would like to  
16 bring up Darrell Sims and Alice Wong.

17 You may begin The sergeant starts you clock.

18 MR. DARRELL SIMS: Good morning, Council Members,  
19 My name is Darrell Sims, and I am President New York  
20 City Managerial Employees Association, and with me is  
21 Alice Wong, the Executive Director.

22 I am going to give a personal testimony, because  
23 I feel it is very important. And Alice is going to  
24 follow up with MEA's... our combined testimony.

1 I worked for New York City Department of Housing  
2 Preservation and Development for 39 years. And I  
3 retired on January 1, of 2020 right before the  
4 pandemic. And I did an exit questionnaire the last  
5 day of my job. I stayed up all night, because I felt  
6 it was so very important, because I worked for 39  
7 years, and when I became a manager in January of  
8 1993, I never received a promotion the whole time.  
9 And it is unconscionable that I had to do that. My  
10 work was -- I'm not being conceited -- was very good  
11 if not outstanding. During the course of my career,  
12 I was involved with probably 100,000 units in terms  
13 of rehabilitation as well as new construction. And I  
14 obtained tons of knowledge as a registered architect.  
15 When I started in 1980, I was living in a dorm at  
16 Columbia. The old timers that I worked with, they  
17 kind of took me under their wings and showed me many  
18 of the things that were important as a technical  
19 person. And, so, around 1995 most of them retired.  
20 But, the things that stand out is that ,you know,  
21 there was discrimination and racism as well as the  
22 politics within the City government agencies. And  
23 that idea that ,you know, I was more qualified than  
24 the people who were in charge of me; and therefore,  
25

1           they limited my advancement. I probably spent  
2           somewhere between \$50,000 and \$75,000 on legal fees  
3           going to court. I had a federal court... The first  
4           judgement was a hung jury. The second time I lost.  
5           And they used my conduct as a reason for me losing,  
6           because I had complained about not getting the  
7           promotions that I deserved. I broke in staff who  
8           ended up getting higher positions than I. And it was  
9           nothing but racism and discrimination. And there are  
10          things that happened, and I think the exit survey is  
11          very important, but is also important to have  
12          evaluations along the way -- 1995 was the last  
13          evaluation that I received, and it was average,  
14          because the person evaluating me hadn't worked with  
15          me, and they were new on the job.

17          So, I think that ,you know, [TIMER CHIMES] at the  
18          end it is good to have ,you know, the exit survey,  
19          but along the way, there are a lot of things that  
20          could be picked up and made better for the people who  
21          are doing the exiting -- this is basically opinion.

22          I would like to turn it over to Ms. Wong at this  
23          point.

24          MS. ALICE WONG: Good morning, we would like to  
25          thank the Committee for providing us the opportunity

1           to testify on behalf of the 16,000 New York City  
2 managerial and confidential employees which include  
3 MEA members.  
4

5           Based on our experience and the information  
6 provided to us by the Executive Board and our  
7 members, the MEA supports Intro 877, which requires  
8 an exit survey for resigning and retiring city agency  
9 employees.

10          An exit survey would provide a forum for  
11 resigning and retiring employees to uninhibitedly  
12 express their perspectives and opinions regarding  
13 their employment at a particular agency. Adverse  
14 actions, unfair treatment, and discrimination  
15 complaints could be revealed and detailed by  
16 departing employees in these surveys without the  
17 threat of repercussions and retaliation by  
18 supervisors and/or agencies. Information from exit  
19 interviews could be used by the Department of  
20 Citywide Administrative Services (DCAS) and the  
21 Commission on Human Rights to address detrimental  
22 actions and adversarial circumstances that have  
23 affected departing employees.

24          Additionally, positive and favorable employee  
25 remarks regarding particular subject matter in exit

1 surveys could be shared through DCAS with agencies as  
2 examples to take into consideration for improving  
3 policies, operations and workplace conditions. It is  
4 anticipated that exit surveys will serve to identify  
5 conditions that require upgrades and improvements to  
6 make City government more attractive for those  
7 seeking employment and at the same time to enhance  
8 the work-life experience for the retention of the  
9 existing workforce.  
10

11 Thank you very much for your time.

12 CHAIRPERSON DE LA ROSA: Thank you so much.

13 I have one question. In your experience, either  
14 now as the President of the Managerial Employees  
15 Association or as Executive Director, have you heard  
16 of other City employees, municipal workers, that  
17 speak to you about the obstacles that you faced when  
18 you were in city service, and have they commented to  
19 you about their experience with exit surveys?

20 MS. ALICE WONG: We have not, at the MEA level,  
21 had members to exit surveys, because it hasn't been  
22 given to them or they have not had the opportunity to  
23 do so. I am not sure if they were aware of the  
24 opportunities to take exit interviews. And that may  
25 be one of the obstacles that needs to be overcome.

2 CHAIRPERSON DE LA ROSA: Information...

3 Information sharing?

4 MS. ALICE WONG: Yes...

5 MR. DARRELL SIMS: Yes, but the thing... We have  
6 had members who complained regarding merit raises.  
7 And ,you know, in terms of moving... I talked about  
8 salaries, and the idea of merit raises, that sticks  
9 with you the rest of your life, because it is  
10 pensionable, and it is also part of your social  
11 security. So, when you are not given the things that  
12 you deserve, it has a lifelong effect on you. And we  
13 have had members who complained about not getting  
14 merit raises when their coworkers have received merit  
15 raises. I know that's a little bit skewed off of the  
16 subject, but all of these factors come into play in  
17 reasons why people have incentive to leave. On my  
18 questionnaire, I put on it, and I have it with me --  
19 I didn't submit, because it is personal -- but, I  
20 could have worked three more years, but ,you know, it  
21 was sort of like, okay, there was a vacant  
22 directorship, I had to ,you know, I had been running  
23 my staff and everything. The person who was the  
24 director left, I asked if I could get the position, I  
25 was told, no. And, so, you know, what's the use of

1 me having already put in 39 years, why should I stay  
2 another three years? It's the agency, and the City,  
3 and the citizens loss, because I did work, and I  
4 appreciate the work that I did, because I was helping  
5 people who were more like me than different. And  
6 that was what it was about. I probably would have  
7 left the agency many years ago, but my incentive was  
8 to help people. And I liked the work that I was  
9 doing as an architect. I made up my mind when I was  
10 in high school, that I wanted to be an architect.  
11 And, so, that was what I did.

13 CHAIRPERSON DE LA ROSA: Great. Thank you also  
14 for sharing your experiences and your personal story.  
15 It is enlightening to hear. We know some of these  
16 things ,you know, anecdotally from other employees  
17 that share them, but it important to also have them  
18 here on the record. I don't know if any of the other  
19 collaborate have questions for this panel? No?  
20 Well, thank you so much. Thank you for coming today.

21 MR. DARRELL SIMS: Thank you.

22 COMMITTEE COUNSEL: Thank you, we are going to  
23 have a hybrid panel. I am going to call for in person  
24 testimony: Innis Layne, Raul Rivera, John Bachenski,  
25

1  
2 and Michael McGuire, and on Zoom, we are going to  
3 have Nicholas Carparelli.

