

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR JOINTLY WITH
THE COMMITTEE ON WOMEN AND GENDER EQUITY

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December 17, 2019
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HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: I. Daneek Miller
Chairperson

Helen Rosenthal
Co-Chairperson

COUNCIL MEMBERS:

HELEN ROSENTHAL
FRANCISCO MOYA
DANIEL DROMM
ADRIENNE E. ADAMS
ERIC A. ULRICH
FARAH N. LOUIS
BEN KALLOS
DIANA AYALA
LAURIE A. CUMBO
BRAD LANDER

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

Barbara Dannenberg
Deputy Commissioner for Human Capital
Department of Citywide Administrative Services

Kelly Jin
Chief Analytics Officer and Director
Mayor's Office of Data Analytics

Darryl Chalmers
FDNY Local 2507

Michael Reardon
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Inspectors Local 2507

Michael Grero
Vice President
Local 2507

COMMITTEE CLERK: This is the Committee on
Civil Service and Labor joint with Woman and Gender
Equity. Today's date is 12/17/2019. Recorded by
Janaya Jones.

[pause]

CHAIRPERSON MILLER: Okay. Now we're ready
for the oversight portion of the hearing. Once again
I'm Council Member I. Daneek Miller and I am the
Chair of the Committee on Civil Service and Labor.
I'd like to thank my colleague; Council Member Helen
Rosenthal, Chair of Committee on Women and Gender
Equity for joining me in holding this important
hearing topic this afternoon. Local law 18 of 2019
for the city's pay equity law was passed by the
Council in December 20th of '18. It was returned and
signed by the mayor and enacted into law on January
20 of 2019. The law's purpose is to find and
eliminate any instances of pay disparity within the
city's workforce. It requires that the Mayor's Office
of Data Analytics also known as MODA compile an
annual report of data gathered from every city
agencies on gender, ethics, and racial data across
different pay ranges. To do this every city agent,
every city agency is first required to report to this

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2 data to DCAS on things such as agency employment
3 start dates, civil service title, salary range,
4 career levels, base salary, gender racial group,
5 ethnicity, and worker status at full time, seasonal,
6 or part time. This first benchmark was to become no
7 later, to come no later than November 30th of 2019.
8 It will continue November 30th annually thereafter.
9 Next DCAS will submit this collective data to MODA.
10 MODA is required to compile the data from each city
11 agency into a report with, to show the frequency full
12 time, part time, seasonal employees by agency EEO for
13 job who pay ban racial group and gender. This report
14 will be sent to the mayor's and the speaker and
15 posted publicly on MODA's website on open New York
16 website. In order for the council to ensure that this
17 report is useful and indexing, and indexes existing
18 or nonexistent disparities within the city's
19 workforce the law provides for a 90 day window for
20 the city council to access an employment level data
21 for all city workers to perform its own analysis.
22 Since the first benchmark date of November 30th has
23 just passed the committee would like to have, to hear
24 from the administration about the progress of
25 implementation of this landmark legislation.

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2 Specifically we would like to examine if the first
3 deadline has been successfully met. What problems
4 have arisen in meeting these deadlines and future
5 deadlines. And what remedial steps are taken, are
6 being taken to ensure compliance and successful
7 implementation of the law. In addition the committees
8 would like to ensure that the future deadlines
9 including February 28th of 2020, April 29th of 2020,
10 and May 31st of 2020 will be met. As the race and
11 gender wage gap still exists within New York City it
12 is important to ensure that city is actively
13 addressing the issues within the city agencies and
14 its workforce. I look forward to hearing from the
15 administration on the progress of the implementation
16 of Local Law 18 of 2019. I want to thank my staff
17 Brandon Clark, Ari... the great Joe Goldbloom. In
18 addition, I'd like to thank Council Staff Nussat,
19 Malcom, Kevin, and Kindu and Elizabeth. We're going
20 to hear from the bill's sponsor; Majority Leader
21 Laurie Cumbo. And we, and first I'd like to turn it
22 over to my co-chair Helen Rosenthal.

23 CO-CHAIRPERSON ROSENTHAL: Thank you so
24 much Council Member Miller. Good afternoon. I'm
25 Council Member Helen Rosenthal. My pronouns are She,

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2 Her, Hers. And I'm the chair of the Committee on
3 Women and Gender Equity. Thank you to everyone who's
4 joining us for this incredibly important hearing on
5 the implementation of the city's pay equity law.
6 Today we are taking a critical step as we prepare for
7 an unprecedented analysis of salary parity within the
8 largest workforce in New York City; municipal
9 employees. Even in this heavily unionized public
10 sector we have found that issues of wage inequity, it
11 continues and persists. One profound manifestation of
12 salary and equity is obviously the gender pay gap, a
13 clear product of structural sexism. In 2018 white
14 women earned 85 percent of what men earned. Up from
15 80 percent last year. But this gap is much wider for
16 women of color. And while the gap has narrowed for
17 white women since 1980 it has remained stable over
18 the past 15 years for women of color. This past April
19 2nd marked the 23rd year of the national equal pay day
20 which was created to raise public awareness around
21 the gender pay gap. Each year a date is chosen which
22 represents how far into the year women must work in
23 order to earn what men earned on average from the
24 previous year. While April 2nd was the date for women
25 on average black women's equal pay day fell months

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2 later on August 22nd. And Latina equal pay day, even
3 later, November 20th. Now we have an opportunity to
4 find out what is going on in our own backyard, our
5 municipal government. Now according to the New York
6 Daily News which published an article just yesterday;
7 Speaker Johnson, has a chief Gender Pay Equity for
8 our city council central staff. And I applaud him for
9 him this intentional effort. And now we need to
10 extend that success from central staff into
11 legislator's own individual offices. Lastly, while
12 readily available data on earnings and the wage gap
13 are presented within a gender binary, transgender and
14 gender expansive people are similarly adversely
15 impacted due to their gender identity and/or
16 expression, a fact that is further impacted for
17 TGNCNB individuals of color. This all serves to
18 highlight the importance of the city's pay equity law
19 sponsored by Council Member Laurie Cumbo, Majority
20 Leader, now Majority Leader Cumbo which Council
21 Member Miller discussed in his opening remarks.
22 Understanding pay data and what is driving the
23 discrepancies will allow the city to better address
24 this fundamental issue. I'm looking forward to
25 hearing from DCAS and the Mayor's Office of data

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2 analytics about the implementation of this law and
3 next steps to achieve a more equitable New York City.

4 I am disappointed, however, that the Commission on
5 Gender Equity is not testifying today. Women work so
6 hard to get to the table, to have a seat at the
7 table. And I would have loved from the Commission on
8 Gender Equity to today testify about the importance

9 of this legislation, about the importance of the
10 findings, and about their drive to make sure that we
11 can, that this city will implement what is needed to
12 get to gender pay parity. I would like to thank

13 Marissa Mock, my Chief of Staff, Moderie Shukla my
14 Legislative Director and Committee staff for their
15 work in preparing for this hearing; Jason Ganapothy,
16 my Legislative Council, Chloe Rivera Senior

17 Legislative Policy Analyst, and Monica Peepal
18 Financial Analyst. And finally I 'd like to

19 acknowledge the Committee Members who are present, my
20 committee members who are present which are none.

21 Have you already... Okay. And everyone else who is here
22 Council Member Danny Dromm and Eric Ulrich from

23 Queens, Council Member Farah Louis from Brooklyn, and
24 Council Member Cumbo from Brooklyn, and Council
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2 Member Adrienne Adams also from Queens. I'm going to
3 turn it back over to my colleague to continue.

4 CHAIRPERSON MILLER: Thank you Madam
5 Chair. Now we're going to hear from the bill's
6 sponsor; Majority Leader Laurie Cumbo.

7 MAJORITY LEADER CUMBO: Thank you. I'll be
8 brief. I'm a little under the weather. But I just
9 wanted to briefly thank our Co-Chairs; Council Member
10 Daneek Miller, and Council Member Helen Rosenthal.
11 This is a long time coming but when I look out at all
12 of you I especially just want to recognize the
13 dynamic men and women of CWA 11-80. You all are
14 phenomenal. Every time I see red coats in the room I
15 grow about ten feet and feel so much stronger because
16 of your dedication and your leadership. And we are
17 essentially here because of their leadership, for
18 their courage and their tenacity for filing the
19 original lawsuit and the courage that it took in
20 order to do that. And because of the work that each
21 and every one of you have done we are here today at
22 this particular moment. Because as Council Member
23 Helen Rosenthal stated so eloquently when we look at
24 the dynamics, particularly speaking as an African
25 American woman, I know that African American women

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have to work a whole year and then until the month of August just to make what their white male counterparts make. And so we in the city council, we passed lots of phenomenal and incredible legislation but it's all about how that legislation is actually being enforced. And that's what we're really here to talk about today. This was an incredible groundbreaking piece of legislation that we were able to collectively work towards. But if this isn't being adhered to by all of our city agencies, if we are not implementing this legislation, if the information and the data is not effectively communicated to the individuals that need this information then this legislation will not have the teeth that it was originally intended to have. So I certainly want to thank all of you because sometimes after the legislation everybody goes away. But the fact that you all are still here and continuing to fight is so important. Because often in many industries where pay disparities are the greatest you show me a space and a place where pay disparity is the greatest and I'll show you where black, latino, and Asian women are working. And so I thank all of you for being here. I want to thank Yetta Kerlin for her work in getting us

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2 here, Sebastian Levenson, and everyone that has
3 worked really hard. I want to thank Gloria Middleton
4 who has continued to carry this charge at the
5 forefront and it was given so much inspiration by
6 Arthur Chilliodis who have continued to carry this
7 mantle and to bring us forward. So I salute you. I
8 thank you for your leadership. Thank you for your
9 courage and your tenacity and for bringing this
10 forward because as women of color you are really
11 creating a space of equality for every single New
12 Yorker. And so the pay equity fight will really be
13 introduced and launched on the backs particularly of
14 black and brown women but the entire city will
15 benefit from your efforts. And as a new mom raising a
16 son in the city of New York and the head of a
17 household I really understand now why this issue is
18 so critical and important. Daycare is not cheap. The
19 cost of living is not cheap in the city of New York.
20 Daycare plus after day care and weekend care is
21 really expensive. So I understand the challenges that
22 we face on the day to day basis. And I'm so pleased
23 that you all are here today to carry this mantle
24 forward. Thank you.

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CHAIRPERSON MILLER: Thank you. With that this is a hearing about oversight and we look forward to hearing from the administration about compliance and hopefully not for lack thereof but how we move forward and making sure that this is the tool that we legislated and hope that it would be moving forward. And going to... We have Barbara Dannenberg from DCAS and Kelly Jin from MODA. And they'll need to be sworn in now by counsel before their testimony.

COMMITTEE CLERK: Please raise your right hand. Do you affirm to tell the truth, the whole truth, and nothing but the truth in your testimony before this committee, and to respond honestly to Council Member questions?

[pause]

BARBARA DANNENBERG: Good afternoon Chairs Miller and Rosenthal and members of the Committee on Civil Service and Labor and the Committee on Women and Gender Equity. I'm Barbara Dannenberg. I'm Deputy Commissioner for Human Capital at the Department of Citywide Administrative Services, DCAS. And I am joined today by my colleague Kelly Jin, Chief Analytics Officer for the city of New York, and also the Director of the Mayor's Office of Data Analytics.

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2 Thank you for this opportunity to discuss the city's
3 role in local law 18 of 2019 which requires DCAS to
4 collect information relevant to pay and employment
5 equity and for the Mayor's Office of Data Analytics
6 to make the data available to the city council. A
7 report will also be provided to the mayor and council
8 with aggregate data from each agency showing the
9 frequency of full time, part time, and seasonal
10 employees by agency, EEO for group, pay band, racial
11 group, ethnicity, and gender. This administration is
12 committed to improving equity throughout the city and
13 applauds the council to, for their work in addressing
14 issues of pay and employment equity. Since 2014 this
15 administration has made tremendous strides in
16 improving workplace equity. In June of 2015 Mayor de
17 Blasio issued executive order 10, forming the first
18 ever Commission on Gender Equity which works to
19 expand opportunities for New Yorkers regardless of
20 sex, gender, or sexual orientation. In January of
21 2016 the mayor enacted Personnel Order 2016/1 which
22 provided managerial and original jurisdiction
23 employees with six weeks of paid time off for
24 maternity, paternity, adoption, and foster care
25 leave. In March of 2016 executive order 16 was issued

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2 to ensure that city agencies allow employees and the
3 public to use single sex city facilities consistent
4 with their gender identity. Also, in 2016 in December
5 the mayor issued Executive Order 21 which prohibits
6 city agencies from inquiring about an applicants
7 salary history thus removing a persistent barrier to
8 equitable pay. Finally, in January of 2019 thanks to
9 the collaboration between the Office of Labor
10 Relations and our labor partners the city opted into
11 New York State's paid family leave program which
12 enables eligible represented employees up to 10 weeks
13 of leave paid at 55 percent of their salary in 2019
14 and up to 10 weeks of paid leave at 60 percent of
15 their salary in 2020 to care for a newborn, foster,
16 or adopted child, family members who are ill, or to
17 provide assistance to family members on military
18 deployment. As a continuation of citywide efforts
19 address pay and employment equity DCAS has maintained
20 collaboration with city agencies over the last
21 several months to meet the requirements set forth in
22 local law 18. The majority of employment data
23 requested in this local law was extracted from our
24 citywide, New York City Automated Personnel System
25 database, NYCAPS. This includes employee history,

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2 profile information such as civil service titles and
3 levels and current agency. The available data
4 includes agencies in this NYCAPS database only and
5 does not include information from agencies including
6 New York City transit, the Triboro Bridge and Tunnel
7 Authority, New York City Health and Hospitals, the
8 School Construction Authority, the Department of
9 Education, pedagogical employees, and other agencies
10 that are not covered by the local law. I am pleased
11 to report that DCAS has completed collecting this
12 data within the November 30th deadline. The
13 department is currently working with MODA to review a
14 sample file, a data dictionary, and several reference
15 tables. DCAS is actively in discussion with MODA to
16 answer questions raised based on the sample file. And
17 we look forward to working with MODA and the
18 Department of Information Technology and
19 Telecommunications, DoITT, on establishing a secure
20 file transfer process for the main file. We are
21 confident that we will be able to transition this
22 data to MODA within 90 days of the November 30th
23 benchmark. Thank you for this opportunity to discuss
24 the work that DCAS has done in this area. I would now
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2 like to turn it over to my colleague; Kelly Jin from
3 MODA for further comment.

