

NYC OFFICE OF LABOR RELATIONS TESTIMONY
HEARING BEFORE THE CITY COUNCIL COMMITTEES ON EDUCATION
AND CIVIL SERVICE

April 30, 2018

Thank you, Chair Treyger, and members of the Education and Civil Service Committees, for giving me the opportunity to speak with you today on the topic of paid parental leave for New York City employees. I am Bob Linn, Commissioner of the New York City Office of Labor Relations.

As you are aware, when Mayor de Blasio took office and appointed me as Labor Commissioner, every single collective bargaining agreement was expired, for between 3 and 5 years. At that time, the priority was to reach long-term responsible settlements for our entire workforce. We were able to do that. For the 2010-2017 round of bargaining, 99.9% of City workers have reached collective bargaining agreements. We achieved these agreements by treating unions with respect and as partners at the negotiating table. I am proud of our accomplishments to date, but our work isn't done. Those contracts are now expiring on a rolling basis, and we have begun negotiations for the next round of bargaining. One important topic in those negotiations is the very topic of this hearing--paid parental leave. I thank the Council for highlighting this important benefit that can have a deep positive impact on our municipal workforce.

As part of previous negotiations, this administration has successfully bargained benefits which affect employees' family lives. Most notably, we reached agreements with the Municipal Labor Committee for \$3.4 billion in health care savings which created

significant changes in the area of health benefits. In addition, as part of the contracts reached with 1199 SEIU United Healthcare Workers East and the New York State Nurses Association, the City and the unions agreed to set up a first of its kind Child Care and Elder Care Funds for members' dependents. The parties also agreed to create a new Tuition and Continuing Education Fund, which provides for reimbursement for tuition for approved courses or workshops. These are all examples of benefits that the city can provide unionized municipal employees through a serious and respectful collective bargaining process.

It has been my experience since I started in the Labor field in 1974 that bargaining publicly and making proposals in a public way is counterproductive to the collective bargaining process. It is my experience that arms-length, respectful, and private, negotiation between labor and management is the best way to achieve successful results on important topics like this one. For that reason, it would be inappropriate for me to speak today in detail about our progress with any particular union. However, I must emphasize that this benefit is a priority for the City in our ongoing bargaining and we are optimistic that we will make settlements with our union partners, as we have since 2014.

With regard to paid parental leave specifically- as you know, a little over two years ago, the City implemented paid parental leave for managers and other non-unionized employees. Under this program, eligible employees can take up to 30 work days of paid parental leave once per rolling 12 month period at 100% of their regular salary. This was implemented without increasing costs for City taxpayers by canceling a planned 0.47% pay increase for all managerial and non-unionized employees and

eliminating the accrual of 26th and 27th days of annual leave for managers with 15 or more years of service. The 30 workdays, equivalent to six weeks, of paid leave at 100 percent of salary can be combined with existing leave – accrued sick leave and/or accrued vacation. This allows managerial employees to take additional time for maternity, paternity, adoption, or foster care leave without losing pay. Since these employees are non-unionized, we were able to implement this benefit via a personnel order, without collective bargaining. The City intends to review the managerial program after the end of this fiscal year, in order to review whether any changes would be appropriate based the full usage and experience of Fiscal Year 2018.

For our unionized employees, paid parental leave is a mandatory subject of collective bargaining so implementation for any of our 144 collective bargaining units would require agreement between the City and each union representing those employees. Reaching an agreement on this topic is a critical goal of this Administration, and again, and we hope to do so in the coming weeks and months.

From a policy perspective, this Administration is clearly supportive of paid parental leave as an important benefit that should be part of the total compensation package for public sector employees. Paid parental leave improves maternal and child outcomes Citywide and ensures the City can retain a diverse and talented workforce.

But paid parental leave doesn't exist in a vacuum. It should be viewed in conjunction with employees' wages and benefits. The main categories of compensation for City employees are wages, pension benefits, health benefits, and time off, paid and unpaid. When looking at the paid parental leave issue, these existing areas of compensation must be part of the discussion, as they were when the managerial benefit

was implemented. This further goes to show that this must be addressed at the bargaining table as part of an overall economic package.

Historically, City employees have used existing types of paid leave for child care purposes. Most City employees earn up to 27 days of annual leave per year (over 5 weeks) which is generous in comparison to other public and private employers. Employees are generally permitted to carry up to two years' worth of accruals from year to year, which means a long-term employee could bank as many as 54 days for potential use. Many employees who are new moms and dads have used annual leave in order to take time early in a child's life. In addition, most City employees receive 12 sick days per year. Up to 3 of the 12 days can be used for the personal illness of an employee's family member. Sick leave has also historically been used by City employees for parental purposes. Most City employees also earn compensatory time, which can be used in the same way as annual leave. We believe that any discussion about a paid parental leave benefit must account for these other types of leave as part of the equation.

And again, I'd like to emphasize that we intend to negotiate in good faith with each of our 144 collective bargaining units. For those interested in a paid parental leave benefit, our intent is to reach an agreement that includes paid parental leave as part of an overall settlement, in a way that is both responsive to workers' needs while also fair and responsible. Paid parental leave is extraordinarily important. Thank you for your time.