4 Innis Layne, you may begin when the sergeant  
5 starts your clock.

6 MR. INNIS LAYNE: Good morning, thank you for  
7 hearing our testimony this morning.

8 My name is Innis Layne, and I'm representing  
9 Bricklayers & Allied Craftworkers Local Union No. 1,  
10 NY (Local 1). And I am a business agent for the  
11 Brooklyn and Queens area.

12 I am here to to testify in support of Resolution  
13 about the precast concrete panels over the handset  
14 brick and block.

15 The SCA and the DDC have been building a lot  
16 precast panels all over New York City since 2018 --  
17 more and more. In my area alone, there is about five  
18 jobs currently going up that is precast. With every  
19 precast job that goes up, just about 40 bricklayers  
20 are out of work with each one. So, that is about 200  
21 people out of work right here in Brooklyn. And  
22 there are these precast all over New York City  
23 currently. And, uh, this about... We want to ask  
24 the SCA and DCC to reverse building precast and go  
25

2 back to handset brick and block as soon as possible,  
3 thank you.

4 COMMITTEE COUNSEL: Raul Rivera, you may begin  
5 when ready.

6 MR. RAUL RIVERA: Is it okay if I am last? Is  
7 that okay?

8 COMMITTEE COUNSEL: Okay.

9 MR. RAUL RIVERA: Thank you.

10 COMMITTEE COUNSEL: John Bachenski?

11 MR. JOHN BACHENSKI: Good morning, I represent  
12 Glenwood Mason Supply in East Flatbush. We employ  
13 about 80 people from the local community and it  
14 represents a diverse background of employees there  
15 and their families. Glenwood has been in business  
16 for... Or I should say the Cincotta family, who owns  
17 Glenwood, has been producing block for over a 100  
18 years and supplying labor and material for the five  
19 boroughs and Manhattan for about that same time.

20 So, uh, as Innis from the Bricklayers mentioned,  
21 precast panels have been proliferating in our city  
22 for the last two or three years. And those panels  
23 are in direct competition to the labor that is needed  
24 desperately in this city.

2 With block not being used by the SCA and DDC, it  
3 puts a terrible burden on our plant and the  
4 surrounding plants that supply CMU concrete block to  
5 the city, and it is being substituted by these  
6 panels. That is one of the main reasons that we  
7 started this Coalition, is to make everyone aware of  
8 the jobs that are being lost on a day to days basis,  
9 both factory jobs that we desperately need in the  
10 city, and labor jobs that we need. You know, with  
11 this new green wave that is happening, the block  
12 manufacturers are now producing materials that are  
13 much more sustainable and much more green than a lot  
14 of these precast units that are coming from other  
15 states including Canada -- which is another country  
16 that is burden on us. So, that is why we are here to  
17 support the bill Resolution. And I would like to  
18 pass it back to the Council.

19 COMMITTEE COUNSEL: Thank you for your testimony.

20 Mike McGuire, you may begin when ready.

21 MR. MICHAEL MCGUIRE: Good morning, Chair De La  
22 Rosa, and distinguished Committee members, my name is  
23 Mike McGuire, I am the Director of the Mason Tenders  
24 District Council and Political Action Committee.

1           In these difficult economic times, it is hard to  
2 fathom the thought processes of some city agencies  
3 and state authorities. It often seems as if the left  
4 hand has no idea what the right hand is doing. Just  
5 five weeks ago, Mayor Adams' Executive Budget  
6 revealed out year gaps in Fiscal Years 2025 through  
7 2027. And for weeks ago Bloomberg News reported that  
8 the City is spending \$8 million each day on much  
9 needed relief for the asylum seekers we have so  
10 proudly embraced. Yet these agencies have chosen to  
11 use construction methods that not only cost more in  
12 the construction phase, but also undermine local area  
13 standards on construction wages and benefits,  
14 potentially eliminate local manufacturing jobs in our  
15 communities, and have severely deleterious effects on  
16 the environment. The use of precast masonry panels  
17 does all of these terrible things in one fell swoop,  
18 but despite the harm, are seemingly lovingly embraced  
19 by the bureaucrats at the SCA and the DDC.

21           Studies have shown that the use of these panels  
22 costs the agencies between one to three percent more  
23 than traditionally handset brick and block.  
24 Deficiencies and inaccuracies in the manufacturing of  
25 the panels can cause major delays on projects. And

1           these panels are generally manufactured out of state,  
2           and even out of the country, undermining wage  
3           standards for New York City construction workers.  
4

5           The bricklayers have determined that the use of  
6           precast panels over handset brick and block  
7           eliminates about 40 bricklayers' jobs on each school  
8           building. That costs approximately 20 laborers jobs  
9           as well. Those 60 tradeswoman and tradesmen are  
10          replaced by approximately six workers.

11          As John stated, Glenwood is the last block  
12          manufacturer in New York City. It is a good outfit.  
13          I have been down there a couple times since we  
14          started working on this project. I have talked to  
15          the workers. It is a good employer, but John can  
16          expound more on that if you have more questions.

17          I will go onto the environment part. The  
18          environmental impact, panels can be highly  
19          problematic. The manufacturing process for Portland  
20          cement is a huge polluter. According to the EPA, the  
21          cement industry is the third largest industrial  
22          source of pollution in America. Unfortunately, in  
23          today's world, there is no viable alternative to  
24          concrete. We cannot eliminate the use of concrete,  
25          but we can minimize the impact by the promotion of

1 smart polices. Precast masonry panels require a  
2 greater amount of cement, and that cement needs to be  
3 high-strength due to issues of axial and shear  
4 forces, tensile strength, et cetera. This is what  
5 causes the requirement for higher strength, high-  
6 strength cement is needed for high-strength concrete,  
7 and it is much more harmful to the environment to  
8 manufacture. Further, these panels are shipped  
9 hundreds of miles to New York City from a handful of  
10 manufacturers in Pennsylvania, Ohio, and Canada.

12 The two agencies began using more precast panels  
13 in 2018 and very rapidly expanded their use to the  
14 point that more than 70 percent of SCA school  
15 buildings are constructed with them [TIMER CHIMES]  
16 today. It is five years later, and the agencies have  
17 not conducted any fiscal impact studies or studies  
18 into the efficacy or safety or the use of the panels.  
19 We have to ask why would agencies tasked with  
20 improving our infrastructure proactively and  
21 unilaterally choose processes that undermine workers  
22 and honest business and are so harmful to our great  
23 city? Maybe this should have been a hearing jointly  
24 with Oversight and Investigation.

2 On behalf of the 17,000 members of the Mason  
3 Tenders District Council of New York and Long Island,  
4 not the least of which are the hardworking men and  
5 women of Construction and General Building Labors'  
6 Local 79, many of whom are employed as Mason Tenders  
7 on traditional handset brick and block work, we fully  
8 support Resolution 574. Thank you.

9 COMMITTEE COUNSEL: Raul Rivera, you begin when  
10 ready.

11 MR. RAUL RIVERA: Good afternoon, my name is Raul  
12 Rivera, I am a New York native; I am a Taxi and  
13 Limousine Commission Driver advocate.

