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COMMITTEE ON CIVIL SERVICE AND LABOR

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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June 25, 2019
Start: 2:12 p.m.
Recess: 4:35 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: I. Daneek Miller - Committee on
Civil Service and Labor,
Chairperson

COUNCIL MEMBERS:

Adrienne E. Adams
Daniel Dromm
Andy L. King
Farah N. Louis
Francisco P. Moya
Eric A. Ulrich

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COMMITTEE ON CIVIL SERVICE AND LABOR

A P P E A R A N C E S

Steven Rush
Deputy Commissioner, FDNY

Laura Kavanagh
First Deputy Commissioner, FDNY

Terryl Brown
Chief Legal Counsel, FDNY

Michael Forte
Department of Probation

ANA Bermudez
Commissioner of Department of Probation

Wayne McKenzie
New York City Department of Probation

Dalvanie K. Powell
President of the United Probation Officers
Association

Oren Barzilay
President of the Uniformed EMT's, Paramedics, and
Fire Inspectors

Oren Barzilay
President of the Uniformed EMT's, Paramedics, and
Fire Inspectors of FDNY Local 2507

Vincent Variale
President of the Uniformed EMS Officers Union,
Local 3621, of the New York City Fire Department

Michael Greco
Vice President of Local 2507

Dr. Joseph Wilson
African American Civilians in the FDNY

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COMMITTEE ON CIVIL SERVICE AND LABOR

A P P E A R A N C E S (CONT.)

Greg Waltman
GI Quantum Clean Energy Company

Erica Healey Kagan
Kurland Group

2 CHAIRPERSON MILLER: [GAVEL] Good afternoon, I
3 am Council Member I. Daneek Miller. I am the Chair
4 of the Committee on Civil Service and Labor. I would
5 like to welcome everyone here today to today's
6 hearing. I would like to acknowledge and welcome my
7 colleague Council Member Adrienne Adams.

8 Today's oversight hearing will examine pay equity
9 issues within the New York City Department of
10 Probation and New York City Fire Department. This
11 hearing will focus on pay disparities that exist that
12 are fixed on the work that is performed and the
13 workers that perform the work.

14 Pay equity means that the criteria employees use
15 to set wages does not take into account gender, sex,
16 age or race. It means giving all people an equal
17 change to make a livable wage regardless of these
18 factors.

19 In April of 2018, this Committee held hearings on
20 the eventually passed Local Law 18 of 2019, which
21 related to the reporting of pay in employment data,
22 equity day within city agencies. The law will enable
23 Council to better understand where disparities exist
24 within the city's workforce and help us to figure out
25 ways in which to reduce these disparities.

2 Although New York State has one of the smallest
3 wage gaps in the nation, there still exists a gap
4 within the State and the City of New York. Any gap
5 is unacceptable and indicates that we as a city have
6 a ways to go to create the balanced playing field
7 that we all seek, regardless of gender, race, or
8 ethnicity or age.

9 Thus, bringing this hearing today is very
10 important. Today, we will be looking at pay
11 disparities that exist within FDNA and DOP. Since
12 1996, the New York City's Emergency Medical Services
13 have existed as a bureau within the FDNY. However,
14 it's members mainly EMT's and paramedics have been
15 treated as civilian staff by the city.

16 These EMS workers perform first responders duties
17 in similar capacities as fire fighters and police
18 officers and face extreme situations where their
19 health and safety are on the line. Despite this,
20 they are paid a fraction of what their first
21 responder brothers and sisters made.

22 For example, FDNY EMT's are paid a little more
23 than \$50,000 a year after five years of employment,
24 yet at the same time period, fire fighters are paid
25 \$110,000, more than double the EMT rate. The pay

1
2 disparities are shocking as EMT and paramedic provide
3 vital care to the public and community in emergency
4 situations throughout the city and they are
5 predominantly women and people of color.

6 In addition, the lack of pay in EMS workers are
7 overworked and understaffed, with only 4,100 EMT's
8 and paramedics working 2018 New York City handling
9 nearly 1.9 million calls. The shared volume of calls
10 coupled with the lower wages indicates to me that EMS
11 workers are handling, hard working and deserve more.
12 And not just pay parity but benefits that are similar
13 or equal to that of their Fire Department
14 counterparts.

15 In addition to the FDNY there exists deep rooted
16 inequities within DOP. Probation officers provide a
17 needed service in the city supervising and helping
18 those who have moved out of the criminal justice
19 system to find meaningful services including those
20 related to education, employment and health services.
21 These are the people that are working to improve
22 their lives and the lives of those who were formerly
23 incarcerated. Those who many have given up on. They
24 work to assembly these formerly incarcerated
25 individuals back into normal civilian life. Although

1 this work can be demanding, it seems that these
2 workers of which are predominantly women and people
3 of color have been paid significantly less than
4 comparable post in other city law enforcement
5 agencies and far less than probation officers in
6 nearby counties, like Westchester and Rockland,
7 Nassau.

9 I look forward to hearing from the Administration
10 on these issues and specifically want to know what is
11 being done to mitigate and reduce these gaps. This
12 committee wants to better understand how the
13 Administration values these workers and sets the pay
14 rates that they receive with respect to their public
15 safety and law enforcement counterparts.

16 This Committee wants to hear from those who live
17 and work as an EMT and paramedics probation officers
18 and hear their stories. Regardless of issues that we
19 are presented here today in order to enact city
20 policies to again reduce these wage disparities.

21 Finally, let me clear on one thing, I am not
22 saying that fire fighters or correction officers or
23 other city employees engage public safety in law
24 enforcement do not deserve their respective salaries.
25 These brave women and men are on call and run into

1
2 blazing buildings to keep us safe, our families safe,
3 and those who are at work with formally and currently
4 incarcerated I am sure today. I am here today to say
5 that we are, as the city workers, along with the EMS,
6 that we certainly stand behind you and the work that
7 you do. And that the work is the pedestal of who we
8 are as a society and that you deserve proper
9 compensation with the work that you perform and
10 advocating on behalf of pay equity across all city
11 agencies.

12 We've been joined by also Council Member Dromm
13 and Council Member Moya. I would like to thank the
14 staff, my Chief of Staff Ali Lasunjab[SP?], Brandon
15 Clark, my Legislative Director; Senior Director Joe
16 Dugobloom[SP?] and certainly Committee Counsel and
17 the Committee Malcom, Kevin, Kendall and Elizabeth.

18 I look forward to hearing from the panel. We are
19 going to begin with the admin, who has already taken
20 their place: Steven Rush; Laura Kavanagh; Terryl
21 Brown; Michael Forte; Ana Bermudez; and Wayne
22 McKenzie.

23 COUNCIL CLERK: If you could all raise your right
24 hand please. Do you swear to tell the whole truth
25 and nothing but the truth before this Committee and

1 answer Council Member questions truthfully? If you
2 could please state your name for the record before
3 beginning, thank you.

4
5 ANA BERMUDEZ: Good afternoon Chair Miller and
6 members of the Civil Service and Labor Committee. I
7 am Ana Bermudez, Commissioner of the New York City
8 Department of Probation. Joining me today is my
9 Cabinet: Deputy Commissioner Sharun Goodwin and
10 Gineen Gray standing behind me. Michael Forte and
11 General Counsel Wayne McKenzie.

12 I am here today to testify about the critical
13 role probation plays across the criminal justice
14 system, and, in particular, the incredible work of
15 DOP's Probation Officers in creating a safer city for
16 all New Yorkers.

17 As we have not previously appeared before this
18 committee, I want to briefly describe Probation's
19 unique role in the community safety continuum.
20 Probation is preventive: an alternative to
21 incarceration, where a judge has determined that a
22 person convicted of a crime can redress their actions
23 while safely remaining in the community under our
24 supervision. Probation is often confused with
25 Parole, which is a state agency, and they supervise

1 people finishing the remainder of a prison sentence.
2 Too often, public safety is narrowly defined as the
3 absence of crime. However, we believe that true
4 safety is much more than that. It is about trust and
5 having a strong connection to the fellow human beings
6 in one's community.
7

8 Often when people come onto probation, that trust
9 and connection has been eroded. Probation Officers
10 work to restore that trust by helping people change
11 their behavior and connect to opportunities at
12 roughly one-tenth of the cost of incarceration. We
13 do this for more than 27,000 people each year, more
14 than three times the city's average daily jail
15 population, by leveraging two things. Risk
16 management, which is the supervision, the intensity
17 of the supervision and monitoring and risk reduction,
18 which is the supportive elements that help people to
19 change.

20 To accomplish this, Probation Officers work
21 together with our government and community partners
22 to support people on probation through the behavior
23 change necessary to create what we refer to as their
24 new now. Basically, to get out and stay out of the
25 justice system.

1
2 Nationwide, the role of probation is sometimes
3 overlooked and often misunderstood, but always a
4 crucial part of the criminal justice system. Here in
5 New York City, Probation Officers perform a wide
6 variety of important job functions in three main
7 categories: pre-sentence investigations, intake
8 process, and the direct supervision of those
9 sentenced to probation.

10 In addition to the technical training and skills
11 required of all peace officers, such as performing
12 fieldwork, executing warrants, and carrying a firearm
13 for certain assignments; New York City Probation
14 Officers need a capacity for creative problem
15 solving; conflict resolution; violence prevention;
16 strong communication skills and the ability to think
17 and act strategically to help people change their
18 high-risk behaviors. It is a demanding job in an
19 increasingly complex world. As the field evolves
20 toward further de-carceration, it is imperative that
21 our focus is on working smarter. New York City
22 Probation Officers are doing just that, and the
23 results are extremely compelling.

24 I do not think anyone can, or really wants to,
25 put a price on how much it costs to help transform

1 someone's life. The countless success stories of
2 people creating a new now for themselves in
3 partnership with their Probation Officers, are truly
4 priceless. However, through independent evaluations
5 of our programs, we have begun to establish a base of
6 local evidence, of what we have known for a long
7 time. That the work of Probation Officers provides
8 enormous cost savings and benefits to New York City
9 by helping people to thrive safely in their
10 communities. Let me briefly summarize the
11 evaluations of three of our signature programs:
12 Arches, AIM, and NeON Arts.
13

14 Our Arches Transformative Mentoring program for
15 16-24-year old's relies on Probation Officers working
16 in partnership with credible messenger mentors. A
17 February 2018 independent evaluation of Arches,
18 conducted by the Urban Institute, found that one year
19 after beginning probation, Arches participants felony
20 reconviction rates are 69 percent lower, and two
21 years later, remain 57 percent lower. Any expert
22 will tell you that these results are unprecedented.

23 As the positive impact was especially high among
24 16 and 17-year-old Arches participants, we recently
25 launched a similar program targeted to our Family

1 Court population to ensure that we prevent as many
2 young people as possible from further justice system
3 involvement.
4

5 Last fall we released the findings of another
6 independent evaluation, also conducted by the Urban
7 Institute for Advocate Intervene Mentor, or AIM. Our
8 individualized Alternative to Placement program for
9 high-risk youth ages 13 to 18. Over 90 percent of
10 AIM participants avoided felony re-arrest within one
11 year, and completed the program without
12 incarceration, creating a cost-avoidance for the city
13 of more than \$29 million. Roughly one-third of our
14 entire agency budget. From both a policy and fiscal
15 perspective, this further exemplifies the critical
16 role of community supervision, performed by the
17 Probation Officers of this Department, in helping to
18 make New York City the least incarcerative and safest
19 big city in the nation.

20 Lastly, NeON Arts, which is our public-private
21 partnership with Carnegie Hall's Weill Music
22 Institute, has redefined innovative criminal justice
23 programs, by bringing together probation officers,
24 people on probation, stakeholders, and local arts
25

1 organizations to provide arts and cultural
2 opportunities.

3
4 The NeOn Arts evaluation builds on the 2017
5 Social Impact of the Arts study by the University of
6 Pennsylvania, which examined the impacts that access
7 to arts and cultural opportunities had on underserved
8 neighborhoods in New York City. It found that
9 communities with access experienced 18 percent lower
10 serious crime rate compared to communities that did
11 not. The collaborative work of Probation Officers
12 with NeON Arts is so transformative that the
13 Department received national recognition by winning
14 the Excellence in Community Crime Prevention Award
15 from the American Probation and Parole Association
16 for the cutting-edge use of arts in community
17 corrections.

18 And, as part of the recently adopted Fiscal Year
19 2020 City Budget, the Council recognized and provided
20 additional funding for NeON Arts as part of the
21 Speaker's Innovations in Criminal Justice Initiative.
22 And we thank you for your support.

23 The impact and reach of our innovative work goes
24 beyond the five boroughs, however. Beginning
25 tomorrow, we are hosting a national conference

1 attended by a variety of jurisdictions including Los
2 Angeles County Probation; Lewistown Maine Department
3 of Corrections; Jackson Mississippi Mayor's Office;
4 New York State Division of Criminal Justice; and the
5 Illinois Department of Juvenile Justice, who will
6 participate in a three-day immersion experience in
7 order to replicate our groundbreaking credible
8 messenger partnerships.
9

10 These evaluations and national recognition are
11 evidence of both the critical and cutting-edge role
12 New York City probation officers play in creating
13 real community safety, as well as the long-term cost
14 savings gained by preventing incarceration and
15 instead working to one's changed behavior in their
16 community.