United Federation of Teachers
A Union of Professionals

**Testimony of UFT President Michael Mulgrew
Before the New York City Council Committees on Education and Labor
Regarding Paid Parental Leave for City Workers
April 30, 2018**

Good afternoon. My name is Michael Mulgrew, and I am the president of the United Federation of Teachers. On behalf of our members, I want to thank Education Committee Chair Mark Treyger, Labor Committee Chair Daneek Miller and the entire Council for the opportunity to testify before you today.

New York City educators and all city employees need paid parental leave.

As a former New York City public school teacher, I know of too many cases where a female instructor went back to work before her child was out of the hospital or went into labor at her school because of the Department of Education's archaic maternity-leave policy.

As a labor leader, I have met too many fathers and adoptive and foster parents who cannot spend time with their newborns or the children they bring into their homes because the Department of Education's policy doesn't recognize them or their families.

Here are just a few of their stories:

"My son was a 'micro-preemie' born at just 25-week gestation, 2 pounds, 13 inches and critically ill," said Jillian Rivera a kindergarten special education teacher in the Bronx. "He couldn't breathe on his own and had to be intubated for two weeks. When I returned to the classroom, he was still in the neonatal intensive care unit and still critical. I hadn't even held him skin to skin by the time I was back in the classroom. But, 112 days later, when he was finally home, the Department of Education's maternity leave policy didn't allow me to take time to care for him once he was out of the hospital. I had to go off payroll to care for him, and we lived off savings and a tax return."

"As a new dad, I was not eligible for parental leave after the birth of my daughter," said Thomas Stoppini, a high school social studies teacher in Brooklyn. "I had to return to the classroom instead of being able to care for my wife, our newborn daughter and our severely disabled 8-year-old son. Franca, my wife, gave birth to our daughter, Julianna, by Caesarian section and was under strict orders not to lift anything heavy, including our older son, T.J., who can't walk or talk and basically needs 24-hour care. Our morning routine means brushing my 8-year-old's teeth, changing his diaper, giving him breakfast and his medicine, changing his clothes and lifting him into his wheelchair. My wife couldn't do any of that after Julianna was born. And with a growing family, I couldn't afford to go off payroll to stay home

to help. We were lucky that my mother and mother-in-law could help, but others aren't that lucky. The policy needs to change."

"I thought if we help other children for a living and change their lives, and we help other parents raise their own children, that we would have a chance to raise our own," said Anna Dawidowska, a Queens high school teacher, who had to borrow sick days in order to have time with her son, Filip, who was born premature. "Filip is now a year old, and so my family and friends are starting to ask when we will have a second child. The answer is not now: not until I have saved enough sick days to cover being out, a process that can take years. At this point, in my family, we can't afford to have another child if this maternity rule does not change."

I have heard many such stories from my members.

So when Mayor Bill de Blasio announced in December, 2015, that he wanted to provide paid parental leave for municipal employees, I quickly said the UFT wanted to negotiate this benefit for its members.

I thought we finally had a willing partner, someone who wanted to make sure the city's teaching force and all city employees had this benefit. Yet more than two years later, no municipal unionized workers have it.

The UFT's membership is overwhelmingly female — close to 77 percent. I have a feeling if the ratios were reversed, and the DOE's teaching force was 77 percent male and needed a vital benefit, that somehow the city would have found a way to get it done.

Instead, we've been stonewalled.

The DOE's current policy allows new mothers to take six to eight weeks of leave, but they must effectively pay for any days they take using accrued sick days. Fathers and adoptive and foster parents do not even have this option.

Many of my members need to be home with their child for more than the allotted time, so they make the financially difficult decision to go off payroll.

I can't help but think the DOE enjoys the status quo, which means saving money any time any of my members go off payroll.

What is so frustrating is that during these stalled talks, the city continues to trumpet the importance of paid parental leave.

Soon after the city's initial press release, Mayor Bill de Blasio announced that 20,000 nonunion managers and other city employees would receive paid parental leave under terms he imposed. On paper, the policy matched de Blasio's promise to provide municipal union employees with six weeks of paid time off for maternity, paternity, adoption and foster care leave at 100 percent of salary and up to 12 weeks using existing benefits.

In September 2017, however, the city's Independent Budget Office issued a report showing that the cost to city managers — forfeiting a 0.47 percent raise and a loss of vacation time — added up to \$8.2 million, while the expense to the city was only \$2.4 million in the program's first year.

The IBO report makes it sound like the mayor and his administration were trying to make money off of families having children.

The UFT has always been a responsible partner in its negotiations. But I will not let the city make money off of our members having children.

Educators have fought for decades for a common-sense parental leave policy.

But time and again, it has been the federal government, not New York City, that has made child care leave a priority — first in the 1970s with legislation allowing paid sick time to be used for a maternity leave, and again in the 1990s with the Family and Medical Leave Act, which allows parents to take unpaid leave for up to 12 weeks.

The irony is that New York City, the nation's so-called progressive capital, has continued to lose ground.

Communities like Boston, Portland Oregon, Seattle and San Francisco have enacted paid parental leave. So have less likely places such as Kansas City, Missouri, and Ferndale, Michigan.

Private employers have also recognized that paid parental leave helps recruit and retain employees.

Amazon, Netflix and Ikea now offer paid leave for moms and dads. So do traditional stores like Lowe's and Nordstrom, which have leave policies that recognize dads and adoptive parents. Even Walmart — hardly known as a labor-friendly employer — provides paid leave for moms and dads.