14 I don't have anything written down, but trust me  
15 what I am going to say pertains to labor.

16 I am the son of Puerto Rican parents, and we want  
17 this council know and not forget about the  
18 contributions of the Puerto Rican here in New York  
19 City. The Puerto Rican has opened the doors for  
20 many, many immigrants, including yourself....  
21 including yourself, Council Member. We have many  
22 council members in this city who are Puerto Rican.  
23 We even have a taskforce, which I don't know what  
24 it's for, but we have one. And these so-called  
25 Puerto Ricans refused to show face in January 21st

1                   when we had a press conference, when the mayor of  
2                   this city and the commissioner to the DOT was bigoted  
3                   against the Puerto Rican community. I got a text  
4                   from the Mayor himself. *Don't make a big deal out of*  
5                   *it.* They try to erase our name. You know, next month  
6                   we are having celebrations, everybody's waving the  
7                   flag, but I am here defending El Boricua every day  
8                   24/7. We are not merely Boricuas when the parade  
9                   comes out. We know the Mayor is going to have a  
10                  celebration in Gracie Mansion, and a lot of those  
11                  hypocritical politicians that call themselves Puerto  
12                  Ricans didn't show their face will be there. We do  
13                  not have anything personal against anyone, but we  
14                  advocate with truth. If you can't defend your  
15                  people, you can't defend anyone. And Boricua has  
16                  been forever. We are not saying we are better than  
17                  you, but we want respect. Our people have been  
18                  through hell and back. We lost fingers in factories.  
19                  We have been shot and killed as bodega owners in the  
20                  60's and 70's. We have been killed as taxi drivers.  
21                  We demand that our elected officials not go to Puerto  
22                  Rico and try to represent this dare, if they can't do  
23                  it here. Assemblywoman Reyes, Eric Adams, Carlina  
24                  Rivera, Marjorie Velázquez, all of them, you know who

1                   you are, we reached out to you, and you didn't show  
2 face. We will not forget that. You can wave the  
3 flag all you want, but you dishonor your family and  
4 that flag. It was treasonous to have that flag if  
5 you didn't know. We are proud of that flag, because  
6 it was treasonous. This flag was created and  
7 designed in the Lower East Side. Thank you so much.

8                   CHAIRPERSON DE LA ROSA: Thank you.

9                   MR. RAUL RIVERA: It is very upsetting, very  
10 upsetting.

11                   CHAIRPERSON DE LA ROSA: Thank you. Thank you  
12 for your testimony.

13                   I have some questions for the panel. I wanted  
14 to... You spoke a little bit about the job loss  
15 for... in your testimony. And I wanted to just  
16 confirm that the numbers about 60 workers per project  
17 in the City?

18                   MR. MICHAEL MCGUIRE: John, do you want to handle  
19 it?

20                   MR. JOHN BACHENSKI: From the manufacturing side  
21 there is just pressure. We used to have, uh, second  
22 and third shift at our factory.

23                   CHAIRPERSON DE LA ROSA: Mm-hmm?

1                   MR. JOHN BACHENSKI: And that has been reduced for  
2  
3 many reasons. I mean, the SCA and the DDC, mostly  
4 the SCA has produced 30 schools -- either additions  
5 or new schools out of other materials. Which means  
6 that's pressure on us a manufacturer in regards to  
7 not being able to produce materials. As far as the  
8 job site...

9                   MR. MICHAEL MCGUIRE: So, yeah, so, on the  
10 construction sites, yes, so the bricklayers are  
11 determined that of course, it depends on the size and  
12 scope of the school job. Right? I mean, bigger  
13 ones, there is obviously there's more bricklayers,  
14 smaller ones, there's less. But, on average it's  
15 about 40 bricklayers per site. And then Mason  
16 Tenders, as you know we are the Mason Tenders  
17 District Council, and we tend the masons. The masons  
18 are the bricklayers. We mix the mortar, we build  
19 the scaffolds, we move the brick and block to the  
20 mason, so that they can lay the block. The usual  
21 ratio is about two bricklayers for every mason  
22 tender. So, for every 40 bricklayers that are not  
23 working, 20 mason tenders aren't working. And then  
24 it ends up, you know, you have these panels come in,  
25 and their hooked to a crane, and they're swung into

2 place and bolted into place. It takes about six  
3 workers. Which the startling thing about that, is  
4 when you think about it, the fact that this actually  
5 ends up costing more, where you had 60 jobs where  
6 that money is going into the local economy from those  
7 workers, down to six jobs. Where is that money  
8 going? That many is... You know, you might as well  
9 take those big trucks that ship the giant panels in,  
10 load them up with New York City money and ship it  
11 back to Ohio, and Pennsylvania, and Canada. Because  
12 that is where that money is going. It is going out  
13 of our economy into other people's economies.

14 CHAIRPERSON DE LA ROSA: We have one more witness  
15 for panel, Nicholas Carparelli, he's on Zoom, I  
16 apologize. We'll come back to council member  
17 questions.

18 Nicholas Carparelli, you may give your testimony  
19 once you are unmuted and the sergeant starts your  
20 clock.

21 SERGEANT AT ARMS: Time has begun.

22 MR. NICHOLAS CARPARELLI: Is the clock started?

23 COMMITTEE COUNSEL: Yes.

24

25

1                   MR. NICHOLAS CARPARELLI: All right. Thank you  
2  
3 very much, uh, distinguished members of the City  
4 Council. Thank you very much for this opportunity.

5                   As stated, my name is Nicholas Carparelli, and I  
6 am the Executive Director of the New York State  
7 Concrete Masonry Association. NYSCMA is a trade  
8 association representing 15 concrete block  
9 manufacturers located across the Empire State,  
10 including Glenwood Mason Supply Company,  
11 Inc./Superior Block Corporation in Brooklyn, as well  
12 as several other manufacturers that also service New  
13 York City. In addition, we represent 25 Associate  
14 member companies whose products and services support  
15 the concrete block manufacturing industry. The  
16 majority of these Associate member companies are also  
17 based in or operate distribution facilities within  
18 the State of New York.

19                   On behalf of the members of NYSCMA, I am writing  
20 to encourage The NYC School Construction Authority  
21 (SCA) to reconsider its decision to replace time-  
22 tested, locally manufactured handset concrete block  
23 and brick construction with precast concrete panels.

24                   SCA's decision to eliminate the use of locally  
25 manufactured concrete blocks and substitute a product

1 manufactured out of state, and sometimes out of the  
2 country, will negatively affect jobs not only in the  
3 New York City Metropolitan area, but also in other  
4 areas of the state where companies that service the  
5 City are located. The ripple effect will be felt in  
6 companies found statewide that supply raw materials  
7 necessary for the manufacture of concrete blocks,  
8 potentially resulting in further job loss.

10 The decision to utilize precast concrete panels  
11 in lieu of concrete block and brick also appears  
12 contrary to Mayor Adams' Executive Order No. 22. At a  
13 time when the Mayor is encouraging job development in  
14 New York City, the decision to use pre-cast panels  
15 rather than locally manufactured concrete block is  
16 not only sending jobs out of New York City to other  
17 states and Canada, but in some cases out of other  
18 areas of the Empire State as well.