17 Despite our Department's incredible progress and
18 great successes, the work of probation remains
19 extremely challenging, complex, and dangerous. For
20 those who choose this work, having a real probation
21 family is something we value very highly. In my
22 first few months as Commissioner, I went to a
23 retirement party for a Probation Officer who had been
24 with the Department for 44 years. That is
25 remarkable, but not unusual. The current average

2 number of years of service in the Probation Office
3 Title Series is nearly 30 years, even when factoring
4 in an unprecedented wave of new hiring done in
5 preparation for Raise the Age.

6 DOP is lucky to have such dedicated and loyal
7 staff, for the deep institutional memory and
8 experience they bring to the agency, no idea I ever
9 had was a new idea by the way, it's always
10 Commissioner, we tried that in 1986 and this is how
11 it went. So, it's been a very enriching experience
12 to have that and that continuity creates an
13 incredible power for those on probation supervision
14 as well as for those who stay in touch with their
15 probation officers for ongoing support long after the
16 cases have closed. With the lowest national
17 employment rate in 50 years and a thriving job market
18 right here in New York City, our attrition rate of
19 less than ten percent is nothing short of remarkable,
20 and ensures that Department has a very stable,
21 diverse, and experienced cadre of nearly 700 officers
22 committed to doing this important, life-changing
23 work.

24 The starting salary for a New York City Probation
25 Officer, the qualification requirements for which

1 include a baccalaureate degree and prior work
2 experience, is currently \$45,931. At the five-year
3 mark, an officer's compensations is \$56,657 and on
4 the current salary scale, it reaches \$64,858 at the
5 final 20-year increment.
6

7 However, with more than 20 years of service, an
8 officer's compensation can and does, exceed \$70,000.
9 Our new contract with the United Probation Officer's
10 Association UPOA, which was overwhelming ratified
11 last month, included general wage increases of 2
12 percent, 3 percent and 3.25 percent, as well as the
13 creation for the first time of a maintenance
14 allowance and annuity fund.

15 The makeup of our Department's leadership
16 reflects the composition of our officers and is
17 evidence of how DOP values experience and my personal
18 commitment to the development of staff and maximizing
19 agency level promotional opportunities. Half of my
20 Cabinet, and almost all of my Senior Leadership team,
21 was appointed from within the agency. Deputy
22 Commissioners Gineen Gray and Sharun Goodwin, the
23 incredible women that lead the Department's
24 Operations Divisions, both started their careers with
25 the agency as line Probation officers. And in fact,

1 DC Goodwin did better than that, she actually started
2 with the agency as an intern.
3

4 30 out of 33 staff on our Senior Leadership team,
5 which is 60 percent female, were internal promotions
6 or reappointments. Among the ranks of our Borough
7 Assistant Commissioners and Family Court Directors,
8 which are the equivalent of County-level appointed
9 Probation Commissioner or a Director, all nine
10 positions were appointed from within the agency. One
11 hundred percent of these discretionary appointments
12 were filled by candidates who began their careers at
13 the New York City Department of Probation as line
14 Probation Officers.

15 My tenure as Commissioner has been laser focused
16 on ensuring our staff is the best-equipped and
17 trained Probation Department in the country, in order
18 to both help elevate the status and the work done by
19 the phenomenal people at this agency, as well as the
20 important role of probation in the criminal justice
21 continuum nationwide. One of our five agency
22 drivers, in fact is Staff Development, to which I
23 have personally dedicated countless hours of training
24 and ensuring that staff have access to a wide range
25 of growth opportunities.

1 In addition to our commitment to staff
2 development, career growth and maximizing promotional
3 opportunities, we have also worked hard to raise the
4 visibility of Probation, and the incredible work done
5 each day by Probation Officers in New York City. We
6 have launched several media campaigns in advance of
7 each of our four Probation Officer Civil Service
8 exams that we have held over the past year. This
9 includes social media, bus shelter advertising, and
10 print ads in publications such as Metro New York,
11 Amsterdam News, Caribbean Life, Chinese World
12 Journal, and El Diario. You can spot our latest
13 media campaign; a Safer City for All, at the LinkNYC
14 locations throughout the city. And it has paid off
15 since 2018, in anticipation of Raise the Age, we
16 recruited and trained nine new Probation Academy
17 classes, resulting in just under 300 Probation
18 Officers.

19 Having said that, despite our great success in
20 recruiting new officers, and despite our laudable
21 overall attrition rate, 71 percent of our attrition
22 does take place during the first two years on the
23 job. Addressing this was the agency's number one
24 priority during the recently completed contract
25

2 negotiation. While we were able to insure that that
3 salaries for new hires were not frozen and that their
4 number of workdays did not increase as was being
5 proposed, we believe there is more to be done, and
6 plan to continue to prioritize this issues moving
7 forward.

8 The question of fair and equitable compensation
9 for Probation Officers is a legitimate one. It
10 deserves careful analysis, open-minded discussion,
11 and a collaborative process among all stakeholders to
12 both properly scope the issue and determine a viable
13 path forward. Chair Miller, I want to thank you for
14 the opportunity to publicly address this and set the
15 record straight.

16 Last week's The Chief, reported on a series of
17 allegations that are personally heartbreaking to me.
18 The City and the Department are being accused o
19 having suppressed salaries, while boosting
20 responsibilities and workload as the numbers of women
21 and people of color employed by probation increased.
22 These allegations I believe, do a terrible disserve
23 to those who do and support the important work of
24 probation. We have even learned of these allegations

1 and actions when we received media inquiries asking
2 for comment on them and not in a different way.

3
4 So, let me address some of this. It is both
5 untrue and irresponsible to claim that female
6 Probation Officers are paid less. Not only are
7 women, and women of color, well represented at the
8 highest levels of management within this Department,
9 but the average salary of a female Probation Officer
10 is actually slightly higher than the current average
11 salary of a male Probation Officer.

12 Other claims have been that the agency has
13 devalued Probation Officers by suppressing wages at
14 the low ends of the salary scales, frustrated step
15 processes that lead to raises, and eliminated the
16 Senior Position Officer Title. The Probation Officer
17 Title historically has, and continues to have, 17
18 increments, with pay increases for each, no steps or
19 longevity payments have been removed or eliminated.
20 As for the Senior Probation Officer title, it was
21 declassified back in 2004 as part of Civil Service
22 title broad banding. The agency had stopped using
23 the title in 2001, with only 14 officers ever
24 appointed to that title since 1952. Although this
25 preceded my Administration by more than a decade, the

1 continuity of leadership at UPOA going back to 2003
2 makes the allegation all the more puzzling.

3
4 However, I want to reiterate that the question of
5 fair and equitable compensation for Probation
6 Officers is legitimate and deserves careful analysis
7 to determine a viable path forward. Given all that
8 has been accomplished by the officers of this
9 Department as well as the important work we still
10 have yet to do, I am personally committed to that
11 path forward, which will require collective efforts
12 and unity among our staff, those on probation, and
13 our communities.

14 The entire profession of probation is currently
15 reckoning with its own new now, led in no small part
16 by the work of this Department. We now know that the
17 former, trail-em, nail-em and jail-em philosophy of
18 community corrections did not work, and in fact did
19 lasting harm and sowed distrust among the very people
20 it purported to help. It created an us versus them
21 mentality that devalued the profession, and worse,
22 destroyed trust between institutions and their
23 communities. I strongly believe that the path
24 forward in this circumstance requires a new now as
25 well.

2 As I said earlier, true safety is about trust.
3 True community safety is a village around each and
4 every one of us made up of family, neighbors,
5 community organizations and government, who work
6 together, creating a safer city for all. And that
7 building and growing a village of people, who are all
8 responsible for the well-being of a particular
9 client, place, community, or situation, is how we get
10 there. That is the essence of our work; creating a
11 new now for people on probation in a one size fits
12 one approach so that together, we are successful in
13 our mission of strengthening communities and changing
14 lives.

15 Thank you for the opportunity to testify about
16 the important work of the officers of the New York
17 City Department of Probation. We are pleased to
18 answer any questions you may have.

19 LAURA KAVANAGH: Good afternoon Chair Miller and
20 to the other Council Members who have joined us.
21 Thank you for the opportunity to speak with you today
22 about pay and equity issues. I am joined today by
23 Chief of Fire Operations Thomas Richardson, Deputy
24 Assistant Chief of EMS Roberto Colon; Deputy
25

1 Commissioner Terryl Brown and Deputy Commissioner
2 Seven Rush.

3
4 Mayor de Blasio and Commissioner Nigro have made
5 it a top priority to create a more diverse, more
6 inclusive and more equitable FDNY. Prior to the most
7 recent Firer Fighter exam, the Department conducted a
8 recruitment campaign unprecedented in its size and
9 reach. We spent an excess of \$10 million to expand
10 and diversify the applicant pool by attracting more
11 women and people of color than ever before.

12 These efforts paid off and we exceeded our goals
13 as a record breaking 46,000 individuals took the
14 exam. Compared to the previous exam, the number of
15 Asian test takers increased by 55 percent. Black
16 test takers increased by 39 percent. Latino test
17 takers increased by 29 percent. Native American test
18 takers increased by 35 percent and the number of
19 female test takers who took the exam improved by 115
20 percent.

21 For the first time in the history of the
22 Department, a majority of the test takers were people
23 of color. More women took the Fire Fighter exam than
24 ever before. Commissioner Nigro also appointed
25 Lillian Bonsignore as Chief of EMS. The first woman

1 and the first openly gay member of the LGBTQ
2 community to hold the highest rank in the bureau of
3 EMS.
4

5 He also appointed Alvin Suriel to the position of
6 Assistant Chief of EMS, making him the first Latino
7 member to hold the second highest uniform rank within
8 EMS. In addition to the distinguished work that they
9 will do on behalf of the people of New York, we are
10 proud that Chief Bonsignore and Chief Suriel will
11 also serve as examples of diverse leadership as we
12 continue our mission to build a fire department that
13 reflects the diversity of the city we protect.

14 The Fire Department is as busy as it have ever
15 been. Last year, we responded to 1.8 million
16 incidents including 1.4 million medical calls. This
17 was an increase in total incidents of 84,000 or
18 nearly 5 percent.

19 Non-life-threatening emergencies grew by almost 7
20 percent and life-threatening emergencies grew by 1
21 percent. Structural fires in the city were also up
22 approximately 2 percent.

23 I want to thank you Chair Miller for your
24 collaboration with the Department to strengthen fire
25 safety outreach at the large event that we held at

1 the Robert Ross Johnson Family Life Center in
2 Southeast Queens. We appreciate your commitment to
3 the safety of New Yorkers.
4

5 The strength of our department is our members.
6 We are only able to respond to the growing number of
7 calls and to protect the lives and property of the
8 people of New York City because of the hard work and
9 dedication of our members. We currently have
10 approximately 4,100 members in EMS and approximately
11 11,400 fire fighters and fire officers. Each is
12 committed to serving the people of this city
13 responding to fire hazards, medical calls, and a
14 broad range of emergency conditions. FDNY, Fire
15 Fighters, EMT's and paramedics train extensively and
16 work to develop specialized skills that they use to
17 protect the city and its occupants.

18 Fire fighters and EMS members are currently
19 negotiating the next contract with the Mayor's Office
20 of Labor Relations. They perform incredibly
21 difficult work that is vital to the safety of New
22 York City and they should be fairly compensated for
23 that work.

24 Although the resolution to the members bargaining
25 negotiations is not something that is within the

1 control of the Fire Department, we hope that an
2 agreement will be reached that is satisfactory to the
3 members and the administration.
4

5 I would be happy to take your questions at this
6 time.

7 CHAIRPERSON MILLER: Thank you for your
8 testimony. So, based on the testimony that we heard
9 from each agency, it doesn't appear that we are not
10 all in agreement about the value of the work that
11 these two agencies as the specific bargaining units
12 are performing. If that is the case that we agree
13 that they are unilaterally overworked,
14 undercompensated, certainly in the case of Probation,
15 they are coming out of a collective bargaining
16 agreement. The Fire Department currently engaged in
17 negotiations; how do we work towards pay parity? If
18 in fact you agree that pay parity with their
19 counterparts and the uniform forces and in the case
20 of Probation of the Law Enforcement agencies are
21 warranted.

22 LAURA KAVANAGH: So, we continue to work with our
23 partners in the Union and our partners in the Office
24 of Collective bargaining to advocate for our members
25 and to find creative solutions to increase pay

1
2 differentials and specialty pay for our members of
3 EMS.

4 ANA BERMADEZ: Like I said in my testimony, I
5 think this is an issue that needs to be looked at for
6 the Department of Probation and that we find an
7 unfortunate situation when you look across other
8 jurisdictions while yes, we get paid less than
9 perhaps some of our counterparts in other counties in
10 New York. There is a pattern that is also
11 underpayment or less payment than the uniformed
12 agencies, right, so, when it's a complex issue,
13 because as you then raise compensation for Probation
14 Officers, then there is implications for others.
15 That's why it's something that needs to be looked at.
16 It's not a simple matter.

17 With the information that we have in front of us
18 and the important role we play, you know, it
19 definitely is something that we have to find a path
20 towards improvement.