4 KELLY JIN: Good afternoon Chairs Miller
5 and Rosenthal and members of the Civil Service and
6 Labor and Women and Gender Equity Committees. My name
7 is Kelly Jin and I am the Chief Analytics Officer for
8 the city of New York as well as the Director of the
9 Mayor's Office of Data Analytics. Thank you for the
10 opportunity today to testify on the status of
11 implementation of Local Law 18 of 2019. The Mayor's
12 Office of Data Analytics, also known as MODA, which
13 was established by executive order in 2013 and
14 codified in the city charter in 2018 supports city
15 agencies in applying strategic analytical thinking to
16 data in order to deliver services more equitably and
17 effectively and to increase operational transparency.
18 Our mission is to use data analytics to help city
19 agencies deliver services more efficiently,
20 facilitate citywide data operations and implement the
21 city's open data law. MODA is committed to government
22 transparency and sharing agency data of interest with
23 New Yorkers publicly as permitted by law through the
24 open data program. MODA also takes the protection of
25 sensitive data and information very seriously and has

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2 established best practices including entering into
3 memoranda of understanding and data sharing
4 agreements with city agencies and other partners
5 where necessary. These agreements provide legal,
6 privacy, and security protocols for responsible data
7 transfer, storage, retention, and data access among
8 other important considerations. Local law 18 of 2019
9 tasks MODA with three responsibilities on an annual
10 basis. The first is to make NYC's municipal workforce
11 data reflecting individual employment and pay history
12 available to the city council for 90 days. The second
13 is to issue a report of select relevant data in an
14 aggregated form. And the third is to provide an
15 analysis of these data elements to identify any
16 disparities over time subsequent to the release of
17 the second annual reports. In complying with these
18 mandates MODA must also work to ensure that
19 consistent with legal requirements and city privacy
20 and security policies that inform its best practices
21 to date, the privacy of the personally identifiable
22 information of New York City's municipal workforce is
23 protected at all stages of the implementation of
24 local law 18; from the transfer of employment history
25 profiles and salary data between city agencies to the

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2 aggregation and analysis of the data by MODA data
3 scientists to sharing this analysis with the public.
4 As you may know large data projects like this are not
5 simple and take significant work and resources to
6 complete. In accordance with local law 18 MODA
7 anticipates receiving the first set of employee
8 history profile data from DCAS by no later than
9 February 28th, 2020. MODA has assigned half of its
10 team to the task of timely compliance with this law
11 and in anticipation of receiving a large sensitive
12 data set. MODA's project team is assigned two data
13 scientists, a project manager, a policy analyst, and
14 its data operations manager to this project. The team
15 is being overseen by me. DCAS and MODA are in regular
16 communication with one another and have been holding
17 weekly meetings regarding overall coordination and
18 scheduling around compliance with local law 18. We
19 are currently preparing for the forthcoming DCAS to
20 MODA data transfer with discussions around the
21 complex data dictionaries and other elements such
22 metadata and the technical relationships of the
23 underlying categories of data elements. Because of
24 the privacy implications involved in disclosing among
25 city agencies the numerous individually identifying

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2 data elements mandated by local law 18 this data
3 transfer requires the development and execution of a
4 data sharing agreement among the relevant agencies to
5 memorialize the privacy and security protocols
6 necessary for, to ensure appropriate protection of
7 employees privacy and security of the data itself.

8 MODA has also been engaged in weekly project meetings
9 with the Mayor's Office of Operations, their general
10 counsel on the Office of the Chief Privacy Officer to
11 move this process forward in a responsible manner.

12 Upon receipt of the relevant employment and pay
13 history data MODA will have until April 28th, 2020 to
14 make the data available to city council for 90 days
15 through a technically secure means of access, before
16 such access is provided as a standard practice MODA
17 anticipates entering into a formal legal data sharing
18 agreement with the council to establish and
19 memorialize the secure technical arrangement for the
20 data access and protocols to ensure that the privacy
21 of the personal information of New York City's
22 municipal workforce is protected. MODA will then
23 issue the first annual report for employment and pay
24 data from the employee history profiles which is on
25 track for its deadline in late spring 2020. Local Law

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2 18 prescribes the format and contents of this
3 aggregated data report and requires the data to be in
4 the format that prevents the disclosure of certain
5 sensitive information including the racial group
6 ethnicity, or gender of any employee. We are
7 carefully managing the schedule and committed to
8 timely implementation. MODA is confident at this
9 stage that it will be able to meet all of the
10 requirements and looks forward to working together
11 with relevant agencies and council colleagues to
12 conduct this work. Thank you for the opportunity to
13 testify today. I welcome any questions that you may
14 have.

15 CHAIRPERSON MILLER: Thank you for your
16 testimony. So I would say from both agencies, from
17 MODA and DCAS that based on the testimony that you're
18 more than sufficiently aware of the importance of the
19 implementation and execution of local law 18 and that
20 your agencies have been working collaboratively to
21 ensure that implementation is seamless. But that does
22 not happen unless we have participation from each
23 agency. So, I want to begin by asking if all agencies
24 that are required are currently in compliance with
25 the, our November 30th portion of the law.

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2 BARBARA DANNENBERG: Yes, hi, yes, all
3 agencies have turned over their data to DCAS and to
4 the extent that the data was available to them. And
5 just to back up a little bit, prior to this transfer
6 of the data DCAS worked with all of the city agencies
7 in order to encourage employees to fill in and
8 complete the voluntary information and also so that
9 agencies can be, could be sure to enter information
10 such as business title. So, we did our best to work
11 with city agencies to ensure that this information
12 transfer was as robust as possible.

13 CHAIRPERSON MILLER: So, with the
14 additional assistance you're saying that every agency
15 that was required has given the required data... has
16 been turned over to DCAS?

17 BARBARA DANNENBERG: Yes, they have.

18 CHAIRPERSON MILLER: Right. Okay. And in
19 turns of DCAS' responsibility are you comfortable
20 that you will meet your upcoming benchmark and
21 delivering the information to MODA and that you have
22 worked in, that that collaboration's ensuring a
23 smooth and seamless transition of information so that
24 the actual implementation of 18 is happening?
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BARBARA DANNENBERG: Yes. So, as we indicated in our testimonies, both MODA and DCAS had been working very closely together to ensure that we do meet these benchmark deadlines and for the transfer of this data.

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CHAIRPERSON MILLER: And from a MODA perspective right now you're just in, you're, I wouldn't say that you're in a holding pattern because obviously you're communicating but you're limited to what can be done until you're in actual receipt. But you have done everything that you need to do in terms of receiving the information, you prepared to move forward?

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KELLY JIN: Yes.

CHAIRPERSON MILLER: Apart from receiving the information?

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KELLY JIN: Yes, as noted in our collective testimonies there is quite a bit of preparation work that needs to happen to make sure that we have the technical infrastructure and also the right governance and data sharing agreements in place before that transfer happens. And so in our, our work with DCAS they are ready to send the data

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2 but we do need to work on the protocols for receiving
3 the data.

4 CHAIRPERSON MILLER: So, in, during the
5 course of this obvious communication has there been
6 any concerns raised and/or addressed as we move
7 forward? And are we, are you confident that any
8 concerns that may have been raised will be addressed
9 in time for this to be as seamless as we hope it to
10 be?

11 BARBARA DANNENBERG: So as we began our
12 work together several months ago we are confident
13 that if any roadblocks or issues are raised during
14 this process that we will have the protocol set in
15 place in order to address them in time to meet these
16 deadlines.

17 CHAIRPERSON MILLER: Pass it over to my
18 colleague Chair Rosenthal.

19 CO-CHAIRPERSON ROSENTHAL: Thank you Chair
20 Williams. And thank you so much, oh, thank you so
21 much for your super technical testimony. I mean it,
22 what I'm hearing from this is that from a you know
23 literally we need these pieces of data, we're
24 collecting these pieces of data, turning it over to
25 MODA who will analyze these pieces of data. It sounds

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like that's working, working right? But how about from a qualitative point of view? One of the things you mentioned is some agencies aren't able to produce all the data? Who's, who's reviewing that and making a decision about well we have to push that agency harder to get that information or eh we can let this or that go? Who's, who's thinking about it holistically from the point of view of achieving pay equity.

BARBARA DANNENBERG: So, so DCAS

definitely takes that holistic view of employment equity. And we, as I indicated earlier, we had been working with agencies to ensure that this data file was as robust and as inclusive as possible.

CO-CHAIRPERSON ROSENTHAL: So, can you...

[cross-talk]

BARBARA DANNENBERG: ...on the employee and also on the HR Department.

CO-CHAIRPERSON ROSENTHAL: So, what's

missing?

BARBARA DANNENBERG: Oh, I wouldn't say

that anything is missing. I would say that some agencies, you know for example, NYPD, does not use business title, right. So if you're a police officer,

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2 your civil service title is police officer, your
3 office title is police officer. So, you wouldn't see
4 you know any interesting data as far as that goes.
5 But yes, we... [cross-talk]

6 CO-CHAIRPERSON ROSENTHAL: But then...

7 [cross-talk]

8 BARBARA DANNENBERG: We firmly believe
9 that... [cross-talk]

10 CO-CHAIRPERSON ROSENTHAL: ...so how do you
11 melt that into the other data when you're looking at
12 gaps? How have you decided to address that issue?

13 BARBARA DANNENBERG: So, we firmly believe
14 that our work with the agencies has produced the best
15 and most robust information that we, the city has. So
16 yes.

17 CO-CHAIRPERSON ROSENTHAL: So how are you
18 dealing with the NYPD issue?

19 BARBARA DANNENBERG: I wouldn't consider
20 that an issue. You know if an agency has a civil
21 service title and an office title that are similar or
22 the same you know those fields will be completed but
23 you won't see you know any sort of interesting
24 information within the data, or you won't see any

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2 differences between those two fields for those
3 agencies. And that's just an example.

4 CO-CHAIRPERSON ROSENTHAL: So, what does
5 that tell us?

6 KELLY JIN: I think, just to speak on the
7 data front here. The, what is really important about
8 the underlying... [cross-talk]

9 CO-CHAIRPERSON ROSENTHAL: I can't hear
10 you, I'm sorry.

11 KELLY JIN: Oh, sorry. What is really
12 important about the underlying data elements is that
13 we are providing the context behind the data capture
14 and as Deputy Commission Dannenberg already noted
15 that that is provided in addition to this information
16 as we know that there are 22 data elements in there.
17 So, providing the data about the data if you will is
18 an important part of this work.

19 CO-CHAIRPERSON ROSENTHAL: What other
20 agencies don't have the data in the format that
21 you're looking for?

22 BARBARA DANNENBERG: Well every agency
23 submitted the data in the format that we are looking
24 for. I'm just using that as an example of a field
25 that may not be as robust as others. Also, some of

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2 the fields are to be completed voluntarily by
3 employees. And you know as much as we did encourage
4 employees to complete these fields we certainly
5 couldn't ensure that every employee completed those
6 fields.

7 CO-CHAIRPERSON ROSENTHAL: So, what's an
8 example of a field that's voluntary?

9 BARBARA DANNENBERG: Highest level of
10 education.

11 CO-CHAIRPERSON ROSENTHAL: Highest level
12 of education. That's not in a form somewhere?

13 BARBARA DANNENBERG: So, the way that the
14 city collects data from applicants or current city
15 employees we know that they meet the educational
16 requirements for the title that they are employed in.
17 However, that certainly doesn't preclude employees
18 from having either you know a higher level of
19 education within a certain area or while they're
20 working for us to go out and seek additional degrees
21 or certification. And if they don't indicate that
22 within their employee history profile we certainly
23 wouldn't be able to capture that information.

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CO-CHAIRPERSON ROSENTHAL: So, what percent were not... did, did... you... what percent chose not to provide that information?

BARBARA DANNENBERG: I don't have that information with me. I'm not sure that that was part of what DCAS captured but I can certainly look into that.

CO-CHAIRPERSON ROSENTHAL: I don't understand your answer.

BARBARA DANNENBERG: Looking at the percentages. But I can certainly look to see if we have that information for you.

CO-CHAIRPERSON ROSENTHAL: So how many people answered the question?

BARBARA DANNENBERG: Well we requested it of all city employees. So, the entire data, the data file contains information for every city employee...

CO-CHAIRPERSON ROSENTHAL: How many is that?

BARBARA DANNENBERG: ...that's covered under this local law.

CO-CHAIRPERSON ROSENTHAL: What's the total?

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2 BARBARA DANNENBERG: I wouldn't know that
3 off the top of my head.