19 Given these circumstances, we respectfully  
20 request that the SCA reevaluate its decision to  
21 substitute precast panels for handset brick and block  
22 on its future construction projects.

23 Respectfully, again I thank the distinguished  
24 members of the City Council for the opportunity to  
25 speak this morning, thank you.

1           CHAIRPERSON DE LA ROSA: Thank you.

2           I also want to recognize Council Member Nurse who  
3 has joined us.

4           I do have one additional question. So, you know,  
5 you all held a rally outside of City Hall, I think it  
6 was a powerful manifestation of some of the moral  
7 that we are feeling among workers, right, who are  
8 recognizing that their jobs are being shipped out as  
9 we stand here. So, speak a little bit to, like, what  
10 the impact of the substitution of handset brick and  
11 block laying with precast and concrete panels, uhm,  
12 for our City projects, what the impact that this has  
13 having on our unions, on our City unions?

14           MR. INNIS LAYNE: Thank you for the question.

15           I'll take this one. The impact is having is, uh, a  
16 lot of people are going to leave the union, that is  
17 what is going to happen. They are not going to have  
18 any work, because we need these jobs to put them on.  
19 And if there is no work, that is going to leave them  
20 to find something else to do. So, they are going to  
21 lose a good paying job, and who knows what they are  
22 going to go and do. So, that is really the impact  
23 that it is having. Not... I am not saying that we  
24 don't have any jobs, we have some jobs. Even with  
25

2 these jobs we have a little bit of work -- like the  
3 staircase in this building, the precast ones I am  
4 talking about, I have one job going on in Brooklyn  
5 right now. We have the staircase, a little bit on  
6 the staircase and the elevator shaft to do. But that  
7 is only hiring three people. So, and not all of  
8 their jobs they are doing that in (sic), so what I am  
9 really trying to say, it is just... The impact is  
10 just devastating. They are just going to be out of  
11 work. We are going to lose members. And the new  
12 people that we recruit... we have our apprenticeship  
13 program. We recruit new people every year. You  
14 know, like, 20 or 25 people for the year to start in  
15 the apprenticeship program and teach them the trade  
16 to be bricklayers and get these good jobs. But, if  
17 these jobs we are talking about with SCA and DDC  
18 disappear, we are not going to have any place to put  
19 the new people who are coming in or the people that  
20 are already there. So, the jobs are just going to go  
21 away. And it is happening already. It is happening  
22 right now as I speak.

23 CHAIRPERSON DE LA ROSA: And we ,you know, as a  
24 council, we have invested in apprenticeship  
25 opportunities, and so ,you know, we need to have

1 place people after they complete those programs as  
2 well.  
3

4 MR. INNIS LAYNE: Exactly, so this resolution,  
5 547, it is very important to pass it. And as soon as  
6 possible -- yesterday if possible.

7 CHAIRPERSON DE LA ROSA: Thank you.

8 MR. JOHN BACHENSKI: I wanted to add also from  
9 the manufacturing perspective, not only does Glenwood  
10 produce the material that takes sustainability into  
11 account, but many of the manufacturers that Nick  
12 Carparelli from the Manufacturing Association  
13 represent and does the same. Glenwood also... Some  
14 of their jobs can be considered green collar jobs,  
15 just by the fact that they use recycled content --  
16 glass -- from the five boroughs, and they also take  
17 CO2 from buildings in New York City and inject it  
18 into their concrete block. And all that block that  
19 is made there and in the other manufacturers, it  
20 turns into a circular economy where we take waste,  
21 CO2, recycled glass, from our five boroughs, put it  
22 into a material that is produced by local residents  
23 of the five boroughs, and then we recirculate it back  
24 into the build environment. And it is a beautiful  
25

1 model of a circular economy. So, I just wanted to  
2 also add that.

3  
4 MR. MICHAEL MCGUIRE: Just one more thing, since  
5 you brought up apprenticeship. You know, obviously,  
6 we have had... Over the years we have had issues  
7 with the makeup of the members, membership of the  
8 unions, the construction trade unions, I think  
9 Council Member Nurse knows this probably better than  
10 anybody, as she's spent time in both our program and  
11 in the carpenters' program over the years. But, and  
12 here you are looking at probably two of the most  
13 diverse unions in the building trades of New York.  
14 So, it is rather unfortunate that this is happening.  
15 But we need to continue to have this... Like I said,  
16 we are shipping these jobs out of state. And on top  
17 of that, it is undermining wage standards, because we  
18 don't know... So, if you are on a jobsite in New  
19 York City, bricklayers' package is roughly \$80 an  
20 hour wages and benefits and [INAUDIBLE] labors' is  
21 about \$70 an hour. Right? That money, when they get  
22 paid, you know, you're going back home up to  
23 Kingsbridge, you're going out to Brooklyn, you're  
24 going wherever, and you are spending that money at  
25 the bodega and the local supermarket, and everything

1 else. Now we don't know if they're paying \$10 an  
2 hour, \$12 an hour for these people working in these  
3 plants in Ohio to do this work. It is just  
4 basically... And, again, the logic of this just does  
5 not make sense. Why are you shipping these jobs out  
6 of New York, where the money could stay in the New  
7 York economy -- where we are struggling, where the  
8 Mayor is, like, every agency has got to do a four  
9 percent cut or a six percent cut across the board,  
10 why would the SCA and the DDC ship these jobs out of  
11 state, and take that money away from New York's  
12 coffers? It just makes no sense.

14 To bring it back, I know I swung around, but to  
15 bring it back to apprenticeship, apprenticeship is  
16 how we have diversified the trades over the years.  
17 Apprenticeship is overseen by the DOL, there is no  
18 more of the old school thing, oh, it's somebody's  
19 cousin, somebody's brother, somebody's uncle, that's  
20 how you get in. Now, you get in through a lottery.  
21 Uh, the trades have become much, much more diverse.  
22 It has been a great thing. And we need to keep it.  
23 And if we don't have jobs coming up, we cannot bring  
24 apprentices on just to put them in the union and have

1                   them sitting on the bench, because there is no work  
2 form them.  
3

4                   So, the more apprenticeship jobs we have in the  
5 City, the more diverse the trades becomes, it's good  
6 for everybody. It keeps the jobs here. It keeps the  
7 money here. It keeps New York City thriving  
8 especially in the wake of the pandemic when some of  
9 the office workers are no longer coming to work in  
10 the city -- in Manhattan anyway. You know, the  
11 economy in Manhattan has taken, the bars, the  
12 restaurants, the delis and everything else, they're  
13 taking a hard hit. We need to keep these jobs in the  
14 city. And it is just, for whatever reason, these  
15 two, one state authority and one city agency have  
16 decided that they don't really care.