21 CHAIRPERSON MILLER: So, in terms of and I want
22 to appreciate the meetings that we've had together
23 with your team along with the Union and then
24 separately and really engaging myself and this team
25 and this committee on that progress and how we would

1
2 be able to achieve that goal. Coming out of that,
3 so, there is a number of things and just the complex
4 and the multilevel work that is being done by
5 Probation Officers, there is a law enforcement aspect
6 that is kind of a social worker aspect. It is also
7 the criteria that is required and the qualifications
8 that is qualified. If you look at that one would say
9 that they are grossly undercompensated for the work
10 that they are performing.

11 I would submit that in your testimony, you talked
12 about the savings that have achieved by virtue of the
13 services that are being delivered by the workforce.
14 I know within other collective bargaining agreements,
15 there's things like gain sharing and is that a
16 conversation that has come up in terms of savings and
17 whether that savings within the Department could be
18 then transformed on some level to the membership
19 and/or have - and I think we talked about other
20 things. You talked about instead you just
21 implemented a uniform allowance, is that so?

22 ANA BERMUDEZ: It's not a uniform allowance as
23 such, since we're not a uniform.

24 CHAIRPERSON MILLER: Equipment?
25

1
2 ANA BERMUDEZ: There is an annuity and it's a
3 maintenance allowance. I am sorry, I was struggling
4 to find the term. Maintenance Allowance for the
5 clothing that we've provided officers within the past
6 year, year and a half.

7 So, what question do you want me to answer?

8 CHAIRPERSON MILLER: So, I'm just looking at, you
9 said that and we're going to get over to the Fire
10 Department because it was mentioned as well that you
11 were exploring ways to kind of increase compensation
12 and I know that we had some conversations as well.
13 So, I wanted to kind of be able to bring that out as
14 well, some of the things that were happening. Some
15 of the best practices that we have seen outside. I
16 think there is other ways I think that we can get
17 there as well, but outside of some of the things that
18 we have explored. Is there something that we should
19 hear about today? Is there an opportunity for
20 longevity pay as well? Because one would think that
21 a - could you explain the 17 increments?

22 ANA BERMUDEZ: So, there are 17 steps up until
23 year 20 of a probation officer's tenure at probation.
24 So, the hiring rate, as I mentioned is \$45,934. And
25

1 then when it goes to 20 years, there is 17 steps in
2
3 20 years to reach \$64,858.

4 CHAIRPERSON MILLER: So, the increments are
5 simply merely pay increments. There is no other
6 requirements associated with that. No additional
7 certifications? No additional education
8 requirements? You stay on the job until you reach
9 those 17, is that the case?

10 ANA BERMUDEZ: I will pass this to Deputy
11 Commissioner Forte.

12 MICHAEL FORTE: Hi, Michael Forte. It's a
13 combination of steps which the criteria is a
14 performance evaluation and longevities which are
15 purely just for the amount of service.

16 CHAIRPERSON MILLER: So, longevity pay as defined
17 in the collective bargaining agreement is
18 specifically based on this incremented - is there a
19 five, ten, fifteen-year increment?

20 MICHAEL FORTE: That's right, it's a little bit
21 unfortunately more complex than that, that's why
22 there are 17 of them. So, it doesn't cut nicely like
23 in those ways but from the day you are hired until
24 the day you reach the 20th year, there are both steps
25

1
2 and longevities and some of them happen at the same
3 year.

4 CHAIRPERSON MILLER: Do you know of another city
5 agency that has anything similar to such a pay
6 incremental step?

7 MICHAEL FORTE: I think in concept many agencies
8 have the same structure that the titles and the
9 salaries basically if you look at it underlying the
10 straight salary are these longevities or sometimes
11 step increments.

12 CHAIRPERSON MILLER: Combination of the two.

13 MIACHAEL FORTE: I think it's more unique or rare
14 that you would see so many of them. They're
15 relatively small increments and the other interesting
16 thing is you know, some of them happen at the same
17 year. And you know, from our perspective, you know,
18 our desire as the Commissioner had pointed to, we see
19 a huge problem early in someone's career and we would
20 like to see you know, those to be more aggressive
21 earlier when someone is hired.

22 CHAIRPERSON MILLER: What kind of problem are
23 your talking about?

24 MICHAEL FORTE: The problem of the attrition.
25

1 ANA BERMUDEZ: Right, so we have an overall
2 agency attrition rate of 10 percent. Which when you
3 look at it, it looks good but when you look deeper as
4 to where the concentration – we wanted to see whether
5 there was a pattern or a concentration of something
6 that was problematic, and we did, and the problem is
7 that 71 percent of the attrition is happening in the
8 first two years of employment. As we discussed
9 previously, federal probation starts calling, etc.,
10 etc., right. And so, we are trying to – we wanted to
11 make sure, we've been wanting to make sure that the
12 early years are you know, those steps happen as early
13 as possible.

14 CHAIRPERSON MILLER: So, it's kind of an
15 incentive?

16 ANA BERMUDEZ: Yeah.

17 CHAIRPERSON MILLER: So, in my experience, in my
18 brief 30-year labor experience in the City of New
19 York and of course many agencies, that is such a
20 unique, unique agreement. Most incremental pay
21 increments are probably five years you see now. It
22 used to be mostly three. There are still some that
23 have three, but they are also not in lieu of
24 longevity pay. They are in addition to longevity
25

1 pay. I would hope that you can go back and take a
2 really, really strong look at that and get yourself
3 more in line with the rest of the city agencies. I
4 think that that's a space for an opportunity. If you
5 do the numbers, I think that you got to weigh off
6 step when after 20 years you know and 17 increments,
7 that would just get in that there's better ways to
8 get you there. Also, to consider things, there are
9 things that we can consider. Twenty years, that's a
10 really, really long time to reach most agencies and
11 would more likely equate the job performances to
12 Corrections Department in which they have a five-year
13 top pay, which is pretty consistent with most
14 agencies.

16 Okay, so obviously we know that there is a law
17 that forbids us because we keep hearing from the
18 Admin that you know, this is a collective bargaining
19 issue. If we did what is prescribed by the law, we
20 would never get the pay equity because everybody gets
21 what everybody else gets. Right, so we have to be a
22 little more creative and I am asking these two
23 departments to figure out a way to demonstrate how
24 much they really value their workforce. Particularly
25 if there's savings and lack of incarceration, can we

1
2 then transform partly that savings into some type of
3 negotiated game sharing or something else. I
4 appreciate that, we have been joined by Council
5 Member Ulrich, Council Member Danny Dromm.

6 So, the Fire Department, how do you explain such
7 a large disparity between a top paid fire fighter and
8 a top pay EMT after five years?

9 LAURA KAVANAGH: So, I don't think we can explain
10 that disparity, that predates this Administration,
11 but I think speaking to what you just said, we are
12 absolutely committed to advocating for our workforce
13 in the collective bargaining process. We are just in
14 the initial stages, so we are having conversations
15 with the union and we're having conversations with
16 OLR to try to come up with that list of creative
17 ideas. So, that when we sit down at the table, we
18 can look at ways whether it's savings, differentials,
19 different allowances, to advocate for our members and
20 their pay and their compensation.

21 CHAIRPERSON MILLER: Could you talk about the
22 training of EMT's and how much training they're
23 required to have to come on the job certifications
24 and so forth and how much training, how much is of
25

1 course in the department to train and then finally,
2 talk about the attrition rate.

3
4 LAURA KAVANAGH: Sure, so it's about four months
5 of initial training for an EMT, for our regular EMT
6 program. We also have an EMT training program that
7 we recently implemented that gets people essentially
8 from scratch with no EMS training whatso ever. And
9 then it's about nine months for a paramedic to be
10 trained and I am going to let the Chief expand on
11 that a little bit more.

12 TERRYL BROWN: Alright, so when an EMT comes into
13 the system we have a new training program. So, it's
14 just basically a civilian that just comes in with
15 nothing, no experience whatsoever. They train from
16 the very beginning, basic. That's a 16-week program.
17 They train from the very beginning; they have no
18 knowledge whatsoever to become an emergency medical
19 technician.

20 They train in medical emergencies, trauma
21 emergencies, and they prep them up for the New York
22 State exam. When they go through the whole course
23 for the 16-week program, they train in our
24 departments policies and procedures. They train how
25 to operate out ambulances. They train how to deal

1 with medical emergencies, trauma emergencies, respond
2 to mass casualty incidents. How to operate on those
3 assignments. All this to prep them for the New York
4 State exam to become emergency medical technicians
5 and that takes them to the four months to become
6 emergency medical technicians in the field. That's
7 the full month program.

9 LAURA KAVANAGH: I think it's also worth
10 mentioning, there is a capacity issue at the MS
11 Training Academy and so, in terms of promotional
12 opportunities with any EMS including being a
13 paramedic, we were limited by our capacity at the
14 Academy and we received \$52 million in this most
15 recent budget to expand that capacity. So, we're
16 hoping in the upcoming years we will have greater
17 ability to offer more spots for people within EMS to
18 promote within EMS.

19 CHAIRPERSON MILLER: And how long, what's the
20 anticipation on that capital project?

21 LAURA KAVANAGH: I am sorry, what was that?

22 CHAIRPERSON MILLER: You said it may take years?

23 LAURA KAVANAGH: We believe we can initially
24 begin to expand. So, it will take a few years until
25 we can expand to the level that we would like, but

1
2 even in the upcoming classes, we hope to see
3 additional spots for paramedics, and this is also at
4 no cost to them. We have implemented a forgivable
5 loan program. Again, in order to expand the
6 opportunity for people within EMS to promote to the
7 rank of paramedic.

8 CHAIRPERSON MILLER: So, from a paramedic
9 perspective, how much is the Department spending on
10 training?

11 TERRYL BROWN: On the paramedic training, I
12 believe the per student cost is probably I believe,
13 and I will have to check the numbers about \$22,000.

14 CHAIRPERSON MILLER: And do you know how much the
15 EMS training would be for those individuals. How
16 long? How much is the training?

17 TERRYL BROWN: For EMT, you are talking about?

18 CHAIRPERSON MILLER: I am looking at EMS.

19 TERRYL BROWN: EMS is EMT or paramedic. I am not
20 following what you are asking.

21 CHAIRPERSON MILLER: Entry level.

22 TERRYL BROWN: EMT.

23 CHAIRPERSON MILLER: Yes.
24
25

2 TERRYL BROWN: Significantly less, I don't have
3 that number but it's significantly less than a
4 paramedic training.

5 CHAIRPERSON MILLER: Okay, I am going to go to
6 Council Member Adams questions.

7 COUNCIL MEMBER ADAMS: Thank you very much Mr.
8 Chair. Thank you all for being here today. This
9 issue is something that is so very prevalent across
10 the board, it crosses race, it crosses gender, it
11 crosses decades of disparity and I just get really
12 confused when I take a look at the numbers because
13 they are glaring across the board. They are glaring
14 when it comes to New York City Probation and they are
15 horrifying when they come to FDNY.

16 So, my first question is going to be, what is the
17 criteria that is used to set EMT salaries versus the
18 salary of a Fire Fighter?

19 TERRYL BROWN: All city titles, civil service
20 titles are negotiated through Office of Labor
21 Relations. These are historic rates that DC37 as the
22 parent of Local 2507 3621 has negotiated since EMS
23 was born probably in the 1970's and those rates were
24 established initially in collective bargaining and in
25 conjunction with OLR and DECASS. The Fire Department

1 was not involved in rates and obviously we emerged
2 with EMS in 1996, so we took over that workforce into
3 the Fire Department and we've thought that since
4 they've come over in 1996, there has been a lot of
5 strides taken by the Department to improve things.
6

7 Obviously pay compensation is still a serious
8 issue but we think we have taken a significant number
9 of steps to improve EMS personnel. And I just would
10 add one thing. The Administration since 2014, there
11 is a 1,000 new positions for EMS at a cost of \$52
12 million since this Administration came in 2014.

13 COUNCIL MEMBER ADAMS: Yeah, with EMS there is
14 still a tremendous amount of overtime that has to
15 take place in order for a single parent to feed her
16 family. So, I appreciate that, we're just looking to
17 really, really get to the bottom of this tremendous
18 disparity between the ceiling and the floor when it
19 comes to this pay structure.

20 So, we've heard the Mayor say in the past that
21 there is a difference between Fire Fighters and EMS.
22 I think we all know that. But the spirit in which
23 that statement was made, there is a problem with that
24 statement. Can you further explain what could have
25 possibly been meant by that statement in that

1 difference, because in that difference he was
2 speaking specifically about the pay disparity between
3 the two.
4

5 LAURA KAVANAGH: I can't speak to that. I can
6 speak to the fact that both members of EMS and Fire
7 are some of the most tremendously hard-working people
8 I have ever met with some of the hardest jobs of
9 anyone I have ever met. And like I said before,
10 we've made a significant investment into new members
11 of EMS in this Administration, but we also remain
12 committed to advocating for them in the collective
13 bargaining process and doing what we can as a
14 department to help advocate for them as we move
15 forward.

16 COUNCIL MEMBER ADAMS: I appreciate that, thank
17 you. So, does the city consider EMS civilian or
18 uniformed?

19 LAURA KAVANAGH: Well, they wear a uniform as you
20 know, we call them uniform members in the department.
21 But as far as OLR is concerned, they are not
22 considered uniform for collective bargaining
23 purposes.