This past January, New York State sailed past New York City when its paid family leave policy took effect. It is a broader benefit, one that includes paid parental leave, and is for private sector employees. This year started the state policy's four-year rollout.

Unionized municipal employees, including New York City public school educators, are not covered under the state plan. We still need to negotiate with our employer, the City of New York.

And so here we are without a paid parental leave policy more than two years after the mayor's announcement, with more families harmed every day that goes by without an agreement.

We deeply appreciate the City Council's interest in this issue. And while it is not the Council's role to be at the negotiating table with the city's municipal unions, your voices do make a difference.

We hope with your help we can convince the city's Office of Labor Relations to stop stalling and negotiate a fair paid parental leave policy so the people who care for the city's children in city schools can care for their own as well.



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**Testimony of Melissa Dorcemus, New York City Department of
Education Teacher and Member of Educators for Excellence -
New York**

submitted to the

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

regarding

Paid Parental Leave for New York City Municipal Employees

Good Afternoon- and thank you, Committee Chair Treyger and Committee Chair Miller and members of the Committee on Education and the Committee on Civil Service and Labor, for allowing me to testify today.

I'm here today to speak to you about something of critical importance: paid parental leave for our city's teachers.

My name is Melissa Dorcemus. I have been a NYC teacher six years, teaching special education in the Bronx and Manhattan spanning grades six through nine. In addition to being a classroom teacher, I've been a school culture leader, department team leader, and new teacher mentor. This fall I will add mother to my list of roles when I welcome my first child. Over six years, I have spent 6,480 hours caring for and educating the children of NYC. I'm asking the City for 180 paid hours for me to be able to care for my own child. When you look at the numbers, it doesn't seem like much to ask for.

When I started teaching at the age of 24, I knew that New York City schools didn't offer maternity leave. Even then, I knew that someday I would want to be a mother, so I had to start planning and accumulating sick leave. In the past, I've been able to push through and go to work with the flu, or sinus infection; recently, however, being pregnant has not been easy for me. I have faced some early complications with my pregnancy which means I have to make the impossible choice between staying home to take care of myself and my unborn child or having the time off from my job to take care of him after he is born. Being put in a position where I am forced to go to work when I'm sick doesn't help me get better, doesn't help me be a better educator, and it certainly does not help my future child. But for the teachers of NYC who are parents, or are planning on being parents, this is the impossible position the city and state have put us in.

Without standard paid time off, the city is also discriminating against teachers who choose to be parents. An unequal system of guaranteed paid family leave makes parenthood seem like an selfish choice that is judged and stigmatized within schools. Currently, in many schools, teacher leaders put their career advancement and reputation on the line when they decide to have a child of their own. I've taught in schools where if you missed work you were seen as weak and I left because I

couldn't imagine taking maternity leave there. I knew the administration would blame me for being absent, causing additional work for my colleagues, and pass me over for leadership opportunities. With paid leave protected, we can work to end the stigmatization of taking care of yourself that haunts so many educators.

One quick note, I use the word "parent" deliberately throughout, because I am not just talking about mothers needing paid time off but both parents, no matter their gender or family composition. They, like my husband who is also a city employee without paid leave, deserve time with their newborn child.

I hope that by the time I welcome my son in November that I can count on the benefit of paid parental leave. It would be such a relief during a time when I will have enough to worry about. Governor Cuomo's Paid Family Leave website says New York has the "nation's strongest paid family leave policy" and I urge you, Committee members, to extend to us what state and city law gives so many other New Yorkers. I also ask that you retribute the sick time to teachers still currently in the system who had to use their sick days to care for their newborn.

Thank you very much for your time.

**Testimony to the New York City Council Committee on Education
and Committee on Civil Service and Labor
Regarding Paid Parental Leave for City Workers
April 30, 2018**

My name is Carolyn Dugan, and I am a special education teacher in Manhattan at PS/IS 180. I am here today to advocate for paid parental leave for New York City educators and all city employees.



I am here speaking up today because I do not want any other parents to have to go through what I did.

Flash back to two years ago, for the birth of my younger daughter Daphne. I went into labor at my school because I was trying to save all my sick days for my maternity leave.

I wanted to maximize the little time I had with my newborn, so instead of taking a few days to rest before the baby was born, I worked up to very last moment and I ended up going into labor at work.

I was in labor at school in the morning, and that night I gave birth to Daphne.

Up until that last day, I was commuting to work via LIRR and the subway, which as you know is not always the easiest of commutes.

At work during my pregnancy, I still spent most of the day on my feet teaching, and up and down stairs all day long to work with different students all over the building. As I did all of this, I was also combating never-ending morning sickness. Yet taking a day off was never a possibility for me because I needed to save my days so I could use them after I had my baby.

As crazy as all this sounds, it is not that unusual. Teachers go into labor at school because they are hoarding their sick days. I was saving my sick days because of the antiquated maternity leave policy the Department of Education uses.

The current maternity leave policy is that if you want to remain on payroll, you have to save your sick days and use them as your maternity leave, paying for it yourself with your own sick days.

I had used up all my saved sick days with the birth of my first child, Penelope. For the birth of my second child, Daphne, I had to borrow sick days from the Department of Education, which I will have to pay back.

Even after borrowing the days, it was not enough to stay out the recommend eight weeks after my C-section. I returned to the classroom after seven weeks because I could not afford to go off payroll.