17                   MR. RAUL RIVERA: Can I ask something?

18                   CHAIRPERSON DE LA ROSA: Sure.

19                   MR. RAUL RIVERA: I just want to add a comment  
20 really.

21                   Does your committee recognize the hard working  
22 Puerto Rican here in New York? We have contributed  
23 so much, through decades and generations. We helped  
24 to shape this city. We are even American citizens  
25 who don't get treated like an American Citizen. We

1  
2 are treated like a second class American. My mother  
3 could not speak English. El Boricua in Puerto Rico  
4 (SPEAKING SPANISH). Opened the door. I'm sorry if I  
5 am repeating myself. We opened the door for many,  
6 many immigrants -- other people. I don't think you  
7 would be cool if we went to Washington Heights and we  
8 started pulling down [INAUDIBLE]'s name, or if we  
9 went to Harlem and we started pulling down Marcus  
10 Garvey or Malcolm X. I think there would be an  
11 uproar. There was not an uproar when they did that  
12 do a Puerto Rican, and not only in Brooklyn, also on  
13 6th Avenue (SPEAKING IN SPANISH). Thanks to the  
14 professor in New Jersey, it was put back. We will be  
15 here today, tomorrow, forever. We are here, we ain't  
16 (sic) going nowhere. We are always going to here.  
17 Thank you for your time.

18 CHAIRPERSON DE LA ROSA: Thank you.

19 Thank you all so much for coming and for  
20 testifying today.

21 COMMITTEE COUNSEL: I would like to thank this  
22 panel for their testimony.

23 And for the next panel, it will also be a hybrid  
24 panel: Zoë West, Pabitra Dash, Meena K Rai, and  
25 Menuka Simkhada. I apologize for any

2 mispronunciations, but for in person panelists, we  
3 have Menuka Simkhada, Meena K Rai, and Pabitra Dash.

4 MS. PABITRA DASH: It will be only myself to  
5 testify today, sorry for the miscommunication.

6 COMMITTEE COUNSEL: Understood. Okay, Zoë West,  
7 who will be on Zoom, you may begin when ready, and  
8 when you are unmuted and the sergeant starts your  
9 clock.

10 COMMITTEE COUNSEL: Your time has begun.

11 MS. ZOË WEST: Good morning, everyone, uhm, my  
12 name is Zoë West, and I am the Senior Researcher of  
13 Worker Rights and Equity at the Worker Institute and  
14 the School of Industrial and Labor Relations at  
15 Cornell University.

16 The Worker Institute is a Labor Education  
17 Research Center in New York State engaged in research  
18 and education on contemporary labor issues to  
19 generate innovative thinking and solutions to  
20 problems related to work, economy, and society.

21 I am the lead author of the Unvarnished:  
22 *Precarity and Poor Working Conditions for Nail Salon*  
23 *Workers in New York State* published in April of 2022  
24 by the Worker Institute. This report maps out the  
25 New York State's nail salon industry and workforce

1  
2 and examines labor conditions in the industry and  
3 their impact on workers' lives. The report is based  
4 on mixed message research, which included analysis of  
5 government data on New York's nail salon industry;  
6 focus groups with nail salon workers conducted in  
7 Mandarin, Spanish, Nepali, and Vietnamese languages;  
8 and a statewide survey of nail salons on pricing and  
9 number of employees.

10 Our research found that New York has the highest  
11 concentration of nail technicians in the country and  
12 the second highest number of nail salons. These nail  
13 salons are microbusinesses, 82 percent of them have  
14 five or fewer employees. And the industry is highly  
15 concentrated in the New York City area. In our 2021  
16 statewide survey, 81 percent of nail salons were  
17 businesses located in New York City, Westchester  
18 County, and Long Island. We also found that the  
19 average prices of nail salon services in New York,  
20 were notably lower than the nationwide average, and  
21 in particular in New York City, where it was even  
22 lower than the average for the rest of the state.

23 New York State nail salon workers are  
24 predominantly immigrant women of color, almost 85  
25

1 percent identifying as women, and 88 percent being  
2 foreign born.  
3

4 Our research also revealed that nail salon  
5 workers in New York earn low wages and have limited  
6 access to workplace benefits, which are largely  
7 inadequate.

8 As of May 2020, the average wage for nail techs  
9 working in the New York City metro area was \$13.74 --  
10 lower than the \$15.00 minimum wage. And the average  
11 statewide wage was \$13.87, also substantially below  
12 the statewide living wage for a single adult, which  
13 is considered to be \$18.62.

14 Many of the focus respondents described enduring  
15 significant stress due to economic insecurity,  
16 unpredictable schedules, and a lack of benefits.

17 This economic insecurity and social  
18 marginalization that many nail salon workers  
19 experience also creates substantial risk for speaking  
20 out about the unfair work conditions and labor  
21 violations they face. Our research suggests that  
22 many nail salons are not fully complying with wage  
23 and hour requirements and health and safety  
24 regulations.  
25

2 The focus group discussions also revealed that  
3 workers felt more empowered to speak out about labor  
4 conditions when they had access to training and skill  
5 building, awareness of workers' rights and  
6 protections, and access to collective rather than  
7 individual action.

8 In sum, New Yorker's nail salon industry is a  
9 highly competitive market of microbusinesses that  
10 depend on a workforce [TIMER CHIMES] predominantly  
11 made up of immigrant women of color... (CROSS-TALK)

12 SERGEANT AT ARMS: Your time has expired.

13 MS. ZOË WEST: [INAUDIBLE] sorry?

14 SERGEANT AT ARMS: Your time has expired.

15 MS. ZOË WEST: Okay [INAUDIBLE]... (CROSS-TALK)

16 CHAIRPERSON DE LA ROSA: Yes, you can finish, go  
17 ahead.

18 MS. ZOË WEST: ...it is a highly competitive  
19 market of microbusiness that depends on a workforce  
20 predominantly made up of immigrant women of color who  
21 precarity make it challenging for them to speak out  
22 about the wage theft and other violations they face.  
23 And for that reason, our first recommendation based  
24 on our research was to use a sectorial approach to  
25 raising standards comprehensively across the industry

1  
2 to create a landscape where nail salons can improve  
3 conditions on a level playing field.

4 Thank you for the opportunity to testify.

5 COMMITTEE COUNSEL: Thank you for your testimony.  
6 Pabitra Dash, you may begin when ready.

7 MS. PABITRA DASH: Good morning, Council Members  
8 and team. My name is Pabitra Dash, I am here today  
9 with a couple of leaders and our partners and friends  
10 here.

11 I am a former nail technician and a Senior  
12 Organizer at Adhikaar. Adhikaar, meaning "rights" in  
13 Nepali, is a women-led community and workers' center  
14 that provides direct services to the Nepali-speaking  
15 community, and we do organizing for all of our Nepali  
16 -- who are from Nepal, Bhutan, India, Burma, and  
17 Tibet. Mostly we focus on speaking Nepali-speaking  
18 people from different countries as well. A majority  
19 of our members live in Jackson Height, Woodside, East  
20 Elmhurst, Elmhurst, Corona, Maspeth, Sunnyside,  
21 Roosevelt, Jamaica, and Flatbush.