24 COUNCIL MEMBER ADAMS: Do you see that changing
25 at all?

1
2 LAURA KAVANAGH: That would be a question for
3 OLR.

4 COUNCIL MEMBER ADAMS: Well, that's very
5 significant in a perception and it really, really
6 gives a clearer picture of why all of this is taking
7 place. That perception, it's provided in what you
8 just said. Very, very disturbing.

9 So, aside from collective bargaining, is there
10 anything else that's being done to reduce the gap?

11 LAURA KAVANAGH: In terms of salary, it has to be
12 done in that process, but we are extraordinarily
13 committed to being advocates in that process.

14 COUNCIL MEMBER ADAMS: Do you foresee in the
15 future any kind of timeline where we're going to see
16 substantial improvement? Just, what are your
17 feelings about the timeline and the process and the
18 procedure?

19 LAURA KAVANAGH: So, the timeline for bargaining,
20 we're in initial conversations now as I mentioned, we
21 haven't come to table, but we do expect that to be in
22 the near future.

23 COUNCIL MEMBER ADAMS: In the next six months,
24 twelve months?

1
2 LAURA KAVANAGH: I certainly hope so, I think you
3 could ask our friends at the union that question as
4 well, as we both have a part of that process, but
5 yes, that's what we would hope for.

6 COUNCIL MEMBER ADAMS: Okay, again, I appreciate
7 your testimony here today. The subjects to me as a
8 Black female is extremely disturbing. To continue to
9 see this go on for decades and we know probation also
10 overwhelmingly women supporting families. I keep
11 throwing that out there because we are talking about
12 a far-reaching issue that goes way beyond a table.
13 It goes into families, it goes into neighborhoods, it
14 goes into perception, it goes into conversation.

15 So, my hope is that in all of the discussion,
16 around this issue is that we really, really take to
17 heart the extended view and what this actually means
18 to the communities that are being supplied by the
19 salaries of these hard-working individuals. There is
20 just so more that needs to be done in the area of
21 probation. Lets say we're looking at 20 years before
22 there is an increase. That's a tremendous issue.

23 Apologies, it's the difference between probation
24 and correction, I am sorry about that. I think you
25

1 kind of knew where I am going. I am getting a little
2 bit emotional in my train of thought.

3
4 But it all goes around the same particular
5 subject in the same particular area for me. For me
6 in both areas, the ceiling and the floor. We really
7 need to try and bring them closer together in
8 meetings. So, thank you very much.

9 CHAIRPERSON MILLER: Thank you Council Member
10 Adams. The FDNY, you're are talking about that they
11 are currently or about to be in contract
12 negotiations. Have you had any conversations with
13 the Admin and OLR in terms of advocating for EMS, EMT
14 to become unified uniform forces? Are they part of
15 the uniform forces? Obviously, that's where we're
16 going to see the difference in the pay disparity,
17 have the latest difference.

18 LAURA KAVANAGH: We are having conversations with
19 them, yes.

20 CHAIRPERSON MILLER: And based on the work that
21 they do, the education, the certification
22 backgrounds, all those things like that, is it
23 something that those conversations are fruitful? Do
24 you think this hearing is going to be helpful in your
25 advocacy on behalf of your workforce there?

1 LAURA KAVANAGH: I think it will be.

2 CHAIRPERSON MILLER: Since 1996, and them joining
3 the FDNY, do they have more or less responsibility?
4

5 LAURA KAVANAGH: Medical calls have certainly
6 increased year by year. Certainly, in the last
7 decade and I think since 1996, medical calls in the
8 City of New York.

9 TERRYL BROWN: Obviously, since 911, there has
10 been additional duties assigned, both on the Fire
11 side and the EMS side. Counter terrorism, task
12 force, we also have members in our HASTAC units.
13 They receive additional compensation that was
14 negotiated between the city and the union. And there
15 is also rescue medic pay, which was provided several
16 rounds ago in collective bargaining negotiations for
17 an elite group of paramedics who are trained in
18 certain difficult rescue situations.

19 So, those kind of duties have evolved
20 particularly since 911.

21 CHAIRPERSON MILLER: And I can appreciate that,
22 but the general compensation for the overall
23 bargaining unit has not, unless you are engaged in
24 one of these specific units, specialized units. Is
25 that the case?

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LAURA KAVANAGH: Correct.

CHAIRPERSON MILLER: I don't know if you answered the questions about attrition. What does the attrition mean?

LAURA KAVANAGH: Attrition for members of EMS is about 6 percent.

CHAIRPERSON MILLER: Six?

LAURA KAVANAGH: Six, yes.

CHAIRPERSON MILLER: When someone leaves to go become a Fire Fighter, is that included in that number?

LAURA KAVANAGH: That is not included in that number because they stay within the department.

CHAIRPERSON MILLER: They stay within the Department.

LAURA KAVANAGH: It's 9 percent if you include the promotional exam.

CHAIRPERSON MILLER: So, if you include the promotional, it would be 9 annually? Okay, and what are the demographics of EMS, EMT?

LAURA KAVANAGH: EMT's are about 64 percent women and people of color.

CHAIRPERSON MILLER: And the Fire Department?

1 LAURA KAVANAGH: Fire Fighters are about 30
2
3 percent women and people of color.

4 CHAIRPERSON MILLER: Okay, and in terms of hiring
5 for the next Fiscal Year, what do your hiring numbers
6 look like? Are you okay, or do you need to hire over
7 the next year?

8 TERRYL BROWN: Now, we generally hire three
9 classes of EMT's. Usually about 180 but starting in
10 February as First Deputy Commissioner Kavanagh
11 indicated, we will increase the EMT class size from
12 180 to 240. Generally, our paramedic classes are 75,
13 in that neighborhood. We will probable increase it
14 to 90 and eventually to 120, once we get the academy
15 expanded in 2020.

16 CHAIRPERSON MILLER: Is that indicative of the
17 workload that is currently being undertaken by the
18 workforce?

19 TERRYL BROWN: A lot of it is a factor of the
20 promotional exam that enables a significant number of
21 EMS members to promote to the title of Fire Fighter.
22 We've lost probably close to over 800 personnel in
23 three promotional classes so far.

24

25

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2 CHAIRPERSON MILLER: So, you would say the major
3 attributed to attrition and not necessarily the
4 workload?

5 LAURA KAVANAGH: I would say that it's both. As
6 I mentioned, we hired 1,000 new members over the last
7 few years and that is to address the workload, so the
8 combination of the promotional exam and the increased
9 headcount has created that need for additional
10 hiring.

11 CHAIRPERSON MILLER: Okay, I'm really again,
12 interested in how we kind of get to where we need to
13 be in terms of compensates. Could you talk to me
14 about overtime and overtime pay? Is it mandatory
15 overtime? And then what does that budget look like?

16 TERRYL BROWN: Last year and I will say this
17 Fiscal Year is now being completed. EMS overtime was
18 about \$50 million. There is overtime that you can
19 volunteer for and there is mandated overtime as well.
20 In discussions with the union, we have relaxed the
21 overtime cap to allow members to work additional
22 overtime. Obviously, as you have noted yourself,
23 that ideally, there is a certain level of overtime
24 where it becomes difficult for members. Some members
25 more than others but there is plenty of overtime

1
2 opportunities for EMS right now, because of the
3 vacancies.

4 CHAIRPERSON MILLER: And you said that the salary
5 cap, the overtime cap has been relaxed?

6 TERRYL BROWN: It is currently 50 percent of
7 salary. If you look at that, it would enable one
8 person, an average EMT to earn up to 600 hours if one
9 wanted to work that much.

10 CHAIRPERSON MILLER: So, yeah, that would be a
11 concern.

12 TERRYL BROWN: That's a lot of overtime.

13 CHAIRPERSON MILLER: Obviously considering the
14 critical services that they provide. I want someone
15 at their optimum performing.

16 TERRYL BROWN: The average EMT overtime is
17 approximately about 7,000. So, it's far less than
18 that. Obviously, this is the average. Some people
19 work a lot more and some work less.

20 CHAIRPERSON MILLER: But obviously, these calls
21 have to get answered, so we have to figure out a way
22 to make sure that the bodies are there and somebody's
23 doing the work. So, that kind of goes back to what
24 the hiring and attrition question is and whether or
25 not it is fair that people in order to earn a living

1 wage, have to work overtime to double their salary.
2 That is the question here and whether or not that is
3 safe for the public in doing so, that we want people
4 again, at their optimum performance abilities when
5 they come into service our citizens. Council Member
6 Adams.
7

8 COUNCIL MEMBER ADAMS: Thank you Mr. Chair, I
9 just had just a couple more questions because I have
10 been looking at the graphs and it's still so, so
11 disturbing. I just have to get this out there. Is
12 FDNY able to come to the bargaining table on your own
13 and handle this issue of pay equity and just say
14 look, we're just going to handle this?

15 We are speaking of predominantly women of color
16 when it comes to EMS and pay equity shouldn't be
17 something that's negotiable or negotiated in my
18 opinion. Is there a commitment that you are willing
19 to make to ensure pay equity at this level? It's
20 something that is certainly doable, are you willing
21 to make that commitment?

22 LAURA KAVANAUGH: So, I think unfortunately the
23 FDNY doesn't have the power to raise salaries. We
24 can commit to absolutely looking at ways to diversify
25 our workforce. Ways to grant additional pathways to

1
2 promotions for members of EMS and ways to advocate
3 for their salaries and their benefits at the
4 bargaining table. We will commit to that.

5 COUNCIL MEMBER ADAMS: Okay, I am just going to
6 ask that you do that very strongly, very forcefully.
7 The strand of and I will just put it out there,
8 systemic racism is blinding and deafening. So, in
9 order to right that wrong, I think that it is
10 imperative and incumbent on everyone that's sitting
11 around. Everyone that has the authority, the power,
12 and the voice to make that happen. When we look at
13 the racial disparity between FDNY and EMS, in the
14 year 2019 and we're still talking about pay equity,
15 pay parity, issues of that nature. We're looking at
16 women, we're looking at men, just all of it. The
17 picture for a city like New York is just - the optics
18 are horrible.

19 So, I am just going to ask that we all just pitch
20 in there together and really try to get this done for
21 the hard workers. The hard EMS workers out there.

22 LAURA KAVANAGH: We absolutely believe in our
23 members and we are committed to advocating for them
24 in that process.

25 COUNCIL MEMBER ADAMS: Thank you very much.

1
2 CHAIRPERSON MILLER: Thank you Council Member
3 Adams. Can we go back to the mandatory overtime?
4 What percentage of overtime goes towards mandatory
5 overtime?

6 TERRYL BROWN: I wouldn't know that number off
7 hand.

8 LAURA KAVANAGH: We can get that to you.

9 CHAIRPERSON MILLER: Okay, going back to the
10 demographics, FDNY, could you talk about the
11 managerial or the supervision and then managerial
12 within the agency. What are those demographics?

13 LAURA KAVANAGH: Sure, at which rank?

14 CHAIRPERSON MILLER: Talk about the ranks, I am
15 not as familiar with the ranks.

16 LAURA KAVANAGH: So, over the last five years, we
17 have committed primarily to diverse fighting the fire
18 fighter rank because as you know, with civil service,
19 when tests given every four years, we have not had an
20 opportunity to see those more diverse classes that
21 we've seen in the last five years have an opportunity
22 to take those promotional exams but we currently run
23 mentorship programs and career development
24 opportunities to make sure that as soon as they are
25

1
2 eligible, we will see that diversity rise up through
3 the ranks.

4 CHAIRPERSON MILLER: I'm not talking about fire
5 fighters.

6 LAURA KAVANAGH: On the EMS side?

7 CHAIRPERSON MILLER: Correct.

8 LAURA KAVANAGH: We are doing the same.

9 CHAIRPERSON MILLER: You are?

10 LAURA KAVANAGH: We are doing the same on the EMS
11 side as well.

12 CHAIRPERSON MILLER: What are the current
13 supervisory, managerial demographics?

14 LAURA KAVANAGH: So, we have four EMS captains.
15 They are 53 percent White, 14 percent Black and 23
16 percent Hispanic and 8 percent Asian. For EMS
17 lieutenants, it's approximately 53 percent White, 19
18 percent Black, 22 percent Hispanic and 5 percent
19 Asian.

20 CHAIRPERSON MILLER: So, that's pretty consistent
21 in those consistent with civil service exams,
22 correct?

23 LAURA KAVANAGH: They are consistent with civil
24 service exams, but as I mentioned, this
25 Administration has been tasked with ensuring that

1
2 people have opportunities to promote and that they
3 are being encouraged to promote and mentored to
4 promote and so, that is an initiative.

5 CHAIRPERSON MILLER: Those aren't appointments,
6 are they?

7 LAURA KAVANAGH: Those aren't what?

8 CHAIRPERSON MILLER: None of those positions are
9 appointments, are they?

10 LAURA KAVANAGH: So, they do not take a civil
11 service exam in the same way that fire does. They do
12 an interview process, but that is subject to change.
13 A law was passed in the state last year that would
14 eventually implement the same type of testing process
15 for EMS.

16 CHAIRPERSON MILLER: So, you don't have a civil
17 service exam for a promotion and the numbers are just
18 not consistent with the workforce?