I was still in pain from the surgery and was operating on sometimes a total of two hours of sleep each night because some babies don't know the difference between day and night.

At school, I was up and down stairs all day long and on my feet for most of the day except during lunch. As I ate my lunch, I was also pumping breast milk to leave for my baby while I worked.

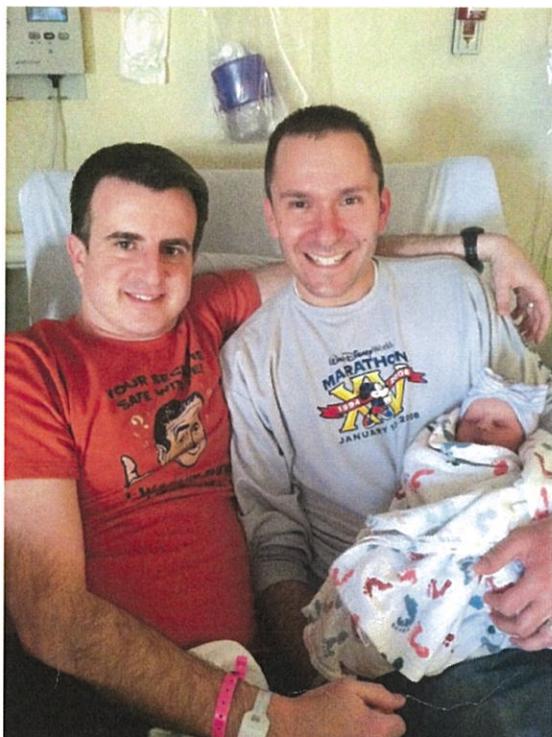
The most difficult part of all this was leaving my 9-pound, seven-week-old baby to go to work because otherwise I would not be paid.

We are educators caring for children all day, but yet we are not afforded the ability to stay home and take care for our own children. We are being forced to decide between our children at school and our children at home. It's a choice no one should have to make.

It's time for New York City to provide paid parental leave to members of the United Federation of Teachers and other city employees.

**Testimony to the New York City Council Committee on Education
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Regarding Paid Parental Leave for City Workers
April 30, 2018**

My name is Eric Rubin-Perez, and I have been a school counselor at the John F. Kennedy Jr. School in Queens for the past 14 years.



I met my now husband in the spring of 2004. He was also in the field of education, working as a school psychologist in a school district on Long Island. It was our passion for education and love of children that made us perfectly suited for each other. It was natural that we would want a family of our own. We decided we wanted to create our family through a gestational surrogate. For those of you who don't know what that is, it's when an embryo is created from a separate egg donor and the sperm of my husband or myself and then implanted into another woman. Yes, very complicated and also very expensive. Since we were a gay couple our insurance covered none of the medical expenses, and we were not eligible for any of the tax benefits we would have had if we had been a heterosexual couple. The only way this was going to happen for us was to work hard and save. Not an easy task for two public school educators.

In the surrogate world, they call the path one takes in order to have their child "their journey." We quickly found out the reason behind this. After eight long years, we finally managed to save up the necessary money. However, it was not a smooth ride. After one failed transfer, three months later we were thrilled to be pregnant only to have it end in disappointment after a miscarriage. We watched the funds we had worked so hard to save disintegrate. Determined to accomplish our dreams, we decided to continue forward and used our credit card to finance the necessary funds.

The third time was the charm for us. In the summer of 2013, we were over the moon to be pregnant with twins. However, once again heartbreak would rear its ugly head. At the 10-week sonogram, we learned that one of our twins had not survived. Although we were heartbroken at this loss, we were thrilled that we were finally on our way to becoming parents.

As the months went by, we started planning for our daughter's arrival. At this point in my career, I had managed to save over 65 days in my bank that I had always planned on using for child care leave. I attended a UFT workshop on paternity leave in the fall of 2013. To my shock, I learned that as a father I was only allowed to use three personal days. It didn't matter how many days I had saved in my bank, I was not able to use any of them. All those times I made the treacherous commute in the snow to my school in Elmhurst, Queens, from my home in Suffolk County, or when I came back to work after oral surgery didn't matter, because I could not use any of my days. My husband who worked on Long Island got six weeks of paid paternity leave so it never occurred to me that I wouldn't get anything.

Putting our daughter in day care at six weeks, when my husband's paternity leave ended, was not an option for us. We had worked too hard to get to this point. We decided for me to take an unpaid child care leave for 11 weeks.

On March 12, 2014, at 8:12 p.m., our lives changed forever in the best possible way. We welcomed our first child, Ellie Renee Rubin-Perez. It was worth it all.

However, being without pay for my new family was traumatic, and it took a very long time to get out of the financial hole that we found ourselves in.

Being a parent is all about sacrificing; however, I found myself in a very unfair situation. Every day of my professional career, I give so much of myself to my students and the families I work with, but my needs as a new father were not taken into consideration.

Families are constantly changing and evolving. We need to adopt policies that give every parent an equal opportunity.

Thank you.

**Testimony to the New York City Council Committee on Education
and Committee on Civil Service and Labor
Regarding Paid Parental Leave for City Workers
April 30, 2018**

My name is Jessica Jean-Marie, and I have been teaching in New York City public schools for nine years.



I choose to tell my story not because there is anything extenuating or extraordinary about it; on the contrary, my story is the most average and ordinary story of those who have sought and taken maternity leave.