4 CO-CHAIRPERSON ROSENTHAL: You don't know
5 the total number...

6 BARBARA DANNENBERG: Yeah, but I can
7 certainly get you that information... [cross-talk]

8 CO-CHAIRPERSON ROSENTHAL: Wait, wait,
9 wait... we're at a hearing discussing data for a report
10 and you're the data expert. So, I'm asking you just a
11 really basic question. What's the end? What... So,
12 what's the denominator?

13 BARBARA DANNENBERG: Right so DCAS' work
14 within the confines of this local law was to collect
15 the data and to make the data accessible to MODA. So,
16 it... [cross-talk]

17 CO-CHAIRPERSON ROSENTHAL: ...didn't take
18 the time to count or look at the total you know by,
19 you sort of ran... So, as you got data from an agency
20 you passed it over and you never took the time to
21 collect what the total is? So now that we have all
22 the data what's the total number of employees?

23 KELLY JIN: So as, as referenced in the
24 testimony the data as per received from agencies to
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2 DCAS was, that milestone was at the end of November
3 and MODA anticipates receiving..

4 CO-CHAIRPERSON ROSENTHAL: I really can't
5 hear you. So, you have information as of November and
6 the total is?

7 KELLY JIN: MODA will not be receiving the
8 underlying raw data until February.

9 CO-CHAIRPERSON ROSENTHAL: So, I'm sorry,
10 so DCAS has the total?

11 BARBARA DANNENBERG: DCAS has the data. So
12 yeah...

13 CO-CHAIRPERSON ROSENTHAL: But you didn't
14 total it up?

15 BARBARA DANNENBERG: That's correct. So
16 under...

17 CO-CHAIRPERSON ROSENTHAL: Do you know the
18 number by agency?

19 BARBARA DANNENBERG: Under the purview of
20 Local Law 18 DCAS was tasked with collecting this
21 data and also encouraging the agencies and employees
22 to complete the required data fields.

23 CO-CHAIRPERSON ROSENTHAL: Do you
24 somewhere in your office if not here with you now
25 have the number of.. just the basic data of how many

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2 people by agency, right, how many people are in the
3 workforce by agency, and then how many people
4 answered the voluntary question by question? And then
5 I imagine DCAS for the mandatory information you
6 already had that data so it's not that you're asking
7 people.

8 BARBARA DANNENBERG: Right.

9 CO-CHAIRPERSON ROSENTHAL: So in your
10 office do you have this very simplistic overall set
11 of numbers?

12 BARBARA DANNENBERG: So to answer your
13 question yes of course DCAS has the total number of
14 employees. I'm sorry, I'm sure we can aggregate the
15 number of employees that are covered under this
16 particular local law. However, we have not been
17 tasked with analyzing the data so an analysis of, or
18 comparison of that data, we have the raw data set. So
19 you know.

20 CO-CHAIRPERSON ROSENTHAL: Usually raw
21 data sets... [cross-talk]

22 BARBARA DANNENBERG: ...first part of your
23 question we can provide.

24 CO-CHAIRPERSON ROSENTHAL: ...have a total
25 at the bottom. I don't, I don't mean to be snarky so

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2 let me just express it's really disappointing to me
3 that you've collected all the raw data and you don't
4 know totals. That's not specific personal private
5 data. I'm not asking about that. I mean I would
6 imagine you know what your data set is. And all I'm
7 asking... And, and so I hope you can send it over
8 afterwards. So according to the law you're, you don't
9 have to collect information that's in your purview
10 about school construction authority, health and
11 hospitals, etcetera. Why don't you just do it
12 voluntarily? You have the data, no?

13 BARBARA DANNENBERG: Well for the examples
14 that you raised New York City Health and Hospitals
15 and for School Construction Authority we actually do
16 not have their data because they don't use our
17 automated personnel system.

18 CO-CHAIRPERSON ROSENTHAL: Mm-hmm.

19 BARBARA DANNENBERG: So...

20 CO-CHAIRPERSON ROSENTHAL: To the extent...

21 BARBARA DANNENBERG: ...yeah we would have
22 to request it from them... [cross-talk]

23 CO-CHAIRPERSON ROSENTHAL: So maybe this
24 is a question for the administration, not you because
25 you're just doing what you're told for DCAS. But I

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2 would ask the administration to come back another
3 time and let us know why, or this time, come back to
4 us to let us know why you didn't choose to do this
5 same analysis for Health and Hospitals Corporation,
6 SCA, DOE, stuff that you have the data, you, you do
7 oversee these agencies to some degree. So I'd like to
8 understand better why you chose not to do it or if
9 you chose to do it and it's happening at H&H or at
10 DOH and at SCA but, but you are doing it but not
11 through this process. I think that's the larger
12 question I'd love to hear from the Mayor's Office.
13 Specifically, Kelly in your testimony you noted that
14 MODA anticipates receiving the first set of employee
15 history profile data no later than February 28th. I
16 thought on February 28th everything is due?

17 KELLY JIN: Because MODA is producing this
18 report every year annually moving forward that is
19 what is meant by the first set of...

20 CO-CHAIRPERSON ROSENTHAL: Oh.

21 KELLY JIN: ...of data.

22 CO-CHAIRPERSON ROSENTHAL: So by first you
23 mean this year.

24 KELLY JIN: This year's. Yes.

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2 CO-CHAIRPERSON ROSENTHAL: Okay. So it's
3 not that there's a distinction in this year between a
4 first set of data you're...

5 KELLY JIN: No.

6 CO-CHAIRPERSON ROSENTHAL: ...getting and
7 then a more refined or different... By first you mean...

8 KELLY JIN: All... [cross-talk]

9 CO-CHAIRPERSON ROSENTHAL: Okay. And then
10 I just want to reiterate I'm very interested to know
11 what data was not available, was not produced, maybe
12 because it's voluntary, how much wasn't put forward
13 and which agencies like NYPD where the data might be
14 sorted using different titles and the implication of
15 that? Sort of what are the ramifications of NYPD
16 collecting the data with these different titles? What
17 are the ramifications of that in terms of what we're
18 looking for? Is that going to be a hurdle for
19 understanding what we're looking for in this data, in
20 this report, to understand pay equity, or not so
21 much? I think I, I'd like to understand, like to
22 understand before even November, or February 28th
23 what in total you saw... what was missing... So and, and
24 to be honest I think we were hoping to get that here
25 a more granular understanding of the gross data and,

1
2 and what was coming in and what isn't and why, and
3 how you're managing that.

4 BARBARA DANNENBERG: I can, I can
5 certainly take that back and we can take a look. But
6 as we discussed earlier our focus through February of
7 20, February 28th is to ensure that this file is
8 transferred securely to MODA and that they receive
9 the entire file. That, I will certainly take...

10 CO-CHAIRPERSON ROSENTHAL: Right but
11 you're...

12 BARBARA DANNENBERG: ...that back.

13 CO-CHAIRPERSON ROSENTHAL: You're telling
14 me that DCAS is responsible for making the file, sure
15 the file itself is not just accurate but if you're
16 you know using that qualitative lens comprehending
17 the data that's coming in or not coming in. No?

18 BARBARA DANNENBERG: Well it, following
19 the scope of the local law our responsibility was
20 first and foremost to collect this data and to ensure
21 the secure transmission to... [cross-talk]

22 CO-CHAIRPERSON ROSENTHAL: So is there
23 anyone in the administration who's responsible for a
24 qualitative eye? Making, looking at what first comes
25 in? Do you have any other agency? Commission on

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2 Gender Equity, the Mayor's Office of something-
3 something working with you to say let's try to
4 understand the data that's coming in and see if we
5 can't think about asking these questions in a
6 different way to get at the same thing we thought we
7 were going to get?

8 BARBARA DANNENBERG: Well you know due to
9 the sensitive nature of this information and this
10 data there are... you know we generally do not, we, we
11 don't share that data with other groups. So this is
12 actually unprecedented that we're sharing this large
13 data file.

14 CO-CHAIRPERSON ROSENTHAL: Right.

15 BARBARA DANNENBERG: However, you know I
16 believe that the council will be performing an
17 analysis of the data and from this data set they'll
18 be able to...

19 CO-CHAIRPERSON ROSENTHAL: Yeah.

20 BARBARA DANNENBERG: ...all this
21 information.

22 CO-CHAIRPERSON ROSENTHAL: I don't think
23 this sort of you know legally and privacy issues... I
24 think you're missing the point of the larger question
25 of the importance of this legislation and the

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2 importance of getting it right. It just feels too
3 like... a lack of enthusiasm for what we're trying to
4 find out about. I mean I'm no expert at any of this.
5 I'm just asking you questions based on the common
6 sense knowledge of trying to understand pay equity.
7 And it sounds to me like there's no one in the
8 administration who's giving that qualitative lens to
9 data collection. Look, data collection and analytics,
10 just the rope of it, that's your job. I mean that's
11 based... that's fun... that's like the bar, the lowest...
12 obviously that's what your job is to do. The harder
13 question, the more interesting question is where are
14 we... where are there hiccups in data collection so
15 that when we do the analysis we're getting a
16 meaningful result. I'm not hearing anyone is thinking
17 about that.

18 BARBARA DANNENBERG: Well I certainly... you
19 know we certainly would not want our limited scope
20 within this Local Law to indicate our lack of
21 interest or our lack of understanding how important
22 and precedent send, setting this bill is.

23 CO-CHAIRPERSON ROSENTHAL: But then if
24 your scope is limited, and MODA's scope is limited

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2 who, who's doing the expansive scope of trying to
3 understand pay equity in the city of New York.

4 BARBARA DANNENBERG: Under... you know under
5 this local law it would be the analytic team from the
6 Council who would be performing that analysis.
7 However, on a regular basis the city of New York does
8 take a holistic look at equity throughout the city
9 across all of the categories of jobs that we have
10 available.

11 CO-CHAIRPERSON ROSENTHAL: Well for sure
12 the City Council's interested in it. There's no doubt
13 on that. The City Council is eager to know about pay
14 equity in the admin, in, in any... the executive side,
15 of course we're interested and I guess we get a
16 minute to analyze it. But I mean... okay I'm going to
17 move on. Am I down a wormhole? Okay. Thank you for
18 your time. I learned a lot.

19 CHAIRPERSON MILLER: So... okay I know
20 Council Member Adams has a question. But before... I
21 just want to reiterate for the purposes of this
22 hearing and, and Local Law 18 we're looking at
23 compliance alright? First of all, whether or not city
24 agencies have compiled to comply with the data that
25 was asked for. The questions that my colleague asked

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2 was very significant as to whether or not they had
3 done that and whether or not some information was
4 omitted or if there was specific information.. you
5 used the analogy of the police department and whether
6 or not that would have an impact and whether or not
7 there was other kind of antiquated or, or duplicated
8 titles, what information that might have an impact or
9 some other information that were omitted that might
10 have an impact. Certainly that's a reasonable
11 questioning. Right? I think that what we're not
12 trying to do at this moment is re kind of litigate
13 pay equity which we spent the last three years, and
14 that we've gotten to the point that in order for us
15 to have fair compensation which is the goal here and,
16 and pay equity amongst these many municipal
17 bargaining units that there's certain information and
18 data that has to be available going to tailor law in
19 order for them to have the, the good faith
20 negotiations that are absolutely necessary, that
21 information has to be provided. So what we're trying
22 to ascertain today is simply whether or not in
23 accordance to the rules and regulations, provisions
24 that were put forth during Local Law 18 are we
25 adhering to that? Is that information available? And

1
2 not kind of just readdress some of the things here,
3 whether or not this information... And I also believe
4 that in the future those agencies... authorities, the
5 HHCs and the DOEs of the world, they certainly have a
6 copiability and a responsibility to adhere to this as
7 well. And so we want to get to that but for, for the
8 purposes of what we do here today we need to know
9 that the information that was required is being made
10 available and then next steps. Alright? So certainly
11 the council's going to do its job to aggregate the
12 information but the city and everyone else would be
13 remiss if we don't get all this great information
14 and... to the best of our ability that this is what my,
15 my colleague was expressing there. But with that I'm
16 going to move forward though. Council Member Adams.

17 COUNCIL MEMBER ADAMS: Thank you both
18 Chairs today, for this hearing. I just need clarity.
19 We had a lot of significant questioning from my
20 colleague, from Council Member Rosenthal. I just need
21 clarity because I don't think that I fully heard or
22 understood... as far as adherence to Local Law 18 and
23 the due date of November 30th. We know, I got out of
24 your testimony that NYPD is having an issue. Are
25 there any other agencies who are having insures like

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2 NYPD? If so, who are they? And when do you expect
3 them to be in compliance?

4 BARBARA DANNENBERG: So just... I apologize
5 for not being clear. Every city agency is in
6 compliance. They have shared their data with DCAS
7 before the November 30th deadline. I was, when I was
8 using the example of business title I was just trying
9 to point out that there may be some anomalies in some
10 of the data once it's looked at and that's just from
11 you know a practical understanding of how the
12 businesses are run. But every city agency has met the
13 compliance requirement.

14 COUNCIL MEMBER ADAMS: That's good to
15 know. Thank you. I guess my last question is going to
16 be regarding the transfer. Regarding the data
17 transfer, for MODA are there any concerns about
18 receiving the file at all? Any concerns, anything
19 that you have taken a look at to make sure that this
20 file transfer is clean and all things go well?

21 KELLY JIN: No concerns on, on our part.
22 This is a part of our regular business within our
23 office, that we do handle a lot of data. And so we
24 are again setting up the technical infrastructure to
25 receive the data but no anticipated challenges?