19 LAURA KAVANAGH: We will have a test for civil
20 service exams based on this new law. We do not at
21 this time.

22 CHAIRPERSON MILLER: Why haven't you?

23 LAURA KAVANAGH: That predates this
24 Administration, I am not sure why that is.

25 CHAIRPERSON MILLER: Okay.

1
2 LAURA KAVANAGH: Oh, sorry, I should correct
3 myself. There is one for lieutenant. It's above
4 lieutenant that we do not have those exams.

5 CHAIRPERSON MILLER: And how many positions are
6 above lieutenant?

7 LAURA KAVANAGH: We have Captains, Deputy Chiefs,
8 Division Chiefs, Deputy Assistant Chiefs. So, a few
9 ranks above lieutenant.

10 CHAIRPERSON MILLER: And is there any consistency
11 between the pay there in the FDNY?

12 TERRYL BROWN: It's consistency as compared to
13 the fire side?

14 CHAIRPERSON MILLER: What are the disparities at
15 those ranks compared to FDNY?

16 TERRYL BROWN: There are significant differences
17 between EMS supervisory personnel and Fire
18 supervisory personnel.

19 CHAIRPERSON MILLER: Consistent with what we see
20 at the lower ranks as well.

21 LAURA KAVANAGH: Correct.

22 TERRYL BROWN: Yes.

23 CHAIRPERSON MILLER: What about civilians within
24 the agencies?

1
2 TERRYL BROWN: Civilian titles run across many,
3 you know, you have many high-level computer titles,
4 but generally the civilian probably average salaries
5 is -

6 CHAIRPERSON MILLER: Do you have any civilian
7 managers?

8 TERRYL BROWN: Managerial in the managerial pay
9 plan, there are civilian managers, the compensation
10 will vary up to the level of a Deputy Commissioner or
11 a Fire Commissioner, but you know, they start off
12 obviously, far lower on that.

13 CHAIRPERSON MILLER: Is that pay scale set by the
14 agency, the Department or DECASS, who sets those pay
15 scales?

16 TERRYL BROWN: Managerial pay plan for non-
17 unionized personnel in the city is a step plan by
18 DECASS and the raises that are given to managerial
19 employees are generally near of those that are given
20 to their collectively bargained counterparts.

21 CHAIRPERSON MILLER: So, here is what I am
22 saying. You could have a citywide manager who
23 qualifies, who can be placed in a multitude of
24 different agencies. Are they more apt or like less

1 likely to earn more at a Fire Department or
2
3 Department of Homeless Services?

4 TERRYL BROWN: I really can't answer that.

5 CHAIRPERSON MILLER: Do you know if they have a
6 salary of a manager, a civilian manager in the Fire
7 Department is?

8 LAURA KAVANAGH: We couldn't say what the average
9 is. There is so many different titles and so many
10 different units. I would say for the highest -

11 CHAIRPERSON MILLER: How do we access that
12 information?

13 LAURA KAVANAGH: We can get that to you.

14 CHAIRPERSON MILLER: Yeah, because that was part
15 of the last pay equity, that's how we came up with
16 the local law that manages specifically women of
17 color depending on what agency were being paid
18 disproportionately from their counterparts and they
19 pretty much had the same qualifications. And so,
20 certainly, this is about pay equity and particularly
21 as it pertains to these two agencies and I would
22 submit the same question for probation as well.

23 Do you have an answer on the Probation side? Are
24 managers generally paid consistently, more or less
25 than counterparts in other agencies.

2 ANA BERMUDEZ: I wouldn't know how to answer that
3 question in this sense. Probation is very unique in
4 that its Civil Service Title is not transferable to
5 other agencies. So, when you move up the ranks, you
6 move Probation Officers, Supervising Probation
7 Officer and Administrative Probation Officer, which
8 often times leads to the managerial positions. And
9 so, those counterparts, it's hard to establish
10 counterparts in other agencies, because the titles
11 are different, and they go with different salary
12 structures. So, we can follow up with that.

13 CHAIRPERSON MILLER: Say for instance a mid-level
14 manager, that is not necessarily doing specific
15 probation, does not require a probation background
16 but whatever they're doing, back room stuff. Is that
17 consistent with other agencies or do you have any
18 idea what that looks like?

19 ANA BERMUDEZ: We will check, but if I were to
20 guess because we are a smaller agency, I would say
21 no. It's not comparable.

22 CHAIRPERSON MILLER: Okay, I would appreciate
23 that information. Council Member Adams.

24 COUNCIL MEMBER ADAMS: Thank you, Mr. Chair. I
25 promise this is going to be my last one. First

1 Deputy Commissioner, I think you could probably get
2 this, you just gave Council Member Miller the ratio
3 breakdown for EMS and FDNY. Can you give us the
4 gender breakdown as well?
5

6 LAURA KAVANAGH: Sure, on the EMS side, we have
7 about 28 percent women and on the Fire side it's
8 about one percent.

9 COUNCIL MEMBER ADAMS: That's why we wanted to
10 get that on the record. Thank you.

11 LAURA KAVANAGH: Sure, I think I would just say
12 the Fire Department definitely agrees that we have a
13 lot of work to do on that front, but I would also
14 note that we have doubled the percentage in the Fire
15 Fighter rank in its diversity. And we have also
16 doubled the number of women and we remain committed
17 to keeping that trend going.

18 CHAIRPERSON MILLER: Okay, so we will follow up.
19 We have obviously follow up questions. I appreciate
20 your time, your coming out and this is very, very
21 important to the Council. Obviously, it's more
22 important to the members that provide such critical
23 services to our city. I absolutely believe that this
24 city has value because of these workers. There is a
25 reason why 67 million folks come to New York City to

1 visit. There is a reason why Amazon and Google and
2 all these other folks want to set up shop, because we
3 are safe. We are clean, we have good transportation,
4 despite all of those narratives because of women and
5 men that provide those services, many of which that
6 are in the room today. And I hope that we can
7 continue this dialogue and get us to the point that
8 we can creatively make sure that they are being
9 compensated justly in the future and this committee
10 is absolutely committed to it. So, anything that we
11 can do to be able to support your efforts in getting
12 them there, we do have that commitment now. So,
13 thank you for your testimony.

14
15 LAURA KAVANAGH: We appreciate that, thank you.

16 CHAIRPERSON MILLER: Next panel Dalvanie Powell;
17 Vincent; Oren and Michael Greco.

18 **[INAUDIBLE 01:38:38-01:40:54]**

19 Thank you, you can begin your testimony from
20 either end, whatever, just please push the button on
21 the mic and identify yourself before giving your
22 testimony.

23 DALVANIE POWELL: Good afternoon Chair and
24 Committee Members. My name is Dalvanie K. Powell and
25 I am the President of the United Probation Officers

1 Association. I represent over 800 Probation Officers
2 and Supervising Probation Officers and more than 400
3 retirees. My membership consists 90 percent of
4 people of color of which 78 percent of them are
5 women. We are honored to have been invited to
6 participate and to testify in the discussion of pay
7 disparity. And for time sake, the Commissioner did a
8 good job I must say, in describing who we are and
9 what we do. So, I am going to skip that part, but I
10 will say that our primary concern as Officers is
11 primarily community safety.
12

13 But what wasn't mentioned was that we have a
14 field service unit. Field visits are made in some of
15 the most dangerous neighborhoods. Probation Officers
16 are in just as much risk as other law enforcement
17 officers. Probation Officers are required to work
18 various shifts including evenings, weekends and
19 holidays.

20 We have an intel unit of Probation Officers who
21 execute warrants within New York and other states.
22 Within this unit we also have a cyber unit. These
23 officers work with NYPD, Department of Corrections,
24 US Marshals, homeland security and many other law
25 enforcement officers.

1 What also was not mentioned was that the
2
3 investigation reports that we use are also utilized
4 by Department of Corrections, upstate and downstate
5 and our reports are also used by Department of Parole
6 when making a determination for a person to get out
7 of prison.

8 For the sake of time, I have attached to my
9 presentation, the description of a job of a Probation
10 Officer and a Supervising Probation Officer.
11 Probation Officers are required to complete eight
12 weeks of training which consists of fundamentals,
13 defensive tactics training and we must satisfy the
14 training requirements established by the State of New
15 York for Peace Officer Certification. Hence,
16 Probation Officers are Peace Officers who carry
17 firearms and make arrests when necessary in order to
18 enforce public safety.

19 We recently ratified our contract with a total
20 increase of 7.25 percent. The hiring rate for
21 Probation Officers will be \$45,934 and the maximum
22 salary will be \$76,043. For the promotional position
23 of a Supervising Probation Officer the salary will
24 start at \$61,276 and the maximum rate will be
25 \$91,518.

1 Since we are here to discuss pay disparities, the
2 above salaries may appear to be impressive to some,
3 but the sad reality is that none of the titles that I
4 represent ever reach their maximum salaries. Please
5 see the attached chart which shows the growth of our
6 salaries how it will look after the wage increase is
7 applied. A Probation Officer after 11 years will
8 only earn \$52,824 and for a Supervising Probation
9 Officer after 16 years, will only earn \$70,467.
10 These numbers will vary depending on when and how one
11 came into the agency. As you can see we have no
12 guarantee when we will reach our top salary, unlike
13 our other brothers and sisters in law enforcement and
14 our other Probation Officers in Nassau County,
15 Westchester and Suffolk County, who I might add, are
16 required to have the same education, experience as us
17 and also has to adhere to the same state mandates as
18 we do.

19
20 Over the years and since the Raise the Age has
21 been implemented, the department has hired a
22 significant number of new recruits; however, we have
23 lost more than 15 percent of the seasoned and new
24 Officers because of the low salaries. When this
25

1 happens, everyone loses, especially the community at
2 large.

3
4 Therefore, when we think of criminal justice
5 reform you should think of Probation Officers as our
6 objective is to help change the mindset of those men,
7 women, and youth who come through our doors because
8 of the poor choices they have made, which in turn
9 will reduce recidivism and keep the community safe.
10 When you think of the bail reform, you should think
11 of Probation Officers as there are thousands of cases
12 where persons remain in the community, receiving
13 services at predisposition and not behind bar,
14 thereby saving the city millions of dollars.

15 When you think of reduction of massive
16 incarceration, you should think of Probation Officers
17 because we are saving the city and the state billions
18 of dollars while we supervise and monitor those who
19 have been convicted of a criminal act instead of
20 being incarcerated. When you think of community
21 policing, you should think of Probation Officers as
22 we are out there in the field risking our lives,
23 while we're saving lives. When you speak of low
24 crime rate, please think of Probation Officers.

1 In conclusion, we the members of the United
2 Probation Officers Association would like to have
3 someone explain why in 2019 we have to come with cup
4 in hand asking that it be filled so we can live, take
5 care of our families now and in the future? Why are
6 we struggling to get what we worked so hard for and
7 deserve but yet we are being denied because of our
8 gender and the color of our skin. This pay equity
9 needs to be corrected now in order to recruit and
10 retain the best possible candidates.
11

12 And at some point, I have two of my colleague
13 supervising Probation Officer Emma Stovo[SP?] and
14 Probation Officer Felice Fish. I would like to have
15 the opportunity to tell their story how these low
16 salaries have impacted their lives over the years, if
17 need be. Thank you.

18 OREN BARZILAY: Good afternoon, my name is Oren
19 Barzilay, President of the Uniformed EMT's,
20 Paramedics, and Fire Inspectors of FDNY Local 2507.

21 Thank you for allowing me the chance to address
22 you today with regards to one of the most pressing
23 issues facing the stability of Emergency Medical
24 Service. The FDNY EMS is in crisis. The ability to
25 promptly and adequately respond to citizens in life

1 threatening situations is diminishing every day due
2 to the personal crisis created by an inadequate and
3 substandard wage pattern as well as personal practice
4 that routinely depletes the ranks of EMT's and
5 paramedics.
6

7 This pattern and practice is caused by bias which
8 leads to a devaluing of the EMS side of the FNDY.
9 These patterns of bias are so engrained that even
10 some of the efforts to address lack of diversity and
11 equal opportunity end up instead of perpetuating the
12 problem.

13 Our members are consistently paid less for the
14 lifesaving work they do, than the lifesaving work
15 performed by other within the department. By way of
16 example, the Fire Department routinely promoted 900
17 EMTs and paramedics to the Fire Fighting title. in an
18 effort to address this issue with lack of diversity.
19 It draws on the large amount of female and minority
20 members in EMS to try to do so. Using the term
21 promotion, underscores the devaluation of the EMS
22 side of the Department.

23 Moreover, members who choose to avail themselves
24 of this practice, often cite the inadequate wages
25 they receive in EMS as the reason. Despite their

1
2 love for providing emergency medical services as an
3 EMT or Paramedic, they were driven to leave EMS and
4 move to the Fire side. But more egregious is that
5 this practice ignores the devastation it has on the
6 EMS side of the Department, reinforcing a sense that
7 EMS work is lesser than other first responders all
8 while pulling experienced EMT's and Paramedics from
9 the workforce resulting in decreased work morale and
10 retention.