I choose to tell my story to give voice to the thousands of us who have taken maternity leave at a financial risk; the thousands of us who couldn't afford to stay out and returned to work after a short six weeks; the thousands of us who aren't women, but desperately want to be home to bond with our children; the thousands of us who choose to adopt and need the time to support the transition of our children.

It is through this lens that I hope to connect with you and express how many of us there are and why parental leave is so desperately needed for teachers.

Last week, I returned from maternity leave after 11 weeks from having my second child. I tried working until I went into labor so that I could have a full 12 weeks — six weeks using sick days and six weeks off payroll on unpaid child care leave — at home with my son. I couldn't do it. The physical pain and the mental stress became too much.

I worked up until the week of my due date, hoping my son would come sooner than later so I can maximize my leave. He arrived three days past due.

I then had to figure out how many days I would have to borrow: Do I borrow enough to cover my first six weeks and be indebted to the DOE? Or do I not borrow any days and take the financial hit? Can I afford to do that, in addition to paying for child care for my first child? Should I consider going back to work once my baby reached six weeks so I wouldn't have to go off payroll and be too deep in a financial hole?

The amount of questions, concerns, worries and stressors that a new parent has to carry is never-ending; working for an institution that is built on the basis of caring for children should not add onto that.

It seems counterintuitive to have to provide reasons why teachers should have a reasonable and stronger parental leave plan: being able to provide for my children allows me to be saner, which then allows my students to have an educator who can give from a full and sane cup.

We live in a city whose elected leaders tout themselves as innovators and leaders of progressive action. We have a mayor who has made it his agenda to recognize that a sane society includes systems that allow people to take care of their family — whether through universal pre-K or updating the city's parental leave plan. Public school educators, however, are somehow left out.

The work we do is deep and long and can never be accurately measured. For us to do this work well and to show up 100 percent for our students, we need the financial security to take care of our own children. I ask you to not only think about the immediate benefits and necessities that our families will gain from a paid parental leave policy, but the long-term benefits for our students and city when they have educators who are able to focus on the students' needs instead of financial instability.

Good afternoon, my name is Kay Cid. Thank you for holding this hearing on extending paid family leave to unionized city workers.

I work for the Department of Education as an outreach specialist in the Pre-K For All initiative. As an outreach specialist my job is to educate families about the importance of early childhood education for their 4 year-old children -and now 3 year-olds and even younger- and to connect families with programs like Head Start and Early Learn among other services to better serve their families.

Through my almost 5 year-long tenure working for the city I've had the privilege and honor to work for families and most importantly for the tiniest, youngest New Yorkers. What I have learned from hundreds of conversations and interactions with parents of young children is that the first years of life is the most important time of our lives. During this time, children bond emotionally with their caregivers and the grounds for a solid cognitive foundation are laid out. This time has an impact on how we develop and cope as adults in life. Particularly, pregnancy and the time following the birth of a child – are fundamental in the well-being of both baby and mom. Some consider this as a fourth trimester or a continuation of pregnancy outside the womb. The importance of this moment in the development of children cannot be overstated. And the whole society benefits from this foundation too.

I care about the well-being of young children and families throughout the city and I was very pleased when I found out about the law proposed by Governor Cuomo to offer paid maternity leave to workers in the State. I was even happier to find out that managerial workers working directly for the city would also benefit of this law when the Mayor announced his Executive Order. And when I found out that I was pregnant in May of 2017 I was optimistic about benefiting of the new law. Since I work for the city and my job is related to early education I felt like the city I serve and my union would have my back. After all, as a single mom with no immediate family or relatives in the US I need all the help that I can get.

When I looked closely to the law I realized that I -as a public employee- I was not covered under the State law, after that realization I continued my research regarding the Mayoral Executive Order I was also disappointed to learn that I wasn't covered by it either because I am not managerial staff. Confused, I reached out to my union. I am a member of DC37, Local 372. It was frustrating and disappointing to hear mixed versions and misinformation from different staff there, it gave me the impression that nobody knew what the state of the negotiations with the city was regarding this very important matter. And I was correct, after following up with different staff and reaching out to different departments nobody had an answer for me. I was already 7 months along and I still had not gotten a definitive answer regarding the state of negotiations. I knew that law went into effect on January 1st and I was due in February. To this day I still have yet to hear if my union is still negotiating on my behalf (!) and what they have achieved 15 months or so after the law was announced, and 4 months after it went into effect in the state. For all that matters, they could keep "negotiating" for the next 15 years and never reach an agreement. Meanwhile my newborn daughter, Esperanza, and I – we are being held hostage in this bargaining process. In my opinion the law might as well could have spelled out that every new Yorker would benefit of it except if you are female or work for the city, serve children or have a family. The way it is being interpreted is

perverse and obscene. Why do the mostly-female workforce that provides children and family services in the city have to jump through hoops to benefit from this entitlement? This is almost the equivalent to having the state minimum wage raised for everyone except for women of color that work for the city. The fact that the application of this policy is subject to negotiations is obscene in all levels. This benefit is being used as leverage against other demands and it will depend on the person bargaining on our behalf to see what gives or not. Last year, when I reached out to my union to demand a recap of the negotiation advances I was told that most likely nobody in my unit will ever get to benefit from this law. The reason being, because most of the other workers that are part of my unit are older women that would rather see more leverage put on getting more retirement money. This is antidemocratic and demoralizing, from the get go my union warned me to not even think about benefiting from this legislation because it is not a priority for them. I was appalled to have union representatives laugh at my face when demanding to get more information.