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COUNCIL MEMBER ADAMS: How big a file is
this?

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KELLY JIN: I think we are looking at a
couple megabytes. However the data is not just one
file. So it's a handful of files that are integrated
together. So it does make it a bit more complex. So
it's not just one spreadsheet.

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COUNCIL MEMBER ADAMS: How long do you
anticipate the file transfer to take? Time wise.

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KELLY JIN: The actual transfer itself,
milliseconds.

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COUNCIL MEMBER ADAMS: Seconds. That's
exciting.

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KELLY JIN: It is, it is.

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COUNCIL MEMBER ADAMS: Okay thank you very
much.

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CHAIRPERSON MILLER: So just as a point of
clarity... and this is for the Deputy Commissioner for
Human Capital... the total city's workforce is 300 and...

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BARBARA DANNENBERG: ...90...

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CHAIRPERSON MILLER: ...80 thousand...

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BARBARA DANNENBERG: ...390 plus thousand.

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CHAIRPERSON MILLER: Somewhere there?

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BARBARA DANNENBERG: Right.

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CHAIRPERSON MILLER: And, and how many...
what percentage of that 300 plus thousand plus will
be captured in, in this local law?

BARBARA DANNENBERG: So that, that I would
have, I would have to get back to you with that
number. I don't have that number.

CHAIRPERSON MILLER: And, and how many
agencies? Are there any... well we, we have that... that
the agencies or others that, that are omitted from
there.

BARBARA DANNENBERG: Correct.

CHAIRPERSON MILLER: Okay. Council Member
Rosenthal do you have anything? I'm sorry. Majority
Leader? Absolutely.

MAJORITY LEADER CUMBO: Thank you. I just
wanted to follow-up with Council Member Miller's line
of questioning as well as Council Member Rosenthal.
They are also very skilled in labor negotiations as
well as OMB. I am not as skilled so my questions will
be a little more basic than theirs. Just wanted to
have like very clear clarity. So from your testimony
what you're anticipating is that in February we're
going to be ready to go and the information that was

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2 requested from all of the agencies will be in place
3 in order to move forward?

4 BARBARA DANNENBERG: Correct.

5 MAJORITY LEADER CUMBO: So has the
6 information been reviewed and looked at to make sure
7 that agencies aren't just handing in information
8 that's half done, a quarter done? And I remember
9 during the negotiations for this I remember hearing
10 somewhere that even if a, an individual fills out the
11 paperwork a superior person has the ability to fill
12 out the answers to questions that they may not have
13 answered based off of an assumption. So for example,
14 I'm not sure of what you're requiring and what you're
15 not requiring in this. But let's say someone... The
16 question is that is someone a man or a female and
17 they decide not to answer, a superior officer or, or
18 a person that works ahead of them could say I'm
19 checking the box that this person is a man or a woman
20 to the best of my knowledge?

21 BARBARA DANNENBERG: Well the... I believe
22 that you're referring to certain EEO related data
23 that yes is required and can be completed by either
24 the agency's EEO officer or HR representative if an
25 employee declines to complete it within their initial

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2 paperwork. However an employee can always view this
3 information in their employee history profile within
4 our NYCAPS personnel system which is, we call it
5 employee self service. So they can go, they can take
6 a look, and they can update that as they see fit. So
7 that... so yeah... so that they... and then their data
8 would override what was preselected if it was
9 preselected.

10 MAJORITY LEADER CUMBO: So with the line
11 of questioning that Council Member Rosenthal put
12 forward is it that this information has come in in
13 November but it hasn't been reviewed to determine the
14 quality of the information that's coming back?

15 BARBARA DANNENBERG: So yeah, so we're
16 working, we worked with agencies to collect that data
17 by November 30th. And now we are working on the
18 transfer. So of course we're you know making sure
19 that the files have integrity and that the, you know
20 the data is as robust as possible, that we're not
21 leaving out data sets or whatnot but yes, that
22 process is still undergoing.

23 MAJORITY LEADER CUMBO: So the question
24 that Council Member Miller asked in regards to the
25 300,000 plus workforce that we're looking at. Why

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2 would it be thought that some individuals of that
3 number would be counted in this process and some
4 would not?

5 BARBARA DANNENBERG: So the number that we
6 had discussed earlier is the number of the entire
7 workforce including those agencies and employees who
8 were excluded from this local law. And actually, I
9 just... if I can correct myself, I just received the
10 total number of employees in our data file which is
11 166,568. That number does not include seasonal
12 employees who are covered under this local law. They
13 are not part of the headcount. So that file... you know
14 that would be in addition to this 166,000. But to go
15 back to your original question the local law excludes
16 certain agencies and certain employees such as
17 pedagogical employees that work at DOE, so the
18 teachers and the principles. So whereas they're part
19 of that 390,000 plus headcount, they are not part of
20 this local law.

21 MAJORITY LEADER CUMBO: Can you break that
22 down for me in terms of... let's just say for example
23 why wouldn't they be?

24 BARBARA DANNENBERG: It's in the, it's...
25 within the local law they were explicitly excluded.

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MAJORITY LEADER CUMBO: Can you give me
some more examples of who else was excluded?

Pedagogical workers, seasonal workers...

BARBARA DANNENBERG: Seasonal workers are
included.

MAJORITY LEADER CUMBO: They are included?

BARBARA DANNENBERG: Yes.

MAJORITY LEADER CUMBO: Okay. Who's
excluded again?

BARBARA DANNENBERG: So excluded... School
Construction Authority, the New York City Health and
Hospitals Corporation, New York City Transit, Triboro
Bridge and Tunnel Authority, and then the local
elected officials such as city council, district
attorneys.

MAJORITY LEADER CUMBO: How did we get out
of it?

[laughter]

BARBARA DANNENBERG: I think you would
have to ask whoever wrote up this local law and
specifically excluded...

MAJORITY LEADER CUMBO: Alright I will
look into that. That's... concludes my questions. Thank
you.

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CO-CHAIRPERSON ROSENTHAL: Thank you. I just have a few more questions of understanding, just to make sure that... I just want to walk through it one more time. Let's pick an agency, a random agency, how about the fire department. The fire department... there's a variety of data you're trying to collect. So how do you go about collecting the variety of data? There's some stuff you must already have right?

BARBARA DANNENBERG: Right.

CO-CHAIRPERSON ROSENTHAL: So that's like gender, race, salary...

BARBARA DANNENBERG: Civil service title.

CO-CHAIRPERSON ROSENTHAL: ...title.

BARBARA DANNENBERG: Right. Right.

CO-CHAIRPERSON ROSENTHAL: And then there are questions that are voluntarily. So now it's not near a database. So do you send out a survey? How do you get the remain, the remaining bits of information?

BARBARA DANNENBERG: So what DCAS embarked upon was an exercise in requesting from agencies that whether it would be HR representative for fields such as the business title or office title or from the employees to go into our automated personnel system.

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2 So they can go in and go ahead and enter that data
3 into the personnel system. So when we do the data
4 pull it's coming you know from the different aspects
5 of that system. So the data does, you know we do have
6 access to that data.

7 CO-CHAIRPERSON ROSENTHAL: So basically
8 you would ask HR or send, and/or send out a letter to
9 all people who work there and say, please go into
10 your personal file, do you have your account, and
11 enter information like the latest education level
12 achieved. What were some of the other voluntary
13 questions?

14 BARBARA DANNENBERG: I believe... I could
15 just take a look... so highest level of education,
16 number of years of work experience that's outside of
17 the city that an employee may have, their different...
18 their different work experience out... again outside of
19 city employment. So basically anything that's
20 specific to you as a career employee you could go
21 ahead and fill in to your profile and that way you
22 would have that information there. But... and so we did
23 encourage people because you know not everybody knows
24 that they're able to do that. So you know we would
25 say hey we have this feature, you can go into your

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2 employee self service profile and fill in all of this
3 up to date information about yourself.

4 CO-CHAIRPERSON ROSENTHAL: Right. I mean
5 but it's not a random feature. I mean we're doing it
6 because we want to be able to know when we're
7 analyzing the data whether or not level of education
8 plays into a salary inequity, right?

9 BARBARA DANNENBERG: Correct. That data's
10 also very important to specific agencies. So agencies
11 want to know what their workforce looks like and they
12 want to know what their workforce looks like. And
13 they want to know perhaps what the workforce of a
14 particular title looks like. So they are able to meet
15 with DCAS to talk about what information is available
16 so that they can have a better understanding of who
17 their workforce actually are. So yes you know it's
18 valuable for both of those examples.

19 CO-CHAIRPERSON ROSENTHAL: Right. So let's
20 say we wanted to answer that question. At the fire
21 department for the central office, not for fire
22 fighters who are union, have union titles, but in the
23 central office we want to know whether or not there's
24 pay equity among all types of diversity. So we want
25 to know, let's say, did a male get promoted many more

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2 times than a female and they both have the same level
3 of history, level of education... Do you feel... what... do
4 you feel like you got enough data from FDNY to be
5 able to do that type of analysis?

6 BARBARA DANNENBERG: Again, I would have
7 to look because I'm assuming that if the FDNY came to
8 DCAS and said that they would like to look at this
9 data and look at how it affects certain employees
10 that they would be specifically looking at one title,
11 or maybe a few titles. So again you know I would need
12 to, and my team would need to take a look to see how
13 robust whatever piece of information is available for
14 FDNY in order to make... you know to have a
15 conversation or a discussion regarding...

16 CO-CHAIRPERSON ROSENTHAL: Why wouldn't...
17 so only if the agency, if the fire department wanted
18 to do that analysis would you... you would do it? I
19 mean don't you want to do the analysis for the
20 purpose of this report?

21 BARBARA DANNENBERG: And of course DCAS
22 regularly does do an analysis but again since we have
23 this holistic view of the city we're not... you know
24 unless an agency is specifically requesting that
25 specific title analysis or titles analysis what we do

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2 is we take a look at the entire workforce across the
3 city and look at, look at that data. And that is
4 published in our workforce profile report which is an
5 annual report where we do this analysis and we share
6 that with the public.

7 CO-CHAIRPERSON ROSENTHAL: I guess I'm
8 just... okay. Do you feel confident that every agency
9 responded in such a way to get to these fundamental
10 questions about pay equity?

11 BARBARA DANNENBERG: We do feel confident
12 that we had many discussions... I guess had with
13 agencies either one on one or we have quarterly
14 meetings with personnel representatives from every
15 agency and we discussed it at length there, you know
16 and... this city has a whole... as a whole does have a
17 commitment to equity. So this exercise and this data
18 collection we've definitely taken very seriously.

19 CO-CHAIRPERSON ROSENTHAL: I'm going to
20 hone in on the fire department for one second only
21 because I think we've now achieved the goal of point
22 one percent of firefighters are women. And I just, I
23 want to confirm we... and I want to note for the record
24 our goal is not point one percent, that do you think
25 for the voluntary data what percent do you think you

1
2 got for the fire department? Because you're telling
3 me for sure all the mandatory data you have already.

4 BARBARA DANNENBERG: Right.

5 CO-CHAIRPERSON ROSENTHAL: So you have
6 gender, you have race, you have years of service, you
7 have band, title bands.

8 BARBARA DANNENBERG: Civil service titles,
9 yes.

10 CO-CHAIRPERSON ROSENTHAL: Civil service
11 and managerial?

12 BARBARA DANNENBERG: Correct.

13 CO-CHAIRPERSON ROSENTHAL: You have all
14 that?

15 BARBARA DANNENBERG: Yes.

16 CO-CHAIRPERSON ROSENTHAL: So of the
17 voluntary stuff do you have a sense whether or not
18 you got more than 50 percent response rate?

19 BARBARA DANNENBERG: As I indicated
20 earlier I do not. But again I can take that back and
21 we can see if we are able to take that look.

22 CO-CHAIRPERSON ROSENTHAL: So specific,
23 just so I'm really clear, I'd like to know by agency,
24 of the voluntary data, what was the percentage
25 response rate? So did at least... did agencies hit 50

1
2 percent? And what I'm hearing from you is that you
3 don't know that information off the top of your head?
4 Do you have a sense of the whole city what percentage
5 responded to the voluntary data?

6 BARBARA DANNENBERG: Right. So as you're
7 indicating the information is voluntary and...

8 CO-CHAIRPERSON ROSENTHAL: Yeah.

9 BARBARA DANNENBERG: ...some comes from the
10 agency HR department but the rest is... it comes from
11 our employees.

12 CO-CHAIRPERSON ROSENTHAL: Right.

13 BARBARA DANNENBERG: So to answer your
14 question, no I don't have a sense of specifically for
15 one agency, or any agency what that response rate
16 was. But what I can testify to is that we did reach
17 out and...

18 CO-CHAIRPERSON ROSENTHAL: Oh sure.

19 BARBARA DANNENBERG: ...inform...

20 CO-CHAIRPERSON ROSENTHAL: I'm sure you
21 did your job.

22 BARBARA DANNENBERG: ...our workforce. Yes.
23 And encouraged folks to volunteer this information.

24 CO-CHAIRPERSON ROSENTHAL: Of course.

25 BARBARA DANNENBERG: Yeah.

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CO-CHAIRPERSON ROSENTHAL: I'm not

questioning that. What I'm trying to understand is if we're going to understand whether or not the data is valid one really basic question is what was our response rate? If one percent of staff responded we know now that the data's not going to be valid. So I'm just asking if you have a sense of in answering that fundamental question about whether or not the data's valid. So when you send it over something meaningful can be looked at.