11 Our members are consistently paid less for the
12 lifesaving work they perform as compared to other
13 lifesavers within the department. I know there is an
14 image that fire fighters fight fires, EMS workers
15 transport people to the hospital. EMS is much more
16 than a transport service. Our EMT's and Paramedics
17 perform on scene rescue and lifesaving functions
18 actually working up and treating patients on scene
19 and while being transported. We treat sick and
20 injured New Yorkers in the pre-hospital setting every
21 single day of the year. But the work of the FDNY is
22 even more complex, and EMS and fire work together, in
23 an integrated way that provides much more than
24 emergency transport. This work often overlaps.

1 For example, both the fire side of the department
2 and the EMS side of the department process emergency
3 calls and dispatch tens of thousands of emergency
4 responses. Yet despite being in the same building,
5 on the same floor, and even though EMS workers
6 process significantly more of these calls, the fire
7 side employees are paid more. The office of
8 recruitment and training literally has an integrated
9 unit in which EMS and fire side employees work
10 together, they attend the same training, recruitments
11 and complete the same projects yet EMS employees make
12 significantly less. Obviously, EMS members provide
13 different life saving services in the field but
14 aren't these services just as valuable as the other
15 services the FDNY provides and many of the services
16 the department performs, such as call processing are
17 not in the field.

18 Furthermore, the FDNY is the only agency that has
19 a different rate of pay for the same titles within
20 its own agency depending on whether the title is on
21 the predominantly of color and largely female side of
22 the EMS or the predominately white and male fire
23 side. These issues might just seem like pay
24 inequality issues, but they have devastating effects
25

1 on the department. The impact this has is one of the
2 most pressing issues facing the stability of the
3 Emergency Medical Service.
4

5 Other city entities claim that retention and
6 attrition rate are within what will be described as
7 normal limits. DO not be duped. The fact is 80
8 percent of new hires in EMS leave within 4 years.
9 When they leave, they take well-honed clinical
10 expertise with them. This, when coupled with a
11 recent and an on-going wave of retirement creates a
12 naïve, inexperienced and marginally prepared work
13 force.

14 The contrast begins the demographics and
15 corresponding pay on both sides of the Fire
16 Department could not be starker. While the Fire side
17 of the Department struggles with an alarming lack of
18 diversity, the EMS struggles with an equally alarming
19 lack of compensation for its members work.

20 Based on the 5th year salary, an EMT makes 46
21 percent and a paramedic makes 30 percent less than
22 other first responders. Let me remind this body this
23 is not a complaint against other New York City first
24 responders, who do heroic work and should be fairly
25 compensated, it is a complaint against a department

1 that has refused to accept the reality that there is
2 bias in the way that they value and compensate its
3 employees.
4

5 Granted there is a vast difference in base hours
6 and contractually guaranteed overtime, however the
7 hourly rate exemplifies the same vast differences.
8 And the fact that we have not had the same
9 opportunities to collectively bargain is not an
10 excuse for discriminatory pay practices.

11 Some have attempted to deflect by saying that our
12 pay is less because we have not been as effective in
13 collective bargaining. Such a claim ignores the
14 pervasive bias that has created and perpetuates this
15 issue. Again, the fact that we have not had the same
16 opportunities in collectively bargaining is not an
17 excuse for discriminatory pay practices, it is yet
18 another example.

19 The Uniformed EMT's, Paramedics and Inspectors of
20 Local 2507 have a short history of bargaining and
21 despite the laws that require us to be treated as a
22 uniform service, we are not always treated as so.
23 The current practice of pattern bargaining, by its
24 nature, discriminates against the titles I represent
25 by not letting us be at the table as equals.

1 Although we are, for the purpose of collective
2 bargaining Uniformed members of the FDNY, we are
3 consistently offered lower wage percentages than
4 other Uniformed agencies and when we challenge why,
5 we are told we are civilians.
6

7 In the 2016 round of negotiations, we addressed
8 the issues of base hours and guaranteed overtime by
9 proposing an alternative work chart of 12-hour
10 shifts. The City has agreed to a limited pilot
11 program. Today, three years later, despite our
12 ability to demonstrate massive savings by fully
13 adopting the alternative work chart, the program
14 remains a limited pilot.

15 Over a year ago, we asked the City for pay data
16 so that we could better understand how our members
17 were being harmed by potentially discriminated pay
18 practices. Rather than work with us to get us this
19 information and correct these problems, the City
20 denied our FOIL requests. Despite the fact that this
21 committee and the City Council recently passed
22 legislation to require the City to provide pay data
23 that would eliminate discriminatory pay practices,
24 the City has fought us tooth and nail, requiring us
25 to spend time and resources litigating the issue of

1
2 Department. I represent over 500 EMS, Captains,
3 Lieutenants.

4 Thank you for allowing me the opportunity to
5 testify on the issue of pay inequity and in the City
6 workforce.

7 As you have heard from others, the issue with pay
8 inequity is a citywide problem. Today I will provide
9 you with some more insight into the problems and
10 struggles within our department.

11 Since merging with the Fire Department in 1996,
12 EMS has felt the institutional challenges the
13 Department has grappled with, with regards to bias in
14 all aspects of its operations, from the work culture,
15 hiring, promotions, pay and resource allocation
16 within the Department.

17 As a report put out by the Citizens Budget
18 Commission notes, the merger of EMS into the FDNY as
19 not accompanied by a fundamental transformation of
20 the organization and staffing of the FDNY. As a
21 result, the FDNY has not efficiently addressed the
22 changes in the roles in the Department and perpetuate
23 a decades long culture of discrimination and bias.

24 One problem our members have had to deal with as
25 a result of this is the lack of unbiased promotional

1
2 processes that result in the loss of proper diversity
3 and the bleaching of the EMS ranks. While a recent
4 state law was passed requiring the City to put in
5 place a civil service exam for promotion, as of yet,
6 they have not done so, and there is not civil service
7 exam for any proper promotional process for all title
8 above Lieutenant including Captain, Deputy Chief and
9 beyond.

10 To add insult to injury our members treatment is
11 starkly different from other first responders and
12 uniformed emergency services.

13 A headline in the Daily News confirmed record
14 high New York City 911 calls, bulk handled by EMS,
15 the lowest paid first responders. The report goes on
16 to confirm that the FDNY handled a record of 1.8
17 million calls last year. And of those, EMS handled
18 1.5 million and EMS did this with less members than
19 any other emergency service or first responder
20 services.

21 Yet EMT base salaries start around \$30,000 a year
22 and cap at around \$51,000 after five years.

23 Paramedics who have even more medical training and
24 certification, start at around \$45,000 with

1 Lieutenants and Captains top pay is capped at \$71,000
2 to \$75,000 respectively.
3

4 On their own, these salaries are alarming for
5 trained emergency medical staff in the City of New
6 York and their supervisors, who literally put
7 themselves in harm's way to save lives.

8 But compare this to other first responders and
9 uniform services who all earn \$40,000 or more
10 annually. It does not go unnoticed that the common
11 differences these other titles share is that they are
12 much more white and much more male.

13 This stark difference in pay and the demographic
14 relationship underscores the severe problems with the
15 lack of recognition and pay EMS members receive and
16 the reasons this goes unremedied. This is not to say
17 that there are not problems on the other side of the
18 Department or in other agencies.

19 The impact of the problem with inequity manifests
20 differently in the predominately white and male side
21 of the Department and the predominately of color and
22 female side of the department EMS. But the problem
23 is the same, a fundamental institutional bias within
24 the Department that allows its non-white and female
25 employees to be undervalued, under-supported, under-

1 employed, underutilized and underpaid. This has a
2 profound negative effect on the lives of these
3 workers, but it also negatively effects the quality
4 of services the public relies on for emergency
5 services in the City of New York. When we do not
6 support those, who provide lifesaving services for
7 New Yorkers, who literally bring people back from the
8 dead, we are threatening and diminishing those
9 lifesaving services New Yorkers depend on.
10

11 In addition to this, there are numerous ways EMS
12 workers are not recognized or supported. Some of
13 these are small indignities like not getting
14 recognition in ceremonial events. Others are serious
15 impediments like not being entitled to unlimited sick
16 leave that other first responders and uniform
17 emergency services are entitled to and receive.

18 We look forward to working in partnership with
19 this committee and this Council to bring New York
20 City as an employer, into the 21st Century and to
21 build on work this body has already done to finally
22 and fully end pay inequity in the New York City
23 workforce.

24 I am available for any questions you may have,
25 and I also have comments I would like to bring up

1 regarding the lies we heard previously here today.

2 Thank you.

3 CHAIRPERSON MILLER: Thank you.

4 MICHAEL GRECO: Alright, thank you very much. I
5 did prepare a testimony that I will read, but after
6 listening to some of the answers that did come out
7 today, as both my colleagues stated, there will be a
8 lot of rebuttals.

9 So, I'd like to start off with my name is Michael
10 Greco, I am the Vice President of Local 2507. Good
11 afternoon Chairman Miller, distinguished members of
12 the Civil Service and Labor Committee. Thank you for
13 allowing me a chance to address you today on the
14 issue of pay inequality in the FDNY.

15 As you know, our union has been struggling with
16 the impacts of pay inequality since becoming part of
17 the FDNY. My President has already testified to pay
18 disparity but there are many other ways that our
19 members face different treatment on the job. They
20 are over disciplined, they are not given unlimited
21 sick leave, they face life threatening work
22 conditions and illnesses shoulder to shoulder with
23 New York City first responders yet are not given the
24 recognition or even proper resources for this work.
25

1 We are an integral and co-equal branch of New York
2 City's emergency response system.

3 While of course each agency is unique, there is a
4 huge crossover of the services that are being
5 provided. New York City's emergency services are
6 comprised of an intricate web of highly trained first
7 responders whose duties often overlap, and who
8 provide equally critical and interrelated life-saving
9 care to New Yorkers.

10 To put a face on it, we brought a lot of our
11 members with us. Our members respond daily to every
12 emergency that occurs in New York City, standing
13 shoulder to shoulder with every service that answers
14 a 911 call. We do not know what we are walking into,
15 or what may be on the other side of the door, but
16 that never slows us down. We were on the front lines
17 of the response of 911, during Superstorm Sandy, and
18 at every catastrophe the city has encountered, we
19 were there. We often respond to medical emergencies
20 that escalate into violence and jeopardize our
21 safety. Every three years, we are required to renew
22 our certifications just to maintain our jobs. That
23 right, we are one of the few civil service who every
24

1
2 three years we can be terminated just for not keeping
3 up our certification.

4 And we routinely have new responsibilities added
5 to our job titles as technology evolves without
6 compensation. With the recent polarized political
7 climate in our country, and threats against the city,
8 EMS has become part of the City's Counterterrorism
9 Task Force. We are given military grade ballistic
10 gear to wear, aside from our personally issued
11 ballistic gear and must respond alongside with NYPD
12 to active shooter scenarios, unarmed and vulnerable
13 to harm.

14 We respond to every emergency in New York:
15 medical emergencies, rescue jobs, confined space
16 rescues, train derailments, fires, car accidents,
17 emotionally disturbed patients and hazmat jobs, and
18 that's just to name a few.

19 Yet it seems like no matter how hard we try to
20 address and remedy inequality among our ranks to
21 recognize and compensate our members for these
22 sacrifices, the City opposes these efforts.

23 This is perhaps the greatest hurdle to addressing
24 these issues. This administration needs to be a
25 partner in acknowledging and remedying inequality

1
2 instead of putting its efforts into pretending it is
3 not happening.

4 When Yadira Arroyo was killed in the line of
5 duty, there was no requirement that her family
6 received the death benefits that she would have
7 received had she been on another emergency service.
8 While the City graciously elected to extend her those
9 benefits, it took us going to New York State
10 legislature to pass a law that required EMS workers
11 who die in the line of duty to be given the same
12 death benefits. Equally, we had to fight this
13 administration when it came to receiving paid sick
14 leave for first responders who were suffering with
15 illnesses relating to their work on 911. These
16 should not have to be fought for with the city. That
17 we need to do this underscores the profound lack of
18 value and disrespect to our members face. A
19 sentiment that was recently underscored in a
20 statement by the Mayor that we are underpaid because
21 our work is different. Our members still do not get
22 unlimited sick leave like other first responders and
23 of course, it dose not go unnoticed that our members
24 are largely female and predominantly of color.

2 We are told constantly that this a collective
3 bargaining issue. While it is true that collective
4 bargaining is part of the problem, it only
5 exacerbates what is already biased. To illustrate the
6 unfair nature of pattern bargaining, for example,
7 when one group gets 10 percent and every one has to
8 follow the same pattern, it doesn't take a degree in
9 statistics to figure out that 10 percent of 50,000
10 compared to 10 percent of 100,000 only adds to the
11 pay gap.

12 The problems with discriminatory pay practices
13 will only be fully resolved citywide, when the city
14 is forced to acknowledge there is a problem and begin
15 the process of working collaboratively with the
16 unions and employees who are harmed by these
17 practices.

18 A lot of effort was put into getting diverse
19 applicants to the fire side. They make is sound like
20 it was such a great idea of theirs to get the
21 diversity. They were sued, they lost the lawsuit, so
22 now they have to add those diversity problems.
23 Meanwhile, the service that exceeds and thrives in
24 diversity is used and abused. They parade us around
25 and show us how diverse we are. EMS lead the first

1 in diversity when it comes to EMS. They applaud the
2 recent hiring's of upper Chiefs and Management;
3 however, they are still \$50,000 short per year of
4 their counterparts. It is a problem. It's basically
5 saying, I am about to say that the FDNY treatment of
6 us is like saying, I am not racist, I have a Black
7 friend.
8

9 [APPLAUDING]

10 We really hope that this committee will continue
11 to be the champion for the city workers and help us
12 in our fight to eradicate pay equality in New York
13 City. Thank you for your time.