I was livid, and felt betrayed by my union that is not putting enough effort into this negotiation, that is not informing me about the state of negotiations nor will include me in the conversation. This process from the start is subject to manipulation and the only ones held hostage in this scheme are new moms like me and our babies. We are collateral damage.

I urge city council to pass a resolution mandating that the city stops their "negotiating" politicking and actually moves into implementation of this law for all workers - specially female workers of color that work for the city, and the ones that serve children and families- making it retroactive to January 1st, 2018. I also urge city council to implement a monitoring structure to correct gender imbalances and equity this process. It should be mandated the same way that it is for private employers. If small non-profits and mom and pop shops are mandated to do it, what is happening that city employees represented by unions can't?

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**Oversight - Paid Parental Leave for New York City Municipal Employees Hearing
Testimony**

The New York Paid Leave Coalition

April 30, 2018

Members of the Committee on Civil Service and Labor, jointly with the Committee on Education, thank you for the opportunity to share the New York Paid Leave Coalition's recommendations to extend city's paid family leave program to include city employees covered by municipal unions, in addition to its managerial employees.

The mission of the New York Paid Leave Coalition is to educate the public and elected officials on workplace economic issues that affect women and families and the need for public policy change to address them. We were one of ten organizations that comprised the Steering Committee, the leadership body for the 16 year campaign for Paid Family Leave for New York workers. We were one of the lead groups of the NYC Campaign that won paid sick days for NYC private sector workers back in 2013, that was expanded under Mayor de Blasio and Council Speaker Viverito in 2014 to cover 1.2 million workers.

A strong paid family leave program would ensure that when workers need to be with their families to bond with a new child or care for a seriously ill family member they will be able to meet these health and family responsibilities without putting their jobs and financial stability at risk. Adequate wage replacement is important to protect low wage workers who live paycheck to paycheck and do not have savings to fall back on. It has been our position that a strong paid family leave program must be accessible, affordable and adequate for all workers who need time to care for themselves, a new child, or for a seriously ill family member.

Our testimony will focus on this first point, cover all workers. We agree with Mayor de Blasio's assertion that "the last thing new parents should have to worry about is their financial and professional security." Yet, since 2016 the city has provided paid parental leave to only New York City employees who hold non-union or managerial titles. These positions account for less than 10% of the city's nearly 370,000 employees. Meanwhile, the city needs to negotiate such policies in collective bargaining with its municipal unions.

Paid family leave allows parents to bond with their newborn, adopted, or fostered children, permits new moms to properly heal before returning to work, facilitates breastfeeding, and allows employees to give care to ill relatives. all which positively contribute to the well-being of families and their members. Why not afford these same benefits to the unionized employees of

the city, not solely their non-unionized and New York state private sector counterparts?

We would like to highlight the plight of teachers in particular. It is ironic that teachers who are charged with building our children's developmental foundation are not accessible to their own families. Currently, if teachers want to be paid during parental leave, they have to use accumulated sick time. Should they not have enough sick time, they can "buy" future days — and end their parental leave indebted to the city; likely increasing the practice of teachers working while ill and risking the health of the children in their class.

For example, one woman who reached out to us named Sara works for the Department of Education. She earns one paid sick day per month that can be accumulated. She saved up and used the banked time for her first maternity leave. But now, she is pregnant with baby #2, and will have a fully unpaid maternity leave this time. This experience puts a lot of strain on her finances and adds stress to a moment that should be supported and only happens a handful of times in someone's life. New York State's new Paid Family Leave law should be a model for contract negotiations between New York City and its unions.

We also want to take this opportunity to congratulate Councilmembers Kallos and Reynoso on the new addition to their families and to note the importance of their taking paternity leave at a time when we are undergoing cultural shifts related to caregiving roles. In a recent joint op-ed, the Councilmembers shared their experience as new parents and acknowledged the significant benefit of having access to paid family leave. They expressed their opinion that NYC public employees need paid parental leave--a view we echo here. We urge the City to extend paid family leave to its municipal workforce in collective bargaining.

Paid Family Leave will help improve public health outcomes and assist in closing the gender equity gap, while retaining a quality municipal labor force.

Thank you.

Donna Dolan
Executive Director
New York Paid Leave Coalition
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New York, NY 10001



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**New York City Council Committee on Civil Service and Labor and Committee on
Education Joint Hearing
Testimony of Molly Weston Williamson, Staff Attorney, A Better Balance
April 30, 2018**

My name is Molly Weston Williamson and I am a staff attorney with A Better Balance, a national legal nonprofit, based in New York City, that fights for the ability of working people to care for themselves and their families without compromising their economic security. We were one of the leading members of the coalition that fought for and won New York’s landmark paid family leave law and continue to work to implement the law, including by advising workers on their rights through our free and confidential paid family leave legal hotline. As a national organization, we play a key role in providing legal and policy advice and support to states around the country enacting and implementing paid family and medical leave laws. We are also involved in efforts to expand paid family and medical leave benefits for public sector workers in municipalities around the country. We are excited to be here today to participate in this important conversation regarding the paid leave needs of New York City workers.