22 Adhikaar works [INAUDIBLE] community partners,  
23 Worker United make up the New York Healthy Nail  
24 Salons Coalition. Our organization has brought about  
25 multiple victories such the nation's first Nail Salon

1  
2 Worker Bill or Rights, ventilation requirements in  
3 all nail salons, and initiation of the many  
4 [INAUDIBLE] the subminimum wage for nail salon  
5 workers. But, nail salon workers continue to  
6 experience exploitative conditions on the job, and  
7 complaints to the Department of Labor have not led to  
8 significant changes.

9 New regulations lack [INAUDIBLE] labor and health  
10 and safety laws are seen as optional in nail salons.  
11 Breaking the law has become the primary business  
12 practice industrywide in order to maintain  
13 profitability, making it extremely difficult for any  
14 salon owner to compete in such an environment. With  
15 little incentive for employees to comply with basic  
16 laws that protect us, nail salons have raced to  
17 achieve the lowest bargain prices to attract  
18 customers.

19 Covid only intensified the exploitation of  
20 workers' that is endemic to this industry. The  
21 broken system cannot be fixed piece by piece. We  
22 must rebuild with a new foundation centering those  
23 directly impacted by the industry. One of my friends  
24 and leaders [NAME] a nail salon technician in New  
25 York City, and member of Adhikaar is hopeful about

1                   how this could bill could change her life and the  
2 lives of other nail salon workers, "There was a time  
3 when I was not sure if I would be able to stay in the  
4 industry, because of how hard it is," she said, "I am  
5 not able to earn enough to build [INAUDIBLE] to  
6 myself in the future. Our income in not stable. We  
7 face discrimination, we work without breaks, are  
8 guaranteed no benefits, and we work in unhealthy  
9 conditions. But, I want to stay in the industry,  
10 because this is what I am skilled in, and this my  
11 career. We want maintain this industry and keep it  
12 strong, so that people don't feel like they need to  
13 leave. If anyone knows what needs to be changed, it  
14 is us who are in the industry. This council will give  
15 us the chance to be heard and the ability to come to  
16 the table and speak up for what we need."

18                   Nail techs are typically immigrant women of color  
19 who are paid low wages, have limited alternative job  
20 opportunities, [TIMER CHIMES] and lack social  
21 protections based on their immigration and employment  
22 status.

23                   As a nail technician, I worked at the frontline  
24 campaigning for the strike of and the historical  
25 passage of the Nail Salon Bill of Rights in 2015 and

1           the ventilation bill in 2016. And I will continue  
2 fighting on this.  
3

4           And during the pandemic, only the nail techs...  
5 Everybody got their masks and gloves, but the only  
6 option for the nail techs was to buy their own mask  
7 and gloves and reuse and wash them many times to  
8 reuse them.

9           During my career, I have had seven miscarriages  
10 in the industry, because of chemical exposure, and  
11 that is not only the case for me, many of my sisters  
12 have gone through the same crisis. And I want to  
13 protect them, and I want to save their life as well,  
14 and help them establish their family life as well.  
15 That is the reason I will stand all the time to speak  
16 about nail technicians. And we need to pass this  
17 bill. And, Adhikaar, with coalition and advocates  
18 [INAUDIBLE]relationship [INAUDIBLE] pass the Minimum  
19 Standard [INAUDIBLE] and we are really working hard  
20 for this, because we are going to fix something for  
21 the industry. And we want to feel like we are human  
22 beings as well. As women, we want to establish so  
23 many things for our families as well. And we are  
24 mostly single moms who are immigrants. We are  
25 struggling a lot in the industry, and there are so

1 many heated issues that people cannot come out and  
2 speak on. That is the reason I stand for many of our  
3 nail technicians -- very strongly. I am tired from  
4 speaking out about these things, but I have passion  
5 to speak out, because I want to change the industry  
6 and see some changes in the industry. Thank you for  
7 your time and attention to these important issues  
8 today. I am very thankful for you all.

10 CHAIRPERSON DE LA ROSA: Thank you. Thank you so  
11 much for your testimony and for sharing your personal  
12 story. And we are sorry for your losses. This  
13 should not be something that any worker is subjected  
14 to in our city and in our state.

15 I do have one question for the panel - either one  
16 of you can answer. But, I wanted to know, in 2020  
17 The Department of Labor and the former governor ended  
18 the tip wages for the nail salon workers.

19 So, could you explain to us why the Nail Minimum  
20 Standards Act still necessary in New York if New York  
21 has already ended the tip minimum wage? Can you  
22 explain the differences between what was asked for  
23 then and what we are asking for today?

24 MS. PABITRA DASH: I can give this answer...

25 CHAIRPERSON DE LA ROSA: Sure.

1                   MS. PABITRA DASH: Because, I was there for the  
2 campaign the entire time. We won the fair wage  
3 campaign, but the worker conditions about health, and  
4 the background is [INAUDIBLE] after that. Because,  
5 the implementation [INAUDIBLE] and some employers  
6 followed the \$15.00 hour wage, they paid for it, but  
7 they cut down the workers' tips and commissions.  
8 They deserve [INAUDIBLE]like, oh, we paid for them  
9 this \$15.00 you don't have to pay any more commission  
10 or tips. That's [INAUDIBLE]. And then tips just  
11 depend on clients and where they are from. Because,  
12 especially, like, where I am from, like ,you know, a  
13 different country and they [INAUDIBLE] in this  
14 country, they don't know about tips [INAUDIBLE] in  
15 this country. So tips depend on clients. And the  
16 what happened after that is, they tried to cut down  
17 their... Not only, like, you know, tips and  
18 commissions, they tried to cut down their hours as  
19 well. And then our system keeps trying to blame us,  
20 but it is, like, you guys are the one who have to  
21 take responsibility, because of you guys, our tips  
22 and commission are cut down. And we didn't have  
23 enough time to work, and our hours were cut down as  
24 well. So, it is supposed to be, if they have to work  
25

2 40 hours, they are getting only 30 or 25 hours. And  
3 then you can imagine how hard it is for us to survive  
4 at this moment.

5 MS. ZOË WEST: [INAUDIBLE] add to what Pabitra is  
6 describing. Because this... And this is something  
7 that came up a lot in our research -- is that the  
8 need for a comprehensive set of standards that are  
9 tailored to the issues in the industry, because you  
10 have incidents like Pabitra is describing where, uh,  
11 the... You have a very particular set of standards  
12 where you have commission based pay, you have hourly  
13 pay, you have other set prices, and then you have, as  
14 well, the tipping. And, so, the way that the changes  
15 in the Bill of Rights happened, you ended up having  
16 certain things like maybe a minimum wage got raised  
17 to \$15.00 an hour, even though in some places it  
18 didn't, but then hours were cut. So, workers ended  
19 up in the same boat where tips began to be taken  
20 aware from workers, because of this, right?

21 And, so, there's a need for a comprehensive set  
22 of standards that are actually responding to the very  
23 particular conditions of this industry.

24 And, also, that at in a industry where you have  
25 thousands, and thousands of very small businesses,

1 taking wages out of competition by doing something  
2 like a sectorial approach can be very important.  
3 Because you have, uh, an industry where there is a  
4 high number of small businesses, and there is no  
5 single employer or no small group of employers that  
6 really controls the labor market. And when you have  
7 a sectorial approach, it brings together workers, and  
8 employers, and government to be in discussions about  
9 what are the conditions that we are actually facing,  
10 and how do we create a set of standards that are  
11 relevant to this particular industry and to this  
12 structure of wages and pricing and tipping, et  
13 cetera.