14 CHAIRPERSON MILLER: Thank you. So, Council
15 woman.

16 COUNCIL MEMBER ADAMS: Thank you Mr. Chair, I
17 wasn't expecting that so soon. Well, I really,
18 really appreciate you being here today and the value
19 of your testimony for me goes beyond words. The
20 Council knows how valuable you are. It is
21 unfortunate that we have continued to watch the
22 perpetuation of a tale of two cities even though we
23 were promised something different a few years ago.

24 So, as we sit here listening to the testimony,
25 listening to the stories, listening to the plight of

1 our hard-working Uniformed Probation Officers, our
2 FDNY EMT, EMS Paramedics who are out there on the
3 forefront every single day and driving this message
4 home, to all that may need to hear this story. I am
5 just going to put into the record, you heard me
6 question. So, you already know where that stands.
7 I'm just going to put out there for the record, so
8 we're looking at a Probation Officer after five
9 years, gets over \$54,000 almost \$55,000. A
10 Correction Officer after five and a half years gets a
11 little over \$85,000. EMT's after five years gets a
12 little over \$50,000. FDNY after five years gets more
13 than \$100,000.
14

15 And that shows a value statement by this city and
16 by the administration that we don't treat equally Law
17 Enforcement and First Responders. They are all, you
18 are all, valued and valuable first responders by
19 every stretch and means of the imagination and
20 reality of this life. We value, some over others but
21 expect the same level of commitment and the same
22 level of hard work by everybody.

23 So, in my opinion, panel, pay equity isn't
24 negotiable. It's not something that should be
25 something to be used as a pig pong ball across a

1
2 table to be played with. It is something that should
3 be given by this city without question and that's all
4 I have to say about that.

5 [APPLAUDING]

6 OREN BARZILAY: I would like to bring up
7 something. I wanted to say make some comments
8 before. I think it's important, something I want to
9 speak about, it was mentioned by Chairman Miller
10 about public safety. And this is a public safety
11 issue. I've heard people make comments, it's a
12 contract issue, it's a labor issue, it is a public
13 safety issue. The College of Emergency Medical
14 Physicians and cardiologists did a research study
15 that showed there is a correlation between the years
16 of experience of an EMT or paramedic to the patient
17 outcome and survival rate of that patient and they've
18 shown the more experienced the EMT or Paramedic, the
19 better the patient outcome and the increase in
20 survival rate. Over 23 percent was the actual number
21 they used. To back that up, the Fire Department did
22 a survey, they did a research analysis and they found
23 that whenever an EMS Lieutenant or Captain is on the
24 scene of an emergency medical assignment, cardiac
25 arrest, the patient outcome improves, and the

1 survival rate also increases. Now, I have to ask
2 myself, well, it's not that the EMT or Medics are
3 doing something wrong that the supervisor has to be
4 on top of them to watch them. It really backs up the
5 original research done by the college, because over
6 60 percent of the EMT's and Paramedics have less than
7 three years on the job. And now, that number is
8 probably even higher because we just left a thousand
9 people to go to fire.
10

11 So, the average Lieutenant and Captain, has over
12 seven years or ten or fifteen years on the job. So,
13 when you look at it, you have a Lieutenant, Captain
14 there, it does improve the overall care because you
15 have an experienced EMT or Paramedic on that job and
16 let me tell you, we are so understaffed it doesn't
17 happen often enough.

18 So, literally, every single day, many New Yorkers
19 are dying. They are dying because we have a mill.
20 The Academy is a mill churning out people every day.
21 That attrition rate you heard of 6 or 9 percent is
22 laughable. That is not a true attrition rate. Over
23 the last 12 months, we had over 1,000 members go to
24 fire. That's 25 percent turnover and they don't just
25 go to fire, we have members with 15 years on the job

1 go to Sanitation, do over another 20 years. That's
2 how bad it is here, that somebody is willing to work
3 35 years to get a pension to leave EMS, to start over
4 again, to start a new career. They talked about,
5 they just spent \$52 million on the Bureau of Training
6 Expansion.
7

8 Well, you wouldn't need to make the academy so
9 much bigger if you just paid these people enough to
10 stay here and not leave. You wouldn't have to hire so
11 much. Sanitation, we're comparing everything to
12 fire. I want to get clear; we are lower paid than all
13 the Uniform services. Sanitation earns \$40,000 to
14 \$50,000 more a year. The person coming to pick up
15 your trash earns \$40,000 to \$50,000 more than the EMT
16 or Paramedic coming to save your life.

17 That is absolutely insane and ridiculous, and it
18 needs to stop. We know about the tale of two cities
19 because we live it in EMS every single day and this
20 Mayor should not just be all about words and say we
21 are different. Yeah, we're different, we're doing a
22 lot more work for a lot less pay. We need to start
23 putting things in action and he needs to correct this
24 injustice. Thank you very much.

25 [APPLAUDING]

2 CHAIRPERSON MILLER: Please, we have to do this.
3 There is other hearings going on and so, please, this
4 is the way that we demonstrate our concerns here by
5 doing this, so in the future, do not clap. President
6 Powell.

7 DALVANIE POWELL: I just wanted to make some
8 comments and highlights. It's very disturbing.

9 First of all, I have retirees and active members
10 here from the Department of Probation. I just want
11 to acknowledge them, and I want to thank them for
12 their support, but I want to make a very important
13 highlight about Probation Officers. To come in the
14 door as a Probation Officer, you have to have a
15 college degree. You cannot get this job without a
16 bachelors and the experience like what was said, or a
17 master's degree. Now the Department is heavily
18 hiring people with master's degrees and to come in
19 here with \$40 something thousand dollars and try to
20 take care of a family, I did an assessment of the
21 rents in New York City and I took \$78,000 a year. I
22 think I make that; I am not really sure, and I divide
23 that into 26 checks, I think it's about \$3,000 every
24 two weeks. It sounds like a lot, then you take out
25 the taxes and if you want to live in a place that is

1 decent in New York, you are talking about \$2,000 for
2 a two bedroom, it depends on the neighborhood easy,
3 or a one bedroom. When you take that away, you have
4 nothing to much left to really to take care of your
5 family.
6

7 Well, somethings I wanted to mention. They talk
8 about access to promotion and stuff like that. The
9 two areas where we can take a civil service exam is
10 from a POT to a PO. From an SPO to APO, which is
11 also known in-house a branch Chief position. That
12 exam hasn't been in a while. Right now, we have a
13 supervisor test coming up but to add insult to
14 injury, and I just want to just tap into it and I'm
15 going to come back to this, the ability to grow is
16 kind of like an insult now, because they recently
17 brought in civilians from the outside for a position
18 that's normally a civil service exam for supervisor
19 and probation officer. And that's a concern now, I
20 was going to tap that, and I am going to come back
21 over here.

22 The gain sharing, they mentioned, the gain
23 sharing is something that was negotiated with the
24 previous president. I wasn't the President at the
25 time, so certain things that they are mind boggled

1 by, I wasn't the president, I am the president now.
2 Gain sharing is something that the Senior Officers
3 get every four months.
4

5 Since 2004, there was an agreement with the city
6 that these officers that come on after 2004, they
7 don't get the gain sharing anymore. So, that's
8 something that's not - when you talked about
9 compensations.

10 The maintenance they talked about, we just got
11 that for the first time, Maintenance Allowance. We
12 did agree on something, we agreed on the shirts and
13 the jackets to start with and during our first time
14 ever, we got maintenance allowance for the shirts and
15 the jackets and I am hoping that we can become
16 completely uniform because of the work that we do and
17 the Neon's that you hear about, you walk in the
18 Neon's, you don't know who is a probation Officer and
19 you don't know who is a civilian. You went to that
20 NeON in the Bronx. So, we're in environments now
21 that is the kumbaya everybody. Everybody is supposed
22 to be together, but we don't know who is who.

23 So, that's the reason I am pushing for the
24 uniforms now. That collective bargaining, we just
25 settled. Our attorney Harry Greenburg did come up

1 with innovative ways to try to resolve some of that.
2 Not knowing that we can't do that all at one time.
3 At least crack the egg and it was denied, it was
4 denied. And it wasn't about, and I am not going to
5 get into that further neither, but it wasn't about
6 freezing anybody's salaries. Not at all, because we
7 would never do that, because we are representing our
8 members.
9

10 And this is an issue that shouldn't be taken
11 personally with none of the administrations. This is
12 an issue that's been going on historically from the
13 time, I don't know when, I don't know how it got so
14 the way that it did, but as my brothers are here that
15 are saying, it's very insulting that we have to sit
16 here and have these conversations. Probation
17 Officers have to requalify those who carry every year
18 and we also have to have the same article 35 training
19 as NYPD and Corrections. And I want to make that
20 very, very clear, that it is yes, very insulting that
21 we have to sit here once again, cup in hand, asking
22 it to be filled up to feed our families.

23 OREN BARZILAY: I just want to touch on a few
24 things. At our next contract, if there is going to
25 be dotted line to sign for 6 percent or 9 percent

1 attrition, we'll take that in a heartbeat. As my
2 colleague said, 25 percent of our members leave to
3 NYPD Sanitation, Corrections, MTA, anything that
4 becomes available, they jump on. Nobody is staying
5 in EMS.
6

7 In the past 24 hours, six of our members were
8 assaulted, beat up while treating patients. That's
9 just in the past 24 hours. I want to personally
10 thank you Mr. Miller for bringing up the Uniform
11 status. In 2001, we won this decision in Court in
12 New York State, 18 years later, we're still battling
13 this issue. Eighteen years to be recognized for a
14 job that's well deserved by everybody in this room.

15 You asked about the responsibilities, have they
16 increased and has the pay increased? They responded
17 by giving us a differential for Hazmat. Well, that
18 is true, they through additional responsibilities at
19 us as far as AUD, Albuterol, EpiPen, any type of drug
20 or training that is necessary for us, they throw at
21 us without any additional compensation.

22 DOT cap, the overtime cap, they didn't do us a
23 favor by lifting it. There is nobody to fill these
24 ambulances. We are running down 30-40 every tour
25 every day. There is a delay for hours sometimes for

1
2 somebody to get an ambulance for a non-emergency
3 call, but they are still waiting.

4 Speaking of mandatory overtime, which is
5 partially delaying our next negotiation, they want to
6 make it part of our contract that it's mandatory for
7 you to come in on your day off.

8 They also mentioned that when they emerged with
9 us, we were 3,100 and that they added 1,000 members
10 since we merged. Again, you are not doing us a
11 favor. 4,100 is not enough to handle 5,000 calls a
12 day. We should be at 5,000 maybe 6,000 members
13 including supervisors to handle the call volume. It
14 is so bad that they are calling in outsiders,
15 contractors, to help us with these 911 emergencies.

16 The training, it's takes four months to become an
17 EMT, nine months to become a paramedic. If they
18 throw three EMT classes a year, that 540 people.
19 Each year for the past five years. You do the math
20 again, that's not 9 percent, that 20 to 25 percent
21 each year that we're losing. They are spending
22 millions and millions each year on training people
23 who are not staying.

24 It cost \$40,000 to \$50,000 to train each
25 paramedic, \$20,000 to \$30,000 to train each EMT. You

1 multiply that by 600 people, and you end up with a
2 millions.
3

4 MICHAEL GRECO: I want to touch on that number.
5 We had the Fire Department sit up here and testify
6 that it's \$22,000 to train a paramedic. I will be
7 the first to admit, I wasn't very good in college.

8 A top pay EMT is \$50,000 a year, it takes nine
9 months to train a paramedic. So, if you take a top
10 pay EMT and take them off the street for nine months,
11 that three quarters of the year. You take three
12 quarters of the salary they would've earned, and you
13 have to pay them to learn. That's \$37,500 a year.

14 I am pretty sure, again, you don't need a
15 statistician for that. So, how is there numbers that
16 they're giving me, these are the same people who said
17 6 and 9 percent attrition. Are the same people
18 telling you it's \$22,000 to train. They didn't give
19 the cost of the trainers, the cost of the books, the
20 materials, or overtime that people opted to do it.
21 The cost to cover the ambulance tours that are being
22 rundown because you now have 70 people in a class.

23 So, where are they getting these numbers and
24 they're coming up here. They are the same ones that
25 are telling you creative solutions to our pay.

1
2 Creative solution, oh, we gave them a differential of
3 6 percent to the Hazmat. We paid for it. Oh,
4 creative solutions, like, you know, well, EMD is
5 going to get a differential. We sued them for it and
6 they still haven't paid us. Arbitration decisions
7 for the PRU, they sued them for it and now we're in
8 negotiations to try and figure out what that money is
9 going to be. We are suing them left and right, we
10 should not have to sue the city one more time. But
11 guess what? Two years FOIL requests, two years to
12 ask for information that when I put it down on my
13 application, it said to be used for this stuff.