Regarding Resolution Number 311, “Resolution calling upon New York City to extend paid family leave benefits to city employees covered by municipal unions”

At A Better Balance, we believe that all workers deserve the right to take the leave they need when they and their families need it, regardless of where they work. Therefore, we strongly support the idea of expanding access to paid leave for municipal workers.

One particular element of the state’s groundbreaking paid family leave law may be of special relevance here. While the law automatically gives almost all private sector employees the right to coverage, it also offers potentially useful tools for covering public sector workers. Specifically, the law allows public sector unions to opt in to coverage under the law through the bargaining process.¹ For non-unionized workers, public sector employers can choose to voluntarily opt in with appropriate notice to their employees.²

¹ See N.Y. Workers’ Comp. Law § 212-b(3)(a) (“An employee organization may, pursuant to collective bargaining, opt in to paid family leave benefits on behalf of those public employees it is either certified or recognized to represent, within the meaning of article fourteen of the civil service law.”).

² See N.Y. Workers’ Comp. Law § 212-b(3)(b) (“For public employees who are not represented by an employee organization, the public employer may opt-in to paid family leave benefits within ninety days notice to such public employees.”).



the work and family legal center

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Opting in to coverage through the state law offers significant advantages. First and foremost, the insurance system set up by the law can provide comprehensive coverage in a cost effective manner. Today, the law provides covered workers with up to eight weeks of paid family leave at 50% of their average weekly wage, up to a maximum of \$652.96 per week. By state regulation, an insurance policy that meets these requirements costs no more than 0.126% of the covered employee's wages, up to a maximum of \$85.86 per year. Purchasing this low-cost insurance option would be substantially less expensive than paying for leave 100% out-of-pocket, and would save the city a great deal of money even if, as we would expect and advise, the city topped off the insurance benefit to provide full pay to workers on leave. Although the wage replacement and benefit cap in the paid family leave law provides a minimum benefit, the city can and should do better for its workers. Our recommendation would therefore be for the city to treat the insurance benefit as a subsidy for the full salary amount of paid family leave paid to city workers.

This subsidy may become even more valuable over time. Over the next three years, as the program phases in, benefits will become more generous each year. Starting in 2021, covered workers will be able to receive 67% of their average weekly wage up to a maximum of 67% of the state average weekly wage³ for up to 12 weeks. While the Department of Financial Services will issue new community rates each year, based on the experiences of other states, we can expect the costs of premiums to remain low and particularly to remain low in comparison to providing equivalent benefits out of pocket.

In addition, providing coverage through the state program would mean comprehensive benefits. The state program covers leave for three distinct needs: to bond with a new child, to care for a seriously ill or injured loved one, or to address needs arising out of a close family member's military deployment. These protections mirror those under the federal Family and Medical Leave Act and go beyond parental bonding leave to cover needs across the full life cycle. Because all three purposes are included in the cost-controlled insurance coverage, providing comprehensive coverage would be inexpensive while offering significant additional protection to city employees.

We hope that you will consider this additional option as you work toward accomplishing the goal set forward in the proposed resolution. We look forward to working with the city and our union partners to make this ambition a reality.

Regarding Resolution Number 312, "Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation to amend the state Paid

³ The state average weekly wage changes every year, generally increasing over time. If this were calculated today, 67% of the most recently announced state average weekly wage would be approximately \$909.26 per week.



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Family Leave Act to provide workers in New York State with a benefit equal to 100 percent of an employee's average weekly wage”

An adequate wage replacement rate—the percentage of their own income workers receive while on leave—is an essential part of building a paid family leave program. If the wage replacement rate is too low, workers will not be able to afford to take the leave they need, even where (as in New York’s law) workers are actually paying for the insurance program. This problem is especially acute for low-income workers, who need as much as possible of their paycheck just to pay their bills, but can also be problem for middle-income workers.

This is why we were proud to fight for and win a strong, workable wage replacement for New York’s paid family leave law. When the program is fully phased in, workers will receive 67% of their own wages while on leave, or about two-thirds of their regular paycheck, up to a cap. This rate will put New York’s paid family leave program in line with accepted norms from other states.

It will be important to see how the New York paid family leave program works in its first years to ensure solvency and sustainability. We are also conscious of the fact that increased wage replacement would also increase costs, which would ultimately be born by workers. That said, robust wage replacement is extremely important and we support careful consideration of a higher wage replacement rate, especially in light of the more generous wage replacement rates in recently enacted paid family and medical leave laws. We look forward to continuing to work with lawmakers, advocates, and other partners to make New York’s groundbreaking program the best that it can be.

Thank you for the opportunity to provide this testimony. As an organization, we are always interested in continuing the conversation regarding paid leave. We applaud the Council for bringing renewed attention to this important issue and hope that we can be a resource and a partner in your efforts moving forward.



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MEMORANDUM OF SUPPORT

Res. No. 1795

The Council of School Supervisors and Administrators (CSA), which represents some 16,000 members Actives and Retirees, supports Res. No. 1795, calling upon the New York State Legislature and Governor to pass legislation to amend the state Paid Family Leave Act to provide employees with 100 percent of their average weekly wage while on leave.

The Governor signed the Paid Family Leave Act in April of 2016, but the legislation falls short in addressing the expenses of living in New York City. This creates a hardship for New Yorkers who require their full salary to make ends meet while caring for a newborn or a loved one who is seriously ill.

This resolution recognizes the importance of providing 100 percent of an employee's average salary toward their earned Paid Parental Leave. Therefore, CSA supports this resolution, calling upon the New York State Legislature and Governor to pass legislation that amends the state Paid Family Leave Act.