BARBARA DANNENBERG: Right. So again our focus was getting that information out, explaining to people why they should fill out this information and then collecting that information. So doing an analysis of the response rate was certainly outside of this exercise but I'm not saying that we can't go ahead and take a look at that information. But as of today, no.

CO-CHAIRPERSON ROSENTHAL: I don't think it's outside of this exercise. I mean I'm sorry if you're sending over the data and you don't... don't you want to know what percentage responded? I mean as part of doing the exercise of getting 100 percent response rate and trying to do that extra mile don't

1
2 you want to know whether or not you have a 50 percent
3 response rate or 20 percent or two percent or 90
4 percent? I mean I want to hear you brag that you got,
5 that you worked so hard you got a 90 percent response
6 rate.

7 BARBARA DANNENBERG: So yes again I
8 understand what you're saying and I am simply
9 testifying to the voluntary nature of employee..
10 [cross-talk]

11 CO-CHAIRPERSON ROSENTHAL: I understand
12 what the word voluntary means.

13 BARBARA DANNENBERG: Right, completing..
14 [cross-talk]

15 CO-CHAIRPERSON ROSENTHAL: And I
16 understand...

17 BARBARA DANNENBERG: ...information.

18 CO-CHAIRPERSON ROSENTHAL: ...the
19 complexity, of voluntary.

20 BARBARA DANNENBERG: That's right.

21 CO-CHAIRPERSON ROSENTHAL: But again,
22 that's your job, that's the nature of... So what... And
23 we all... anyone who's a data analyst knows voluntary
24 is harder than...

25 BARBARA DANNENBERG: Mandatory.

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2 CO-CHAIRPERSON ROSENTHAL: ...putting
3 together the data that you already have in your back
4 pocket.

5 BARBARA DANNENBERG: Right.

6 CO-CHAIRPERSON ROSENTHAL: Right?

7 BARBARA DANNENBERG: Of course.

8 CO-CHAIRPERSON ROSENTHAL: So you knew
9 that going in. We all know that. I'm just questioning
10 whether or not DCAS made an extra effort to get to
11 100 percent for voluntary. And the first question to
12 know the answer to that is what'd you get.

13 BARBARA DANNENBERG: Right. Right, I think
14 that we're both trying... I believe we're both saying
15 the same thing. But...

16 CO-CHAIRPERSON ROSENTHAL: I don't.

17 BARBARA DANNENBERG: ...yes, DCAS absolutely
18 did make every effort to encourage...

19 CO-CHAIRPERSON ROSENTHAL: I don't.

20 BARBARA DANNENBERG: ...folks to supply...

21 CO-CHAIRPERSON ROSENTHAL: I don't know
22 that.

23 BARBARA DANNENBERG: ...information.

24 CO-CHAIRPERSON ROSENTHAL: I don't think
25 you know that. I mean... Okay, so I'm going to move on.

1
2 And I just want to make sure... Two last, really quick,
3 things. Okay. So you're going to give us... you're
4 going to let us know the response rate? Just
5 confirming that. You're going to let us know response
6 rate on the voluntary questions by agency? Because
7 hypothetically you have that in your database. And
8 you're just going to... you can go home and go back to
9 your office and click a button... I mean when I do data
10 work... I mean I know, spreadsheet, lot of data... but
11 you can let us know that within a week?

12 BARBARA DANNENBERG: I won't specify a
13 timeframe but yes I will definitely take it back and
14 we will take a look at the... [cross-talk]

15 CO-CHAIRPERSON ROSENTHAL: Well let me
16 make it more...

17 BARBARA DANNENBERG: ...information to you.

18 CO-CHAIRPERSON ROSENTHAL: ...reasonable. So
19 you're sending over all the data by February 28th.

20 BARBARA DANNENBERG: Correct.

21 CO-CHAIRPERSON ROSENTHAL: Right? To MODA.
22 Can... by February 28th, you let the city council know
23 the response rate on the voluntary stuff, questions,
24 by agency. I understand that's a little bit of a
25 trick question because someone might have filled out

1
2 only one of three voluntary... so I'm asking you in
3 sum, I'm not going to worry about that when I get...
4 you don't have to fix that. In total, if you were
5 supposed to get 60 responses and you got 20 responses
6 in total, not caring about people not, some people
7 didn't answer, some people answered only one of
8 three. I just want to know that you got 20 out of 60.

9 BARBARA DANNENBERG: Understood.

10 CO-CHAIRPERSON ROSENTHAL: Do you think by
11 the 28th we might be able to get that information.

12 BARBARA DANNENBERG: We will make every
13 effort to do that?

14 CO-CHAIRPERSON ROSENTHAL: Okay. I'm going
15 to ask council staff... that's, I think my fundamental
16 question that I'm looking for an answer to. Okay so...
17 I just... sorry I want... I'm going to look at one last
18 quick thing and then I'm going to let us move on. And
19 I just want to make sure then... So, for the mandatory
20 stuff, the stuff that you have in your back pocket at
21 DCAS, you have 100 percent of that information.
22 Right? You already have that, that can go over
23 easily. So the tricky part is the voluntary right? I
24 mean...

25 BARBARA DANNENBERG: Well...

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2 CO-CHAIRPERSON ROSENTHAL: ...stuff about
3 race, gender, length of service, title, you have
4 that.

5 BARBARA DANNENBERG: Right. So the data
6 file that we have we have and so yes we have all of
7 the information that needs to be transferred, yes.

8 CO-CHAIRPERSON ROSENTHAL: Okay, great.
9 Thank you. I think that's it for me. Thank you very
10 much.

11 CHAIRPERSON MILLER: Thank you Madam
12 Chair. We're going to hear from Majority Leader Cumbo
13 next.

14 MAJORITY LEADER CUMBO: Thank you Council
15 Member Miller and Rosenthal for your questions. So
16 that brought up something different for me in this
17 way. So when you say that all of the agencies have
18 submitted their information that means that of each
19 agency one or two percent could have filled out the
20 information and turned it in and then checked the
21 box. We turned in the information?

22 BARBARA DANNENBERG: Again, we didn't ask...
23 [cross-talk]

24 MAJORITY LEADER CUMBO: ...yes or no on
25 that... [cross-talk]

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BARBARA DANNENBERG: Right, yes.

MAJORITY LEADER CUMBO: Yes?

BARBARA DANNENBERG: Yes.

MAJORITY LEADER CUMBO: So in February when the information has to be transferred over you all could just be submitting, hypothetically, one or two percent of response rates from each agency and that's what people will have to review and look at?

BARBARA DANNENBERG: For certain data points. As Chair Rosenthal indicated we have certain data points for every city employee such as civil service, title, city entry date, so how many years they've worked for the city... so we have that information for every single person that needs to be... every employee that we would report out.

MAJORITY LEADER CUMBO: So some information...

BARBARA DANNENBERG: That's correct.

MAJORITY LEADER CUMBO: ...will be transmitted as a result of what you already know. And then some information with additional data points will be submitted voluntarily. And that will be corroborated with what you know and what they know,

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2 what you know and what they submitted will be
3 considered an entry?

4 BARBARA DANNENBERG: For each employee,
5 yes. So if an employee... every field was applicable to
6 them, and every employee responded to the voluntary
7 questions then yes you would have a 100 percent
8 response rate for that particular person. However, if
9 an employee selected to complete 50 percent of the
10 voluntary information that file is still being
11 transferred over. So all of the information that DCAS
12 has which is all of the information that is available
13 to us will be transferred over for every employee.

14 MAJORITY LEADER CUMBO: So the very
15 technical question that Council Member Rosenthal is
16 asking that I want to gain clarity on is she was
17 saying and paraphrase... ma'am correct me, you're
18 saying that your question to them is do you know at
19 what point what percentage of your folks have filled
20 out the information at this point and they don't know
21 that.

22 CO-CHAIRPERSON ROSENTHAL: Not here.

23 MAJORITY LEADER CUMBO: Okay. That's all
24 the questions I have. Thank you.

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CHAIRPERSON MILLER: Again thank you,
thank you for your testimony. We have another panel,
two more panels to hear from so we want to thank you
for the information. And obviously the committees
going to be requiring... requesting additional
information, hopefully we'll have that in a
reasonable amount of time, the amount of time that is
requested by my colleague.

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CO-CHAIRPERSON ROSENTHAL: Sorry, just one
quick last question? I just want to... I think you made
it clear, but I just want to confirm for the record.
Do you have any concerns about privacy or security in
the data transfer?

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BARBARA DANNENBERG: Yes. So when it comes
to the actual underlying raw data elements that are
being sent over we don't have concerns around the
technical nature of the transfer, but when it comes
to the raw individual level there are 22 data
elements as per the local law. The governance around
that and the way in which we manage the data being
moved from DCAS to MODA those are concerns that we
share broadly across any types of analytics projects
that may relate to individual level data.

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CO-CHAIRPERSON ROSENTHAL: What security measures do... have you put in place? I mean surely this stuff is done all the time. Nothing is impenetrable but what security measures have you put in place?

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BARBARA DANNENBERG: So there's a few processes that we are working through right now. There's a few different mechanisms for doing the actual transfer. One is to make sure that the data while it's at DCAS is actually encrypted and that it's encrypted on its way to MODA. And then when it is actually in storage at MODA for analysis only the individuals who have access to the data are permitted to have access to the data and that in addition to that that we are managing the governance long term because this will be data that we have access to moving forward.

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CO-CHAIRPERSON ROSENTHAL: Do you need... data encryption's pretty basic, that's... I'm not a technical person but everyone uses those words. Is there... do you need funding for an additional level of security that would make you feel confident that it's even more secure?

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2 BARBARA DANNENBERG: We have the resources
3 that we need using citywide technology and security
4 protocols that are in place for moving individual
5 level data from one location to another.

6 CO-CHAIRPERSON ROSENTHAL: Okay. Thank you
7 very much.

8 MAJORITY LEADER CUMBO: I just wanted to
9 just close by saying with the exception of Council
10 Member Miller who we love very much it's all women
11 behind this table, all women behind that table, and
12 all women who were here in this audience that have
13 brought this particular legislation forward. Let's
14 get this right because it is too important and there
15 are too many cities and states that are looking for
16 us to get this right so that they can model it all
17 across the country. So this is really important
18 legislation that we can't afford to let I don't know
19 all of this minutiae that we're talking about get in
20 the way of getting this information and correcting a
21 generational wrong, centuries of wrongs. So I just
22 want to express this. This is really our moment in
23 history as women in herstory for us to get this right
24 because too many women are living in conditions and
25 in circumstances in situations that are not allowing

1
2 them to live their full life and to be the productive
3 members of the city of New York and we have to be the
4 role models and the inspiration for cities across the
5 country. Thank you.

6 CHAIRPERSON MILLER: That is well said.
7 And everybody in this room has been a part of the
8 journey for, for far too long. I, and so we will get
9 it right for sure. And everyone here remains
10 committed most importantly. And we certainly take
11 that... from the agencies that are here as well. And
12 before... and I'm absolutely want to let you go. What
13 role, if any, is DoITT playing in the transfer of the
14 data?

15 BARBARA DANNENBERG: Sorry?

16 CHAIRPERSON MILLER: What role if any is
17 DoITT playing in the transfer of the data?

18 KELLY JIN: MODA is working with DoITT and
19 has been to actually stand up the technical
20 infrastructure so that they provide IT services to us
21 as they do with other city agencies across the board.
22 So they are serving as advisors working with us here.

23 CHAIRPERSON MILLER: So we're comfortable
24 that all agencies that may have some form of
25 oversight and expertise and not just gathering of the

1
2 data but the transfer of the data involved in this
3 process.

4 KELLY JIN: Yes.

5 CHAIRPERSON MILLER: Correct?

6 KELLY JIN: Yes.

7 CHAIRPERSON MILLER: Okay. And we're going
8 to hold you to that. With that we're going to call
9 our next panel. Once again thank you for being here.

10 BARBARA DANNENBERG: Thank you.

11 CHAIRPERSON MILLER: Darryl Chalmers from
12 Local 2507, Doctor Joseph Wilson, Michael Reardon,
13 and my good friend Warren Price.

14 [pause] [background conversations]

15 CHAIRPERSON MILLER: Okay gentleman you
16 can begin. Please identify yourselves and... before
17 making your statements.

18 DARRYL CHALMERS: Good afternoon
19 everybody. Thank you Chairperson Miller and
20 Chairperson Rosenthal. Thank you very much for today.
21 FDNY uniform fire protection inspectors are 85
22 percent minority men and women who are peace officers
23 as our New York City firefighters. The New York City
24 Fire Department's Bureau of Fire Prevention is a life
25 safety and revenue producing bureau generating

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2 approximately 85 million dollars annually to the
3 department and to the city. The Bureau Fire
4 Prevention members consist of 414 fire protection
5 inspectors in inspectional units which check the
6 compliance of all fire and building code regulations
7 including the building we're in right now. Related to
8 fire safety fire protection inspectors are tasked to
9 inspect and witness the testing of safety equipment
10 in buildings for firefighting operations such as
11 standpipe systems, sprinkler systems, etcetera at
12 various locations throughout New York City including
13 our bridges, tunnels, piers, rooftops, ladders,
14 subways, construction sites, restaurants, basements,
15 commercial and residential Highrise buildings. Fire
16 protection inspectors make sure that the systems used
17 for firefighting operations on premises are in
18 working order plus protecting the lives and property
19 of city residents, employees, and visitors. The
20 effort of the fire protection inspectors over the
21 past several years has resulted in sufficient
22 reduction of fire deaths related to fires at a record
23 low in the history of the fire department. And the
24 famous fourth of July fireworks display under the
25 explosive unit which your fire protection inspectors

1
2 are the ones on the barge in the water every time you
3 see that show every year. We're the ones in charge.
4 Make sure that the public and the city is safe for
5 you guys to enjoy that show every year. And that's
6 any fireworks display in the city of New York is done
7 by us. We're the ones who actually supervise that.
8 And for your fourth of... and for New Years celebration
9 we're the ones in charge of that at the top of the
10 ball. We're the ones on the roof, your fire
11 protection inspectors that make sure it's safe so you
12 can enjoy the show. And I will leave that for Mike
13 Reardon who's my colleague who also is the Deputy
14 Chief Inspector, I'll let him speak. Thank you very
15 much.