14 So, if I said I am White, you are not going to
15 say, I'm sorry, I can't give you your own information
16 that you put down. But they are going to block us
17 every chance. Every chance the city has and it's not
18 so much FDNY, NYPD, it's New York City. Mayor de
19 Blasio is right now single handedly responsible, and
20 he could fix this but where is he? Not here, Iowa,
21 New Hampshire. It's his responsibility to sit down.
22 When they say OLR, I am pretty sure he is the boss of
23 OLR. I am pretty sure he has the ability to say
24 well, you know what, don't leave a room until you fix

1 this. He created \$100 million for a health insurance
2 program piloted in the Bronx.
3

4 That money is there, he can do these sort of
5 things. Mayor de Blasio, this blood is on his hands
6 and I cannot thank you guys enough because you are
7 the ones here. So, I feel like I'm preaching to the
8 choir, you are letting me vent, but the voice that is
9 coming out, the emotion that's coming out, I'm
10 representing their frustration, their frustration.

11 You guys are the ones that we elect to hold this
12 Mayor's feet to the fire. And I don't want lip
13 service from the Fire Department, from their
14 Accounting people or from anybody else to deny us
15 what is rightfully ours. And I stand with my sister
16 over at probation because it is unheard of. We're
17 looking at each other, we're in the same situation
18 and the irony is not lost on me, that the three of us
19 up here, one, two, three are some of the whitest
20 people you will come across.

21 The irony is not lost but I will stand up and I
22 will look at everybody in this and I will let them
23 stand up. This is the diversity we represent. I
24 dare you to get some of my other services in here
25 with this sort of diversity. We let them know about

1 this yesterday. This is the response we get in six
2 hours of notice. Imagine if we did something more
3 serious with more time, more preparation. It would
4 be illegal, we would never do it, but it shows you
5 the power of FDNY, EMS, of Local 2507, of our
6 brothers and sisters over at Probation.
7

8 We do the work. We know we're getting underpaid,
9 but we would never do anything to harm the citizens
10 of New York. Every single one of my brothers and
11 sisters here took an oath to do no harm and that's
12 what we do every single day despite getting spit on
13 in the face and not only patients but our own Mayor.

14 CHAIRPERSON MILLER: Thank you. I have a few
15 questions and a few things I just want to get on the
16 record.

17 President Powell, how many cases does your member
18 - what's the case load look like, could you explain
19 it?

20 DALVANIE POWELL: The case load can vary
21 depending on the assignment and where their working
22 in the borough. The Bronx, I believe has the highest
23 numbers and cases and probation is broken into family
24 court and adult services. So, adult always is going
25 to have more cases than family, but it depends on the

1 assignment because we supervise, and we work with
2 people from all different types of crimes that they
3 commit. We have sex offenders, we have robbery. We
4 have case of robbery assault and weapons. We have,
5 anything that's in the prison, we have out here. So,
6 what I tell people when they think about probation,
7 look out the window. There is no gates where we're
8 holding it down.

9
10 But our case load can be from - they're supposed
11 to be depending on the unit and somebody jump in
12 please. For a sex offender is what 60, it's supposed
13 to be 60 in the Bronx. It's supposed to be 60 across
14 the board but like I said that could fluctuate
15 because now I can have less. So, it varies but from
16 my last calculation, there wasn't no 20,000 people on
17 probation, there is over 30,000 people on probation
18 in a ratio of 840 some probation officers holding it
19 down, that's mind boggling.

20 And the caseloads, I'll tell you one thing
21 Council Member, the work that we do is being piled on
22 continuously with doing their data sheets and doing
23 their work while we're supposed to be doing our work.
24 But one thing I want to tell you to, as far as
25 safety, I had an officer who had her arm locked down

1 with a Pitbull not too long ago. They don't talk
2 about our safety issues.

3
4 We got people coming into our locations with
5 loaded firearms. They don't talk about that; they
6 are not telling you the truth about that. I have
7 asked for meetings to have safety meetings with them
8 and it fell on deaf ears and I'll probably hear
9 something after this later too, so I will be waiting
10 for it.

11 CHAIRPERSON MILLER: Whats the number of EMT's
12 that are currently on your membership number?

13 OREN BARZILAY: Currently we have about 3,900
14 members.

15 CHAIRPERSON MILLER: And paramedics?

16 OREN BARZILAY: There is about 1,000 paramedics,
17 2,900 EMT's.

18 CHAIRPERSON MILLER: Okay, so in the first of the
19 year, 2020 the first reporting on the data law, on
20 the pay equity, we will receive from the city, the
21 city will report and give it to the Council. The
22 Council will aggregate it and we will certainly get
23 you guys back in here and all the problems that we've
24 seen over the years and all directly related to
25 collective bargaining as you said it very clearly,

2 when we were negotiating over the last three years,
3 why would someone who was advocating on behalf of
4 themselves or their membership be concerned about -
5 why are they more concerned about protecting the
6 confidentiality of your membership than the
7 membership about giving their resources and
8 information to make that open, so that they can
9 achieve their goal.

10 And so, it really didn't make sense but now it's
11 the law, so we're going to be able to aggregate that
12 information. We'll get everybody back in and be able
13 to utilize it to achieve the goals that we are
14 talking about here today and quite frankly, this is
15 something that we've been working at for a number of
16 years. Obviously, the CWA but expanding that
17 universe and knowing that it has to start here. That
18 we often talk about private industry and put
19 restraints on private industry in our house here in
20 the city is that there is more pay equity and
21 disparities here than anywhere and we have to leave
22 here.

23 So, this Council is going to certainly, this
24 committee is going to certainly continue to do the
25 work to be a resource, be a voice and allow therefore

1 a space here in the people's house for you to come
2 in, tell your story and so that we can get to where
3 we need to be. So, there is certainly a partnership
4 here and most importantly, we value what you do. We
5 value what you do obviously, this is all about public
6 safety holistically, the various areas of it and as I
7 stated before, the City only has value because of the
8 people that serve. Otherwise, nobody wants to come
9 to New York City. The increases in dollars, tax
10 dollars that we've seen over the last five years that
11 paid for path of new programming should certainly go
12 back into pot because there are men and women that
13 are responsible for it.

14 So, we don't have to be creative about where the
15 money is going to come from. You guys are making the
16 money for the city creating a value. Again, after
17 the first of the year, the first report is due and
18 we're going to chop that up and we're going to be
19 right back here telling a story here and figuring out
20 how we get to where we need to be whereas that
21 everybody is being compensated equitably for the
22 services that are being provided.
23
24
25

2 So, we have one more panel and like you guys, I
3 hope that you have work to do on that outside. It is
4 election day you guys.

5 MICHAEL GRECO: Just so you know, this building
6 was locked down because we had so many members
7 standing outside.

8 CHAIRPERSON MILLER: Oh, excellent. Next panel,
9 Dr. Joseph Wilson; Erica Healey Kagan; Mario
10 Santiago; and Greg Waltman.

11 Greg Waltman; Dr. Joseph Wilson; Mario Santiago;
12 and of course, Erica.

13 ERICA KAGAN: Good afternoon Chairman Miller and
14 members of the Civil Service and Labor Committee. My
15 name is Erica Healey Kagan and I work at the Kurland
16 Group, we represent the two unions who shared their
17 stories with you here today. We want to thank you so
18 much for the opportunity to speak to you today and
19 about the ongoing challenges New York City civil
20 servants face with regards to pay inequity.

21 Members and leadership from the various unions
22 that spoke today gave compelling examples of how
23 discriminatory pay practices impact their members
24 employment including lack of recognition, hurdles
25

1 with regards to opportunities for promotion and
2 inadequate and unequal compensation.
3

4 As the demographics of the City's workforce have
5 changed, the City's employment practices have failed
6 to keep up and safeguard against discriminatory pay
7 practices. This has resulted in segregated job
8 titles, repressed minimum salaries and crushing
9 hurdles for career advancement and the opportunity to
10 earn a wage to meet today's cost of living. Whether
11 intentional or otherwise, these practices do violate
12 the city's own human rights laws.

13 While the challenges manifest differently with
14 the different titles, it is the same problem
15 citywide.

16 Unfortunately, however, the City's response to
17 growing calls by municipal unions across the city's
18 workforce to address and ensure equal employment
19 opportunities have prompted more defensiveness and
20 denial than the cooperation that we are asking for.

21 The Federal Equal Employment Opportunity
22 Commission in the landmark case of CWA Local 1180
23 versus the City of New York, found in 2015 that the
24 City engages in discriminatory pay practices across
25

1 all agencies and that it failed to properly maintain
2 records that could have avoided such discrimination.

3
4 Last year, then Public Advocate Letitia James,
5 released an in-depth study confirming that the City
6 of New York engages in systemic pay disparity based
7 on race and gender, and that it is one of the worst
8 actors with greater disparity in pay across race and
9 gender than other governments and even some private
10 employers. The studies also found that women of
11 color in particular are disproportionately hurt by
12 the gender wage gap, and that racial disparity in pay
13 is greater in New York City than across the national
14 average.

15 It is not enough to simply desire non-
16 discrimination in the workforce or announce a
17 commitment to such non-discrimination. Ensuring
18 nondiscrimination is an affirmative responsibility
19 that requires a constant commitment to look at the
20 patterns, anticipate problems and have a willingness
21 to acknowledge and adjust to correct those problems
22 when they occur.

23 That is why it is especially concerning, despite
24 this body's efforts through recent legislation, and
25 our office's affirmative litigation, the City is

1 still fighting against disclosure of pay data that
2 cold identify and help to correct these pay
3 disparities. The City's defensiveness to these
4 problems is perhaps the biggest roadblock to
5 progress.
6

7 On behalf of our clients who consist of close to
8 ten thousand City employees, our office thanks this
9 Committee for your willingness to push forward on
10 this issue.

11 Bringing public awareness to this issue is the
12 first step. Continuing to work with these unions
13 engaged in the process to share the employment data
14 when it becomes available this year is another
15 important step that will go a long way in helping to
16 identify and working together to correct these
17 problems. Thank you again for your time.

18 JOSEPH WILSON: Yes, good evening, Dr. Joseph
19 Wilson here and first of all I want to thank the
20 Committee members and the Chairman and Council Member
21 Adams for being such great advocates for justice and
22 for equality.

23 I am representing African American Civilians in
24 the FDNY who are currently engaged in a major class
25 action lawsuit against the City and the FDNY which is

1 winding its way in federal court. And I am here to
2 express solidarity with our colleagues who just spoke
3 so eloquently about the pay disparities and of course
4 we look back to the struggles of the Valgus society
5 and their ability to wrestle a settlement from the
6 city. But the work is not yet done, we certainly
7 fervently in support of CWA Local 1180's struggle for
8 justice in their settlement and the current
9 litigation that is being engaged at this moment and I
10 am here just with a simple message to say that so
11 much of what has been expressed is an expression or
12 it's an understanding of the fact that our members of
13 the people we represent in the FDNY. In particular
14 in this instance, the African American Civilians are
15 tired of being second class citizens.
16

17 And Malcolm Mex said that a second-class citizen
18 is just a euphemism for 20th Century slave. We're
19 tired of that. We're not going to have that anymore.
20 We realize this is a political battle, this is a
21 legal battle, but this is also a moral battle.

22 This is a moral outrage; moral injustice and we
23 need to join forces in solidarity and transform this
24 gross injustice.
25

1
2 Last point, it was just an observation, and it
3 wasn't simply bad optics, but the fact that the
4 city's administration walked out of the hearings
5 without listening to the workers and to the work
6 force, the people who keep the city running, keep the
7 city safe, is not only insulting but it's endemic of
8 their attitude of superiority, of control, of being
9 tone deaf and totally insensitive to the needs of the
10 city and the workforce and true justice.

11 So, thank you for your work and for the
12 opportunity to speak.

13 GREG WALTMAN: Good afternoon Chair Adams,
14 General Council Greg Waltman speaking on behave of GI
15 Quantum Clean Energy Company and just echoing the
16 comments and sentiments from my colleagues regarding
17 this issue and the pay inequality. Obviously, we
18 remain steadfast who are promised obligations and
19 concurrent from yesterday in the dialogue from
20 yesterday regarding asset origination from New York
21 to offset Fiscal Budgetary concerns and different
22 types of pay inequality as it pertains to this
23 matter.

24 Just speaking on the 911 family survivors fund
25 and the type of value improperly for monopoly

1
2 politics that goes into that, it just doesn't - I
3 mean at this point acceptable. Obviously, the fiscal
4 and budgetary concerns are offset by proprietary
5 types of innovation and public and private
6 partnerships that can be created in creating these
7 synergies, so for value narratives to plague the
8 meeting of the public to deter a resolution in this
9 matter isn't acceptable. And again, we remain
10 steadfast to our commitment. Thank you.

11 COUNCIL MEMBER ADAMS: Than you all so much. In
12 the absence of Chair Miller that had to step out and
13 take a call. I will just say that your presence here
14 today as with everyone else that testified was
15 absolutely invaluable, we appreciate your time. We
16 appreciate everything that you put into what you do
17 on a daily basis in the interest of the people of the
18 City of New York.

19 So, thank you very much for your time today and
20 your testimony. Thank you.

21 And with that, if there is nothing else to be
22 said, any more members of the public wishing to
23 testify, this hearing is adjourned. [GAVEL]

24

25

C E R T I F I C A T E

World Wide 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 April 1, 2018