MEMORANDUM OF SUPPORT
Res. No. 1810

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The Council of School Supervisors and Administrators (CSA), which represents some 16,000 members Actives and Retirees, supports Res. No. 1810, calling upon New York City to extend paid family leave benefits to city employees covered by municipal unions.

Mayor De Blasio signed a personnel order in January of 2016 to provide six weeks of paid parental leave at 100 percent of salary to New York City employees who hold non-union or managerial titles. CSA believes these same benefits should include New York City employees covered by municipal unions.

The resolution levels the playing field for all New York City employees; it would provide union employees the time necessary to tend to a newborn or address serious health concerns without worrying about financial security.

There is compelling research affirming the importance of paid family leave. A 2011 study by the Center for Economic and Policy Research reported that after California implemented a paid family leave program, nearly 90 percent of employees indicated that it had a “positive effect” or “no noticeable effect” on their productivity and performance at the work place.

Therefore, CSA supports this resolution, calling upon New York City to extend paid family leave benefits to city employees covered by municipal unions.

Good afternoon. My name is Gloria Middleton, President of the Communications Workers of America Local 1180. I am here to speak on Paid Parental Leave for workers employed by New York City. My Local consists of 8,600 employees, 6,200 retirees of which 80% are women and people of color. Many of Local 1180's women and men wish to start families but given the high cost of rent, health care and the general increase in the New York metropolitan area, have to delay doing so because they cannot afford to.

The average annual salary of my members is about \$50,000 annually, which based on a 35-hour workweek translates to about \$27.50 per hour. Local 1180 members with 20, even 30 years of service have passed a series of civil service tests that they must pay to take. Still, some are barely making a living wage.

The members of Local 1180 perform very important supervisory and administrative functions making sure that the public service goals set by the policy makers are met. They are the policy implementers who keep our city running 24/7 no matter who the elected officials and their top-level appointees are.

An adult with one child making \$27.50 per hour barely qualifies as making living wage according to the Living Wage Calculator for New York County an economic tool designed by the Massachusetts Institute of Technology. The MIT calculator was used By New York City in determining that the minimum wage should be a living wage for a single person was \$15 per hour.

Since our city is holding the private sector to this standard for like entry-level fast food workers who will soon make a minimum of \$15 per hour shouldn't the minimum for city employees performing very important supervisory and administrative functions and oversee the spending of millions of tax dollars for vital city services earn a living wage so they can if they choose be a parent.

After years of service to the people of the City of New York, shouldn't those supervisory and administrative workers be earning a living wage? A wage well above \$27.40 per hour. And, when we rightfully seek to offer paid family leave benefits to those city workers shouldn't they not have to sacrifice pay increases?

Cheating city workers out of pay increase to pay for a progressive policy like paid family leave challenges the credibility of the city's true commitment to the new parental leave policy.

We hope that this city council takes a look at the six weeks of paid parental leave available to about 20,000 City Managerial employees. The policy, announced by de Blasio in December 2015 and signed in January 2016 into retroactive effect beginning November 9, 2015, covers city employees who are not part of labor unions where such benefits must be collectively bargained. Without a union to calculate the costs paid by the workers in the form of a reduced pay increase and the loss of paid days off, the city may have experienced a windfall at the cost of these managers. While appearing to have offered these managers who don't have a union a progressive new benefit, most civilized democratic industrial nations offer because they understood long ago the value of such programs to families and their nations. We continue to focus on the cost and not the benefit.

Our union is prepared to negotiate with other unions to establish a citywide paid family leave program with our employer, the City of New York. But we must have a clear understanding of what our employer is offering. Does their commitment to progressive civilized parental leave policies come at the expense of the workers or is there a shared responsibility?

Thank you for this opportunity to testify.

Gloria Middleton, President

CWA Local 1180, AFLCIO

**Testimony of
Gloria Middleton, President
New York Administrative Employees
Local 1180
Communications Workers of America, AFLCIO**



**New York City Council Hearing on
Paid Parental Leave
April 30th, 2018**

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/30/18

(PLEASE PRINT)

Name: ROBERT LINN

Address: 40 RECTOR ST

I represent: OLR

Address: 40 RECTOR

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THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

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Name: Jessica Jean Marie

Address: UFT

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: _____

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Name: Frae Ruben-Perez

Address: UFT

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

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 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Mulgrew President

Address: UFT

I represent: 52 Bway UFT

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Carolyn Muggro Pre

Address: UFT

I represent: _____

Address: 52 Bway

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THE CITY OF NEW YORK**

Appearance Card

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 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Emily James

Address: UFT

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Molly Weston Williamson

Address: ~~400 Worth St, New York, NY~~ 150 Sullivan St, Brooklyn

I represent: A BETTER BALANCE

Address: 40 WORTH ST, NEW YORK, NY

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kay Cid

Address: 530 44 ST #2

I represent: Myself

Address: _____

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Melissa Dorcemus

Address: 10 Bay Street Landing Staten Island

I represent: self - teacher NYC DOE

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/30

(PLEASE PRINT)

Name: Eric Williams

Address: 275 7th Ave, 18th Floor, 40LWE, NY, NY

I represent: New York Paid Leave Coalition

Address: _____

Please complete this card and return to the Sergeant-at-Arms