16 MICHAEL REARDON: Good afternoon panel.
17 Thank you for this opportunity to come here and speak
18 with you today. The bulk fuel safety unit, this unit
19 conducts inspections and checks code compliance with
20 the installations of underground and aboveground
21 storage tanks, associated piping systems containing
22 flammable and volatile motor fuels. Review approved
23 plans on site for such installations, including the
24 installation and testing of fire suppressant system
25 and service stations and private filling stations. We

1
2 conduct inspections, plan review, and testing of the
3 following facilities; bulk fuel facilities, national
4 grid, liquid natural gas, compressed natural gas,
5 ConEdison power plants, methane recovery plants, and
6 Cogen facilities. We witness the testing of the foam
7 fire protection systems, floating rack sprinkler
8 systems, conduct inspections, plan review, and
9 testing of the new pipelines, cut out and replacement
10 of pipelines, conduct annual pipeline drills, and
11 division and fire units, conduct inspections of three
12 pipeline companies which supply gas fuel, gasoline,
13 and fuel oil to JFK airport, and Laguardia Airports
14 as well as patrolling these pipelines monthly,
15 conduct inspections of three pipeline companies,
16 control centers in New Jersey, conduct a leak
17 detection system test Breingsville Pennsylvania on
18 the Buckeye Pipeline, respond to pipeline leak
19 emergencies, power plants, CNG, LNG, methane
20 recovery, and Con Ed National Grid, Gasoline service
21 stations and private filling stations. Thank you.

22 DR. WILSON: Yes, good afternoon Chairs
23 Miller and Rosenthal and distinguished council
24 members. My name is Doctor Joseph Wilson. I'm
25 representing the FDNY fire prevention inspectors,

1
2 local 2507. My background; I'm a specialist and an
3 author in labor and civil rights and African American
4 workers. My academic training is at Columbia and
5 Harvard. And I established the nation's first
6 diversity center at CUNY. The title of my very brief
7 presentation, and it won't professorial is FDNY fire
8 prevention inspectors, unsung heroes, saving lives
9 keeping the public safe. My comments today on behalf
10 of the fire prevention inspectors are intended to
11 call public attention to the life saving often
12 dangerous work of the FPIs in relation to the denial
13 of promotional opportunities in the FDNY. The
14 dramatic decrease in fires and fire related injuries
15 in fatalities in New York City over the last 10 years
16 in large measure is due to the valiant, indeed often
17 heroic work of the fire protection inspectors.

18 However, the inspector's work doesn't often make the
19 limelight. Therefore, we must bring public awareness
20 to their conditions of employment. They save us not
21 only from fires in our homes, schools, offices,
22 shopping centers, they save us from gas explosions,
23 oil pipeline and jet fuel fires and explosions
24 preventing the release of toxic gasses and hazardous
25 materials. They prevent deaths and injuries from

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2 fireworks accidents as brother Chalmers just
3 mentioned that displays like the Macy's fourth of
4 July celebration and New Years Eve in Times Square.
5 They climb dangerous water towers for inspection high
6 above the tallest building. Fire prevention
7 inspectors witnessed the testing of all fire
8 suppression systems throughout the five boroughs.
9 They work in advance of firefighters' operations so
10 that the firefighters as first responders are able to
11 get water as soon as they arrive at the scene of a
12 fire. In addition to lives saved and countless
13 injuries averted FPIs save the city billions of
14 dollars in revenue by preventing property loss from
15 fires construction, accidents, and mass casualties at
16 public events. The fire prevention inspectors cause
17 and case I present today is an economic justice
18 argument. We present this also as a moral and ethical
19 argument in the name of racial equality. Not least
20 importantly this is a cautionary note because if the
21 inequities faced by the FPIs aren't addressed by our
22 elected leaders then costly legal battles are looming
23 and unavoidable. The FDNY has three primary
24 nonsupervisory jobs; firefighter, EMS, and fire
25 prevention inspector. In 2017 the median salary of

1
2 firefighters was over 85,000 dollars. Yet, with
3 overtime, median compensation for firefighters was
4 over 100,000. In 2017 about 75 percent of the
5 firefighters were Caucasian, about 25 percent racial
6 minorities. In 2017 the median salary of EMS
7 employees; EMTs and Paramedics was about 50,000. In
8 2017 about half of the EMS employees were Caucasian
9 and about half were racial minorities. EMS employees
10 mirror the city's diversity. In 2017 the median
11 salary of fire protection inspectors and associate
12 fire protection inspectors was also about 50,000. In
13 2017 only about 25 percent of the FPIs were
14 Caucasian. The other 75 percent were racial
15 minorities. This is an overwhelmingly minority
16 profession. The duties of both EMS employees and FPIs
17 overlap with firefighters. Like firefighters EMS and
18 fire prevention inspection employees are first
19 responders often in crisis situations. Firefighters
20 spend much of their time inspecting buildings for
21 fire code violations just as FPIs do. The duties of
22 FPIs overlap in many ways with firefighter duties.
23 EMS employees deservedly have the right to take the
24 promotion to firefighter exam. If they pass they will
25 be considered for firefighting before the general

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2 open competitive lists. They then will be able to
3 earn tens of thousands of dollars more per year than
4 their fellow unions who are fire prevention
5 inspectors. Unfairly there is no similar avenue for
6 FPIs to be promoted to firefighter. The promotion to
7 firefighter exam inexplicably isn't available to the
8 FPIs who are equally deserving of the opportunity to
9 become firefighters. This is unfair to fire
10 prevention inspectors. It should be fixed henceforth
11 just as a matter of fairness. In addition, because a
12 much higher percentage of fire prevention inspectors
13 are racial minorities this provision of not allowing
14 FPIs to take the promotion to firefighter exam
15 deprives the FDNY of a rich experienced talented pool
16 of people of color, a talented employment pool of
17 people of color. This irrational barrier also has an
18 adverse and dispirit impact harmful to FPIs who are
19 predominately racial minorities. Not fixing this
20 disparity creates the obvious risk of significant
21 legal liability for the city. For both ethical and
22 legal reasons this disparity should be quickly fixed
23 I might add. We call upon the Civil Service Committee
24 and related city council committees to push for an
25 immediate urgent resolution of this gross injustice

1
2 in time for the next promotion to firefighter exam
3 incurring some time in 2020. This exact date has not
4 been set yet.

5 CHAIRPERSON MILLER: Could you wrap it up
6 please?

7 DR. WILSON: Yep. We're starch advocates
8 in support of EMS employees having their promotional
9 opportunities. It should be absolutely continued.
10 What we are saying is that the same avenue for
11 promotional opportunity should be extended to FPIs as
12 well. Thank you for this opportunity to address you.
13 We look forward to enlist your support as we fight
14 for the dignity and justice for our fire prevention
15 inspectors. Thank you.

16 WARREN: Okay, is it okay if I testify
17 with the next panel? If you have any questions for
18 them is it okay if I wait for the next panel to
19 testify?

20 CHAIRPERSON MILLER: Okay, yeah actually...
21 we do. You said your most recent head count is 480
22 something, somewhere in there? 414? What's the
23 attrition rate over there?

24 DARRYL CHALMERS: ...we're getting a large
25 pool of young candidates because to become a fire

1
2 protection inspector you have to have a two year
3 college degree or you can have a background in
4 suppression systems, or you can be a prior volunteer
5 firefighter, then you also qualify for the job. So
6 now we're starting to get a good young pool of people
7 coming in for the job. Men and women, and, and they
8 love the job because they learn a lot. So that's what
9 we're getting right now. So the opportunity for the
10 promotion to firefighter as the professor was just
11 talking to you about, we don't have it. And the
12 reason why this was brought up is because a lot of
13 lieutenants and captains who are on the job, who used
14 to be fire protection inspectors had to take the open
15 competitive. And they think it's unfair because they
16 said the duties they learned as fire prevention
17 inspectors helped them more as being a firefighter
18 and a lieutenant and a captain because they have a
19 clear understanding of firematics.

20 CHAIRPERSON MILLER: So yeah that's kind
21 of answered both of my questions on qualifications of
22 the job where there are technical qualifications,
23 trades, qualifications aside from... could you have a,
24 maybe an associates or a two year trades degree as
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2 well? A certificate and... that would qualify you? And
3 then what's the average age? Do you know that?

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DARRYL CHALMERS: Well the average age of
5 an inspector coming on the job...

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CHAIRPERSON MILLER: Coming on.

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DARRYL CHALMERS: ...in the past used to be
8 guys would... coming in at the age of like 40, 50
9 because there's no age limit to the job. So now we're
10 getting a pool of young candidates who have a two
11 year degree. So we're getting people at the age of
12 23, 24. I have a big pool of candidates coming in at
13 that age. So that's the reason why a lot of them were
14 asking...

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CHAIRPERSON MILLER: Right.

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DARRYL CHALMERS: ...for the promotion to
17 firefighter.

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CHAIRPERSON MILLER: Because historically
19 folks would be aged out...

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DARRYL CHALMERS: That's correct.

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CHAIRPERSON MILLER: And now because of
22 the new pool and demographics of that pool...

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DARRYL CHALMERS: That is correct.

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CHAIRPERSON MILLER: ...it becomes

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necessary. Okay.

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DARRYL CHALMERS: And also Councilman I just want to make a note that also with that you have the opportunity for you to become a lieutenant in the New York City Fire Department you have to have a college degree. So already you have a group of minorities who are coming on the job who already have the degree already which now they can take that's promotional test to lieutenant or captain. You understand? So they already have that credential instead of being a firefighter who would have to go to college, to have to get his degree. So now you're getting a group of men and women who are minorities who will already have a college degree that can automatically take the next promotional test to lieutenant and captain as long as we have the promotion to firefighter added as with my brothers from EMS.

CHAIRPERSON MILLER: Okay. Thank you. Thank you for your testimony. With that we're going to call the next panel. Warren you can remain. And we have Vincent Variale, Delvanie Powell, and Michael Grero. Did everyone submit testimony or do everyone have testimony to be submitted? You may begin from either end or... end.

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2 DELVANIE POWELL: Dear Chairman Miller and
3 committee members. Thank you for the chance to speak.
4 My name is Delvanie K. Powell and I'm the President
5 of the United Probation Officers Association. I
6 represent over 1,200 probation officers and
7 supervisor probation officers including retirees. My
8 members consist of 90 percent people of color and 78
9 percent of which are women. We are honored to have
10 been invited to participate and testify today on the
11 importance of pay equity in the city's workforce. The
12 lack of pay equity is a reality for my member's lives
13 every day. It impacts the pave... it impacts we receive
14 but it starts with the way we are perceived.
15 Attitudes and assumptions create a viscous cycle that
16 perpetuates stereotypes and allows differential
17 treatment to go unnoticed and uncorrected. When
18 people think of the criminal justice system they tend
19 to think of the courts, police, corrections, and
20 parole. Probation is a piece of the anatomy of the
21 criminal justice system that is often forgotten or
22 grossly confused for other law enforcement agencies.
23 The work we do to... challenges and the training we are
24 required to complete is greatly unseen and
25 misunderstood? The task of a probation officer is

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2 unique and highly demanding as we are charged with
3 enforcing court orders, helping individuals
4 rehabilitate in lieu of incarceration and performing
5 duties of, as a peace officer. We have an intel unit
6 of probation officer who execute warrants within New
7 York and as well as other states. There's also a
8 cyber unit. These officers work detail with the NYPD,
9 Department of Corrections, US Marshalls, homeland
10 Security and many other law enforcement agencies.
11 ...made in some of the most dangerous neighborhoods.
12 Probation officers are in just as much risk as any
13 other law enforcement officer. This year to my
14 knowledge probation officers have been physically
15 attacked, verbally abused, attacked by Pitbulls,
16 suffered bodily injuries including concussions from
17 falls, stalked, and exposed to dangerous
18 environmental hazards. Probation officers are
19 required to work various shifts including nights,
20 weekends, and holidays while our work is shown to
21 reduce recidivism and increase success we are not
22 recognized. To be qualified for a career as a
23 probation officer one must have a graduate degree
24 from an accredited college or at least a bachelor
25 degree from an accredited college or a university, in

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2 two years a satisfactory full experience in a job
3 related field, complete two months of training and
4 satisfy training requirements to become New York
5 state peace officers. Yet the current hiring rate of
6 probation officers will be now at 42,759. Under our
7 new contract and according to a recent notice of
8 examination for the promotion position to the current
9 minimum salary for the supervisor probation officer
10 is only 54,030 dollars. These rates of pay for a
11 small family in New York City falls under the poverty
12 line in the line of a predominately of color. City
13 workforces such as EMS. We cannot retain members
14 because of the poor salary, high demand, and lack of
15 recognition. As this body knows in order to achieve
16 the goal of pay equity we must first admit that there
17 is a problem. But we cannot stop there. We must also
18 have the intentions to make the commitment to change
19 the attitudes that allows this to persist. I want to
20 thank this body for taking leadership on ending the
21 cycle of poverty that the city employees face due to
22 discriminatory pay practices and pay inequity by
23 passing local law 18. This is a huge step towards
24 getting the information necessary to acknowledge that
25 there is a problem by requiring the city to look at

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2 the data. My fear is that DCAS will not take the
3 necessary steps of acknowledging and changing the
4 underlying problems. As you know data can be ignored
5 or swept away. And we must make sure that the city
6 commits to doing the difficult work of making changes
7 instead of digging into a position of defensiveness
8 and denial. DCAS continues to stonewall efforts by
9 our union and others to get pay data necessary for
10 our unions to address these problems. Notwithstanding
11 local law 18, DCAS consistently ignores FOIL requests
12 and refuses to turn over public records with
13 protectoral claims of privacy concerns. My members
14 are not concerned that people will know that, know
15 that, know their gender or their race. They're
16 concerned that they will not be able to put food on
17 their family's tables. They're tired of being treated
18 without dignity they deserve on the job and they're
19 tired of risking their lives on, unseen and
20 unrecognized. This administration is not, this,
21 administration did not start this problem but they're
22 responsible for ending it. We are not blaming anyone
23 when we say that we must and end the cycle. And again
24 I want to thank this body for this vital work in
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2 helping our members and correcting this injustice
3 over, long overdue for the city.