14  
15 CHAIRPERSON DE LA ROSA: Thank you for sharing  
16 that.

17 My final question, and then I will pass it on to  
18 colleagues if you have questions? No?

19 What are some of the specific working conditions  
20 that you would like this council to know about and  
21 address? Are there specific working conditions?

22 MS. PABITRA DASH: I can tell you some... In the  
23 nail industry, there is a lot of sexual harassment  
24 happening, because in most of the nail industry, they  
25 carry massage. And massage is one thing that...

1            This is where I can share my own story as well, when  
2            I was a new immigrant, I didn't know that there are  
3            rules for massage. I went to give a message, and the  
4            man, he was asking for something else from me, and  
5            then I didn't know what I was doing.... I don't  
6            know the right rules... and then he doesn't tip me,  
7            and then my boss is, like, you are not fit for my  
8            salon, because most of my clients, they need that.  
9            Which is hidden -- especially in our culture, we  
10           don't talk about that there are sexual things, we  
11           don't talk about harassment, we don't talk about  
12           reproductive health issues, miscarriages. I feel  
13           like this is very common, not only in my community,  
14           this is common for other communities as well. And  
15           even though I heard about it from American friends,  
16           like, where I went for the training, when I start to  
17           talk about this, they don't tell me... talk about...  
18           They try to text my inbox, because this is very  
19           typical, but still we are hiding it. That is where I  
20           learned from this.

22           CHAIRPERSON DE LA ROSA: Thank you for sharing  
23           that.

24           Did you want to add something Zoë?

25           MS. Zoë WEST: Sure, yeah, I would love to.

1           So, in our research we found that, uh, the wages  
2           being of course, one, the low wages, uh, being one  
3           major problem. But, also unpredictable schedules was  
4           a very big problem. People being, uh, for example,  
5           called in to work, and then not being paid because  
6           they are paid on a commission bases, and no customers  
7           came in. And, so this kind of combination of  
8           different pay structures, unpredictable schedules.  
9           And also a lack of benefits was a really big issue  
10          that really made the burden of low wages and economic  
11          insecurity even harder to handle. And, so there  
12          were... And, there were a number of labor... Aside  
13          from wage theft, which was widely reported, there is  
14          also a number of other health and safety violations.  
15          And Pabitra spoke to the exposure to fumes and the  
16          very dangerous impact in that particular line of  
17          work. But, these health and safety violations where  
18          a big issue. And, then, also something that emerged  
19          very strongly was the risk of retaliation for  
20          speaking out. And that workers felt... Workers who  
21          had not had training in workers' rights or didn't  
22          have access to that kind of training, felt that they  
23          faced the risk of retaliation if they spoke out about  
24          violations. And, so, in this, in this situation,  
25

1           this was based on either having experienced  
2           retaliation or having witnessed it. And retaliation  
3           in the form of a worker being fired for speaking out,  
4           or sometimes even just having a reduction of hours,  
5           which then leads to a reduction of their already low  
6           income.  
7

8           CHAIRPERSON DE LA ROSA: Great, thank you for  
9           coming today, and for sharing your testimony. It was  
10          powerful and moving, and we want to proud to also  
11          today to be able to listen to these resolutions and  
12          work with our state partners to make sure that we are  
13          changing the law so that these workers, you workers,  
14          can be protected. So, thank you so much for coming.

15          MS. PABITRA DASH: Thank you for your patience and  
16          listening to my testimony... (CROSS-TALK)

17          CHAIRPERSON DE LA ROSA: Sure... (CROSS-TALK)

18          MS. PABITRA DASH: [INAUDIBLE] these things it not  
19          easy to speak out actually.

20          CHAIRPERSON DE LA ROSA: Thank you.

21          MS. PABITRA DASH: But, you gave us enough time,  
22          and I am very thankful, and our workers are very  
23          thankful.

24          CHAIRPERSON DE LA ROSA: Thank you.  
25

COMMITTEE COUNSEL: Thank you for your testimony.

Our next and final panel will be Daisy Chung, Lara Maldjian, and Estorgia Moran.

Daisy Chung, you can begin when you are ready.

MS. DAISY CHUNG: Thank you.

Good morning, I think it's still morning. My name is Daisy Chung, and I am the Director of the New York Health Nail Salons Coalition. The coalition was created in 2014 to organize for improved working conditions in the nail salon industry, and our organizations collectively represent thousands of nail salon workers in New York City. And, we thank you for holding this important hearing on Resolution 393.

I won't go into... I know that Zoë and Pabitra covered a lot of the landscape of what this industry looks like. So, hopefully my testimony will fill in, uh, fill that in a little bit more.

But, really, you know, in terms of this resolution and the bill that we are pushing and advocating for at the state level, The Nail Salon Minimum Standards Council Act, what it will do, is two things: It will establish an industry council of workers, small business owners, and government to

1 really come together and figure out solutions to  
2 these longstanding problems. This city -- New York  
3 City, and all of us, should not be okay with what is  
4 going in nail salons in our city and in our  
5 communities. The second thing that this bill would  
6 do would be that it would create a separate  
7 independent committee of experts -- this would not be  
8 composed of workers or owners -- it would be an  
9 independent committee of experts who will conduct an  
10 economic study of the industry and recommend fair  
11 minimum pricing for nail services. And this is  
12 necessary to combat the race to the bottom that is  
13 happening particularly in New York City -- that is  
14 very unique than the rest of the entire nation -- and  
15 this competition and this combat race to the bottom  
16 amongst nail salons, that is jeopardizing the well-  
17 being of workers in this industry, and it is  
18 jeopardizing the sustainability of this sector, and  
19 we want it to grow sustainably.

21 And, so, I wanted to say a little bit about the  
22 pricing rather than going into the landscape.

23 So, there was a report that one of our coalition  
24 partners did. This is Workers Unite, uh, NY NJ  
25 Regional Joint Board, and their report that they

1                   conducted in 2020, found that wage theft was more  
2 common at salons that charge low prices. And they  
3 saw a direct correlation between what nail salons  
4 were charging for services and the wage theft that  
5 was occurring.

6                   So, at salons where manicures were \$15.00 or  
7 less, workers experience an average of \$123.00 in  
8 wage theft per week. And at salons where manicures  
9 are \$16.00 and higher, workers were paid an average  
10 of \$58.00 more than the required minimum wage.

11                   And the average cost of nail services in the New  
12 York City Metro area, is \$13.71 -- the lowest in the  
13 entire nation. And we can see what impact that will  
14 have on a workforce given these findings of that  
15 report.

16                   So, I will stop there. And I am happy to answer  
17 any questions. Thank you for this hearing.

18                   MS. LARA MALDJIAN: Hello, thank you for having  
19 us. My name is Lara Maldjian, and I am the Associate  
20 Director at New York Committee for Occupational  
21 Safety and Health. And I am going to talk a little  
22 bit more about the health and safety hazards that  
23 nail salon workers face.