4 VINCENT VARIALE: Good afternoon. Thank
5 you Chairman Miller and distinguished members of the
6 Civil Service and Labor Committee. My name is Vincent
7 Variale and I am president of the Uniformed EMS
8 Officers Union, local 3621. I am also speaking on
9 behalf of Joseph Pataky, the President of the EMS
10 Superior Officers Association who could not be here
11 today in person but want to express his gratitude and
12 show support for this body's important work on the
13 issue of achieving pay equity within New York City's
14 workforce. The city of New York is the employer for
15 over 350,000 individuals within 50 agencies including
16 the fire department where our members work. Since
17 merging with the fire department in 1996 EMS has
18 felt the institutional challenges the department has
19 grappled with regards to bias. This impacts all
20 aspects of its operations from the work culture,
21 hiring, promotions, pay, and resource allocation
22 within the Department. EMT base salaries start around
23 35,000 dollars a year and cap around 50,000 dollars a
24 year after five years. Paramedics who have even more
25 medical training including a New York State paramedic

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2 certification and regional medical certifications
3 start at only 45,000 dollars a year. Similarity...
4 similarly lieutenants and captains top pay is capped
5 at 71,000 and 75,000 respectively. Comparatively
6 other first responders such as those on the... same
7 department earn 110,000 after five years on the job.
8 Police officers are similarly compensated as are
9 sanitation workers. The common difference these other
10 titles share in that they are much more white and
11 much more male. This stark difference in pay and its
12 corresponding demographic relationship in our
13 department exemplifies what is a citywide problem of
14 pay inequity. While the example we offer in the FDNY
15 shows that extreme contrast in pay and demographics...
16 in fact when you step back and look at the
17 demographics, pay and work obligations within other
18 agencies and departments throughout New York City you
19 can see a pattern of segregation emerge in which
20 white and male employees are given more desirable
21 positions, paid more, offered more employment
22 opportunity and advancement, better recognition and
23 authority while employees of color and women are
24 saddled with greater responsibilities, offered less
25 career advancement, required to cover changes in the

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2 working requirements while receiving less recognition
3 and less pay for their services and sacrifices. You
4 can see this with the example of the UPOA gives in
5 law enforcement. And you can see across all city
6 agencies in the landmark litigation with CWA, local
7 1180 where administrative managers were given
8 significant responsibilities such as standing in for
9 heads of department and jobs like deputy director but
10 still thought of and referred to as paid secretarial.
11 This problem did not start with this administration.
12 But until it is ended it will perpetuate cycles of
13 poverty in the city. Anytime you have a workforce as
14 massive as New York City's without a comprehensive
15 plan in place to prospectively address bias you will
16 inevitably end up with the problem New York City
17 currently struggles with of pay inequity. However,
18 now that we know that this is a problem and it does
19 exist the city has an affirmative legal and moral
20 obligation to address and resolve this problem. Local
21 law 18 is a good step in this process and we thank
22 this body for making this law a reality. But turning
23 over data is the first step. And unfortunately data
24 alone will not solve the problem. We must see a
25 willingness from the city to act as a partner to

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2 acknowledge the problem and commitment to spend the
3 resources necessary to remedy the problem. Saying
4 that this will cost money to fix is not an excuse to
5 perpetuate segregation, discrimination, and relegate
6 civil servants and their families to a life of
7 poverty. This city has the resources to make these
8 changes and the long term effect to pay equity will
9 actually save money and improve the quality of life
10 of the city and its employees. We look forward to
11 working in partnership with this committee and this
12 council to bring New York City as an employer into
13 the 21st century and to build on the work this body
14 has already done to finally and fully end pay
15 inequity in New York City's workforce. I'm available
16 for any questions you may have. Thank you.

17 OREN BARZILAY: Good afternoon Chairman
18 Miller and distinguished members of the Civil Service
19 Labor Committee. My name is Oren Barzilay, the
20 President of FDNY EMS, Uniformed EMTs Paramedics and
21 Fire Inspectors of Local 2507. Thank you for allowing
22 me the chance to address you today with regards to
23 the importance of pay equity for our members. Pay
24 equity is not just a lofty goal that the city should
25 aspire to, it is a fundamental right. The absence of

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2 which causes great adversity and hardship
3 significantly diminishing the quality of life of
4 those who are subjected to desperate and unfair pay
5 practices. The FDNY has two bureaus. One is almost
6 exclusively white and male and one is predominately
7 of color with the largest number of women of any
8 first responders in the city. Both sides provide life
9 saving emergency services. You can guess which side
10 is paid more, given more resources, respect and
11 recognition. But what is shocking is just how much
12 this disparate treatment impacts our members who
13 report that. Despite working highly demanding full
14 time job as first responders risking their lives and
15 often completing overtime many have to apply for food
16 stamps, sleep in homeless shelters, and live hand
17 but, hand to mouth wondering if they'll, if they will
18 have enough to survive. Equally shocking is the city
19 denial of the cycle of poverty and hardship created
20 by these pay practices or the fact that these
21 problems disproportionately affect the female and
22 nine, nonwhite city employees. Despite numerous
23 lawsuits, large rallies, reports by the public
24 advocate, and even the New York Times weighing in and
25 calling for pay equality for EMS members the city

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2 refuses to acknowledge there is even a problem to
3 remedy. How do we solve this problem when the city
4 refuses to be our partner? On behalf of local 2507
5 and our members I want to thank the council for
6 passing local law 18 which requires the city to
7 disclose pay data and to use this information to
8 remedy its discriminatory pay practices. By getting
9 this aggregated data the city has an opportunity to
10 remedy problems that exist and to change the quality
11 of life for city employees. But of course this
12 requires a willingness to acknowledge the problem and
13 a desire to be part of the solution once you have
14 that data. This administration has the opportunity to
15 be on the right side of this issue, history will
16 judge. And I'm sure this body will preserve the
17 remain vigilant, ensure that the city will not engage
18 in the same bad faith delay tactics that we have met
19 with our effort to get similar data. In May of 2017,
20 over two and a half years ago we asked the city to
21 provide our unit with the pay data so that we could
22 better understand the disparate pay issues our
23 members face to help them. The city refused requiring
24 us to bring an article 78. We offered a solution to
25 every questionable excuse the city gave not to turn

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2 this data over. We offered to have the data redacted,
3 we offered to have our statistician do the work to
4 prepare the data. We offered to have the files pulled
5 an alternative way. Rather than work with us to get
6 this information and correct these problems the city
7 has become recalcitrant and defensive has, and has
8 used its resources to deny the problem. A commitment
9 to nondiscrimination in the workforce is a commitment
10 to excellence. The ability of the FDNY to provide the
11 highest level of emergency preparedness, to the
12 largest busiest EMS systems require that those
13 providing the service be paid a living wage. The cost
14 of ignoring this problem is significantly more
15 expensive and more dangerous than the cost of ending
16 pay inequality. As reflective stories in New York, in
17 New Yorkers read and hear about daily EMS employees
18 save countless lives. Our members save taxpayers
19 billions of dollars annually based on industry
20 standards. In reality human life is priceless and so
21 is the lifesaving work of our valiant EMS,
22 paramedics, and fire inspectors. We are seeking a
23 simple wage equity and salaries that reflect our life
24 saving work, our every day contribution to the
25 quality of life of all New Yorkers. The mayor has

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2 justified on the, underpaying EMS workers because he
3 says the work is different. Actually EMS workers are
4 different. They are more diverse, highly skilled.
5 First responders who rescue all citizen in medically
6 urgent situations including rescuing police officers,
7 firefighters, accident victims, children, and the
8 most vulnerable. We even save elected officials who
9 face medical trauma. EMS workers risk life and limb
10 every day taking care of all New Yorkers. They
11 respond to over 1.6 million emergency calls annually.
12 They are exposed to disease, dangers, and frequently
13 violent conditions. They sometimes shed their own
14 blood in the line of duty. They operate in horrendous
15 traumatic situation as first responders. The mayor
16 was elected using the... of Charles Dickens of Tale of
17 Two Cities; rich and poor, black and white, unequal
18 and unjust. Yet our mayor like another Dickens
19 character, a Christmas Tale, a scrooge, refuses to
20 acknowledge EMTs, paramedics, life saving work on
21 behalf of all New Yorkers. This mayoral
22 administration has only a scrooge like lump of coal
23 as a reward for the valiant EMS workers and our fire
24 inspectors. Insultingly at last September's civil
25 service committee hearing the fire department brass

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2 actually as a group stood up and walked out of this
3 committees hearing. Insultingly, without even
4 listening to the stories of valor and sacrifices of
5 our EMS worker, perhaps the mayor doesn't get it,
6 perhaps the mayor doesn't understand that the FDNY is
7 adding insult to injury in his name by turning the
8 administration's back literally and figuratively on
9 EMS employees in this committee hearing and at the
10 collective bargaining table. But we want to make sure
11 that our elected officials understand that we are
12 held accountable and we'll fight politically to make
13 our interests known and responded to. Whenever
14 there's an injury a family or loved one, regardless
15 of the dangers, EMS is on the scene in minutes. Even
16 in the most dangerous of conditions, god forbid in a
17 medical crisis even the mayor must rely on EMS
18 employees from dispatch to ambulance crews. We call
19 upon the mayor during this holiday season to stop
20 being a scrooge. IT's time for the mayor and FDNY to
21 recognize and compensate the value and heroism of our
22 EMS workers. The mayor can draw upon Christmas carol
23 and replace the lump of coal he puts on the table in
24 collective bargaining for EMS with a fight of justice
25 and equality that our members have earned, that they

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deserve, and that all New Yorkers would respect. When it comes to subsidies and tax breaks for developers somehow the city magnificently, magically finds billions of dollars to give to the one percent for our most fortunate and most powerful among us. But when it comes to working people the city has its leadership... poverty, indifference, and all too often exhibits disdain regarding the working conditions and pay equity. We call upon the mayor to have a change of heart and to reject the city's scrooge like bargaining stance with our union and in the name of justice help our members bridge the pay equity gap so EMS employees can earn a wage that reflects the life saving value our members who contribute to the city on a daily basis. Thank you for the opportunity to present our members concerns and more importantly thank you for your solidarity in support of our EMTs, paramedics, and fire inspectors.

MICHAEL MICHAEL GRERO: Thank you
Chairperson Miller, and thank you council members for your tireless efforts in pay equality. My name is Michael Grero. I'm the Vice President of Local 2507. I did not prepare a testimony. I do have one written out in response to basically what DCAS said when I

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2 came up here, so I will make it available in email
3 form for the record. I just wanted to comment on DCAS
4 stating over and over how sensitive the information
5 required under local law 18 is and how carefully they
6 need to protect it thus causing delays. Of course we
7 want to protect data. Our members deal with HIPPA
8 issues and concerns all the time. And we understand
9 sensitive information. The only sensitive information
10 in local law is salary and pay. That's the sensitive
11 part. The other voluntary, the gender, the... whether
12 your race... that is voluntary information that isn't a
13 sensitive nature. However, it's already affirmatively
14 required to be made public before local law 18 was
15 ever enacted. I can go to a website, my pay, my
16 salary, and everything. This is all a pretext because
17 the city doesn't want to have race and gender data.
18 It's that simple. We have been suing them for two
19 years for race and data. And like my colleagues have
20 said they just refuse and put stumbling blocks in
21 front of us every time. Data is only good as those
22 analyzing the results. Pay quality isn't just an
23 issue that affects wherever the mayor identifies
24 there is one. When he feels the cause is right he
25 moves mountains. But when confronted with issues

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2 right under his nose he not only draws a line in the
3 stand but then sticks his head right in it. Less than
4 one percent female of firefighter, I'm sorry less
5 than one percent of firefighters are female. We have
6 30 percent. If you just look at that number you would
7 think that's a fantastic number. However, because one
8 area is so underrepresented should we be content at
9 30 percent? Millions are spent to get over the one
10 percent mark yet not a dime is spent to get us over
11 30. We've been at that number for quite some time. We
12 should not be happy with the status quo simply
13 because other people are so bad at it. We have 50
14 percent women in this world, 50 percent men. We are
15 close. We should be striving and spending the money
16 to recruit even higher. Let's not rest on our laurels
17 simply because we're at a number as 30 percent. The
18 fact that 3,000 members of a 4100 member force of
19 EMTs and paramedics have less than five years shows
20 how underpaid and undervalued we are. Now forgive me,
21 I know those last stats aren't about the local law
22 but I couldn't sleep at night if I didn't just give
23 you one. Other than that I am available for
24 questions. Thank you very much for your time.