1           I don't think it is a surprise to anybody that  
2 nail salon workers face quite serious safety and  
3 health hazards every day on the job. They are  
4 exposed to glues, polishes, removers, and other  
5 products. They are also at risk for infection from  
6 contact with clients' infected skin, nails, or blood.  
7 Nail polishes and other products are commonly  
8 nicknamed -- contain what is commonly nicknamed the  
9 toxic trio, which includes formaldehyde, dibutyl  
10 phthalate, toluene. And exposure to these chemicals  
11 is known to have adverse health effects including  
12 cancer.

14           This toxic trio is really just the tip of the  
15 iceberg. Workers are faced with dozens of other  
16 toxins that can cause headaches, asthma, dizziness,  
17 nausea, vomiting, and more.

18           In 2016 the New York State Department of Health  
19 review of the chemicals used in nail salons noted  
20 that about 30 chemicals are regularly used in  
21 addition to the toxic trio.

22           To Pabitra's very important point, I wanted to  
23 talk briefly about a survey that NYCOSH did in 2022.  
24 We surveyed 142 workers in our membership, and we saw  
25 a much higher prevalence of reproductive health

1 issues including severe pain during menstruation,  
2 complications during pregnancy, and birth defects. We  
3 saw 20 percent of workers said that they had issues  
4 with their reproductive health. In comparison in the  
5 general population, we see about 11 percent of women  
6 who say they have issues with reproductive health.  
7 One in four workers said that they had complications  
8 during their pregnancy. And in the US the average is  
9 8 percent not 25 percent. And, then, 8.5 percent of  
10 workers said that their child was born with  
11 abnormalities. In the US, we see between two and  
12 three percent of infants born with birth defects.

13 In addition to this reproductive damage, nail  
14 salon workers also experience regular wage theft on  
15 the job, which I know that a few people have talked  
16 about. And Estorgia is going to talk about it in  
17 just a moment as well. We saw that 82 percent of  
18 workers experienced wage theft, amounting to \$181.00  
19 of lost wages per worker per week.

20 So, we are here today because we are in support  
21 of the Nail Salon Minimum Standards Council Act as an  
22 essential piece of legislation that NYCOSH urges the  
23 Labor Committee and the New York City to support.  
24

2 And, Daisy, our fearless leader, already talked  
3 about [TIMER CHIMES] you know, what that act entails,  
4 so I will end it there. Thank you for your time.

5 ESTORGIA MORAN: Hello, my name is Estorgia, I am  
6 not fluent in English, so I will give my testimony in  
7 Spanish.

8 (SPEAKING IN SPANISH)

9 CHAIRPERSON DE LA ROSA: (SPEAKING IN SPANISH)

10 ESTORGIA MORAN: Gracias

11 CHAIRPERSON DE LA ROSA: I do have... Council  
12 Member Nurse, do you have a question?

13 COUNCIL MEMBER NURSE: I just had a question,  
14 because as you all were testifying, I was looking...  
15 Is there any map, per chance, of salons where there  
16 are good practices in place or that are organized for  
17 people to know about?

18 MS. DAISY CHUNG: We don't have such a map. What  
19 I think we are really trying to accomplish is to  
20 create a level playing field where responsible salon  
21 owners can flourish and thrive in our city. And  
22 right now, the employers that do want to do the right  
23 thing, uh, can't. Because ,you know, for example, we  
24 do hear from employers saying that they want to  
25 charge more, so that they can meet all of the

1 operational costs, and meet labor costs, but ,you  
2 know, they tell us that while there are two or three  
3 other salons on the same block that are charging much  
4 less, and they feel that they will be having to go  
5 out of business if they raise their prices. So ,you  
6 know, we are hoping that ,you know, this bill, the  
7 state bill, will help to really put some regulations  
8 around that in place and help responsible owners  
9 flourish.  
10

11 COUNCIL MEMBER NURSE: Thank you for that. And, I  
12 understand the systemic piece that you are trying to  
13 fix. I think sometimes it is hard to know -- even  
14 for a more expensive salon -- it is hard to know what  
15 the practices are there and if they are actually  
16 doing the right thing based on what you were saying  
17 about the correlation between low prices and wage  
18 theft. It is not always clear, and I think there are  
19 a lot of people who would want to be in solidarity,  
20 ,you know, there are millions of women here, so I was  
21 just curious. Thank you so much.

22 CHAIRPERSON DE LA ROSA: I have an additional  
23 question about wage theft. What, I mean, I don't  
24 know if you can call it a success rate, but what is  
25 sort of the rate of compensation or assistance given

1  
2 to employees, at this moment, who bring wage theft  
3 claims against employers who are stealing their  
4 wages?

5 MS. DAISY CHUNG: We don't have firm figures, and  
6 that is ,you know, there are a couple of reasons,  
7 one, it is... The wage theft that is happening in  
8 this industry is so widespread. The last time we did  
9 a study, and then this was also with Cornell, there  
10 was wage theft amongst, in the survey, I think it was  
11 82 percent of workers ,you know, reported that they  
12 experienced some form of wage theft. And this is  
13 occurring right as Zoë mentioned in thousands and  
14 thousands of salons. And ,you know, just the  
15 enforcement capacity is just not there for the  
16 Department of Labor to go into every, single salon  
17 and... You know, if you are talking about 80 percent  
18 of the industry where this happening... So, I think  
19 that is a really big concern about just how  
20 widespread and rampant it is. But ,you know, and  
21 this was again in this 2020 report that Workers  
22 United conducted. What we found was that the average  
23 amount of wage theft that is occurring in the  
24 industry was \$9,400 per worker per year.

25 CHAIRPERSON DE LA ROSA: Okay.

2 Thank you for your important testimony today. I  
3 think also one of the things that really jumped out  
4 at me is the reproductive issues. And I would love  
5 to continue the conversation on how the council could  
6 also help shine a light on that, and ,you know, maybe  
7 come up with some policy recommendations around what  
8 we can do for reproductive justice as well. Thank  
9 you so much, gracious, gracious.

10 [PANEL]: Thank you.

11 COMMITTEE COUNSEL: Thank you to this panel. A  
12 last round, is there anyone else who is interested in  
13 testifying, but hasn't yet had the opportunity?  
14 Seeing no one, I am going to turn it over to the  
15 Chair for closing thoughts.

16 CHAIRPERSON DE LA ROSA: Thank you so much. I  
17 just want to thank everyone who came out today. We  
18 touched on three very important topics, uh, the first  
19 one being the vacancy crisis in our city, and making  
20 sure that exit interviews are a part of us solving  
21 for retention and recruitment efforts in our city;  
22 the second one being how we keep workers, especially  
23 in the trades, to keep their jobs and the  
24 manufacturing jobs here in the City, and finally the  
25 plight of the nail salon workers in our city. And,

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so, we look forward as a committee to continue to dig deep into these issues and working to protect the City's workforce. So, thank you all for coming. And this hearing is adjourned.

C E R T I F I C A T E

Worldwide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 13, 2023