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2 CHAIRPERSON MILLER: Thank you for your
3 testimony. So I do have a few questions. First of all
4 I would, I need to say I was kind of going over the
5 years and I was... and some of the work that the
6 committee has done. And I was looking at the amazing
7 rally that we had on the steps... October? September?
8 September, yeah. It was an amazing rally that brought
9 attention to the world... of the EMS, EMT... and quite
10 frankly who the FDNY continues to be. We have
11 additional legislation that we think will be
12 addressing some of that stuff. But for the purposes
13 of what we're doing here today... I first want to ask
14 simply, from a collective bargaining standpoint, does
15 the information that is required that has been kind
16 of aggregated and agreed upon for local law... is that
17 sufficient, not just sufficient for the purposes of
18 these bargaining units in terms of pay equity, having
19 that information, is that some of the data that was
20 missing, the information that was missing during past
21 negotiations, things that obviously you had to sue to
22 get information? Will some of this information be
23 available to you by virtue of local law? Is there
24 something that... Or is there additional information
25 that would be required in order to have the type of

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2 good faith negotiations that are necessary for the
3 membership to have proper compensation.

4 MICHAEL GRERO: I just want to address
5 that the information is relatively good. I just have
6 to say the problem isn't the information, the problem
7 is collective bargaining. When you turn around and do
8 pattern bargaining... If you were being racist to us by
9 paying us less than other people at the last
10 contract... if you're offering seven and a half percent
11 over 44 months like you are everybody else you're
12 just increasing that problem. Because if you make
13 100,000 dollars and you give that person a ten
14 percent raise, you've just rewarded them with a
15 10,000 dollar raise. If I'm significantly paid less
16 than 50,000 and you offer me a 10 percent raise
17 you've just paid me 5,000 dollars raise. So if we're
18 saying that the pay equality is so prevalent and then
19 you offer me a pattern bargaining you're basically
20 spitting in our face and saying there's not a
21 problem, we're going to offer you just as much as
22 everybody else while not offering as much as
23 everybody else. So the numbers, while some race, some
24 gender, some pay versus others is great and it's good

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2 numbers, but if I bring it to the table and they
3 don't want to look at it, it's a problem.

4 CHAIRPERSON MILLER: So clearly there's a
5 number of dynamics... there's a number of lawsuits that
6 they've been engaged in over the years, a number have
7 been settled... negotiations is about leverage right.
8 Because this information, this issue, and beyond
9 that. Because when the admin, when we talk about,
10 when I talk about pay equity proper conversation I
11 know that the solution, the answer does not come in
12 and come to collective bargaining right? Because we
13 are all bound by the tailor law here right, and as
14 you indicated somebody gets seven and a half percent,
15 you get seven and a half percent, and you remain at
16 the same level and you just like that hamster, never
17 catching up, right. What is it that..

18 OREN BARZILAY: But the data will show
19 that there is a disparity..

20 CHAIRPERSON MILLER: Right.

21 VINCENT VARIALE: ...actually I want to
22 correct, I just want to say that it will confirm the
23 disparity that we already know exists. And the
24 importance of that information will, I think would
25 help us with collective bargaining, with litigation

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2 currently to help the mayor see the wrong errors of
3 his ways that we're being discriminated against. So
4 to answer your question yes I think that information
5 would be helpful overall, long term collective
6 bargaining wise you could be helpful. But certainly
7 right now they've been putting nothing but obstacles
8 in our way from, and preventing us from trying to get
9 that information. As Vice President Grero stated... two
10 years now we had a lawsuit going for this information
11 and for two years they've brought up ridiculous
12 arguments between veteran, questioning whether
13 veterans day is a holiday to sensitive information
14 that can be found on the website if you go online.
15 And these are all just play that they use to prevent
16 us from getting the information that's needed.

17 CHAIRPERSON MILLER: Stated time and time
18 again from different bargaining units that have come
19 before this body to address it. And what was kind of
20 the reasoning behind it was that it was universal
21 information that was relevant to collective
22 bargaining, specific to pay equity right. And
23 obviously there's information that is necessary for
24 collective bargaining but specifically to those
25 bargaining units that, that are attempting to address

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2 pay equities whether or not this information is
3 relevant to this, is there other requisite
4 information.

5 VINCENT VARIALE: The bottom line with
6 this information is we keep on bringing out the data
7 and keep saying what our numbers are, that we know
8 it's true but... the mayor's office or the DCAS
9 presenting that data, they're going to keep
10 dismissing our argument as that's union rhetoric.
11 Because they're not showing the proof, they're not
12 showing... confirm numbers that we know exist. So they
13 can still hold onto that shred of argument they have
14 left to save that. But once they put that information
15 out there they no longer have that argument. They
16 can't say that anymore because it's right in front of
17 everybody's face. So then it could help us long term,
18 make the argument that you are clearly... and it's not
19 just me saying so... it is clearly discrimination
20 because we are getting, not getting paid for... the
21 same... we're not getting the same equity as other
22 responding agent, other agencies, first responders
23 and emergency services and so forth.

24 CHAIRPERSON MILLER: Okay and you know
25 that part of it is that the council itself has 90

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2 days to aggregate the information as well. So
3 obviously by virtue of the hearings that we've held
4 over the last few years and dealing with specific
5 bargaining units we know what to look for right. And...

6 VINCENT VARIALE: We appreciate that.

7 CHAIRPERSON MILLER: So we're going to
8 spend 90 days kind of taking a look at that and
9 whatever story that is told from the other side of
10 the building we're going to tell the story, and
11 certainly from this seat, obviously we, I think we
12 know what to look for.

13 OREN BARZILAY: When Councilwoman
14 Rosenthal was asking the city if they can produce
15 data on specific agencies they deliberately avoided
16 that because they don't want to produce it. They want
17 to do a globalized number. Because once you pinpoint
18 agencies then they will show the discrepancies and
19 the inequality. That's where the numbers will show
20 and they don't want to produce that. If they were to
21 do what you ask them to do it will show exactly what
22 it is that you're looking for and why the numbers
23 would prove that there is a disparity in equality.

24 CHAIRPERSON MILLER: So again, for the
25 purposes of this hearing I think that we've already

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2 defined what to ask of, what we think is the
3 requisite information that is relevant to help to
4 ensure that we don't have the type of pay disparities
5 that we've seen, that I've seen over my 30 years as a
6 civil servant, as a president, as business agent, as
7 a, you know an employee. Well on all sides we know
8 that there are discrepancies that are, that are quite
9 intentional right, and that they're more prevalent in
10 some agencies more so than others. And I think that
11 this information... Look we've spent the greater part
12 of the last three years bringing this to the
13 forefront. As you say there's been... that's been
14 magnified and identified and written about time and
15 time again. But from your perspective... just time to
16 see something done about it. And sitting there... and
17 I'm going to be very public about this. The council's
18 done a lot of things around, that in my opinion that
19 is responsibility of those who are responsible for
20 collective bargaining which is organized labor and
21 the leadership that is there, that we can provide you
22 with the tools and the resources. But what we can not
23 do is bargain on your behalf. So I'm going to stop
24 short of that. Don't ask us to do that. The ask has
25 come time and time again but don't ask me to do it

1 because otherwise I'm putting you out of business.

2 And I don't know what you know about the people that
3 you represent, the industries that you represent and
4 the benefit and the services that they provide. I
5 think anything that I could do that this body could
6 do would be certainly the flaw and not the ceiling
7 which your membership deserves. So I think that
8 working together and what I would ask if there's any
9 additional information or anything that you believe
10 that was omitted that you please let us know, it
11 doesn't have to be at this moment, but get it to us
12 so that we can you know make the commitments or
13 request of DCAS in doing so, and/or that we can
14 consider this information as we aggregate in the data
15 that is given to us or the lack thereof. But...

17 MICHAEL GRERO: And as far as that law is
18 concerned I think in the next 90 days will show we
19 are going to get a massive data dump. You're going to
20 get a lot of information coming in. And the next 90
21 days is going to show what we might have to adjust to
22 it, as in how to interpret the data. And we, we might
23 not know what questions to ask right now because
24 after a bunch of people look at it we might all be
25 interpreting it a certain way and we're going to have

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2 to come up with a uniform way of interpreting and
3 then now what are the results and plan of action with
4 that data. If you notice that two secretarial
5 agencies arbitrarily you know are making 20,000
6 dollars different, having that information is great
7 but what are the steps in the law to remedy the
8 situation. That I think is going to be the most
9 important part of the next 90 days, in the next year
10 of this law to figure out that we show the mayor look
11 there's a 20 percent, 30 percent in all these areas
12 but he doesn't want to do anything about it we might
13 have to put more teeth into it to, to adjust. So I
14 think that's where the next 90 days will be
15 beneficial for us.

16 CO-CHAIRPERSON ROSENTHAL: I really
17 appreciate everyone's testimony. So thank you so much
18 for coming here today. Thank you for your patience.
19 There was one person who read extensive testimony I
20 think beyond what we received a copy of... Or... So you...
21 it was very colorful.

22 VINCENT VARIALE: I have something else I
23 want to add. I know it has, it doesn't really pertain
24 to local 18, local law 18 but something that was said
25 and I feel I just want to correct it. Vice President

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2 Grero brought up the fact that 70 percent of EMS has
3 less than five years on the job. And that is, that is
4 very telling of the dangers out there for the people
5 of the city. Because EMS is, emergency medical is a
6 science of emergency medicine. And that takes years
7 to develop the experience needed to understand what's
8 going on with a patient medically or trauma-wise to
9 have somebody with no experience. And there's not...
10 this is not just me saying this. There's been
11 numerous studies that showing the survivor rate
12 increases and the patient outcome is, increase is
13 better with the... its correlation with the experience
14 related to the EMT or paramedic. The more experience
15 they have the better that happens. I want to correct
16 some testimony I've heard that its almost voiced as
17 if it's a privilege for EMS to be so called promoted
18 into fire. We don't consider that a privilege. In
19 fact, it's a burden. And it's an insult to say EMS,
20 it's a promotion to fire. It may be a transfer. But
21 firefighting is the science of fire suppression. EMS
22 is the science of emergency medicine. These are two
23 separate professions. I would not... I think it's an
24 injustice to call it a promotion to fire. It is
25 hindering EMS's ability because of the pay disparity

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2 to keep people in EMS because people are literally
3 left with a decision of I want to feed my family and
4 live a life where I'm not struggling to put food on
5 the table. So I have to go to fire so I can earn
6 110,000 dollars a year or stay in EMS and go get
7 welfare because my top pay is 50,000 dollars a year.
8 It's really taking away all the resources from EMS
9 and not doing it justice, just, not just to our
10 members but to the people of the city. They need it,
11 they deserve... they pay enough taxes, they deserve the
12 best medical emergency care they can get when they
13 call 9-1-1. And it's a shame that New York City...
14 capital of the world can't do that, or won't fix that
15 problem. Thank you.

16 CHAIRPERSON MILLER: And we agree. We also
17 obviously... that, and they continue to exacerbate and
18 perpetuate this myth of equity when they, when we ask
19 for information about attrition and they don't
20 include those that are being promoted, so called
21 promoted. And I... tell us and we've... I think that I
22 know almost what you know having tackled this for the
23 past three or four years. And this council's going to
24 continue to be relentless on these pay equity issues
25 because we all... if you look at the member of this... of

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2 the, of this committee that sat here whether they in
3 or out they were all represented, representative of
4 communities that were underserved and
5 undercompensated by this, by the city. And we've, we
6 say time and time again that we have legislative and
7 creative policy that, that it takes behavior around
8 EEO and for private sector and many others. But you
9 know we haven't been able to clean house. And we want
10 to make sure that internally that we are doing
11 justice to over 300,000 women and men that make this
12 city great. And there's a reason why 65 million
13 people come here. There's a reason why Amazon and
14 Google and other folks want to set up shop here. All
15 the bad things they say about our municipal workforce
16 is precisely that reason right. Obviously you know I
17 have an affinity for transportation that they pound
18 this every day. But there is no other 24 hour
19 transportation system that provides what they
20 provide. There is no other skilled EMS services that
21 provide the level of services that are being provided
22 here and being challenged on the daily basis with
23 eight and a half million folks. It just doesn't
24 happen. And our public servants, they answer the call
25 on the daily basis and we should compensate them

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2 accordingly. And that means that we understand that
3 there is some inherent differences but it's time for
4 us to fill those gaps. And that's what this is about
5 here. And providing the tools to do so. No excuses,
6 we've gotten beyond that. That's why today wasn't
7 about relitigating pay equity. It was about
8 addressing local law 18 whether or not it was being
9 complied with and what do we do moving forward. And
10 so we're just committed to pay equity. And I want to
11 thank my colleagues for being here, for asking to, to
12 join in and be a part of this, her knowledge is an,
13 is just, is keen and it's necessary as we move
14 forward with this. And the struggle continues but
15 we're here with you.

16 VINCENT VARIALE: Thank you very much.
17 Happy Holidays, yes.

18 CHAIRPERSON MILLER: Thank you. And with
19 that [gavel] hearing is officially adjourned.
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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 DECEMBER 27, 2019