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Gale A. Brewer, Borough President

Testimony of Gale A. Brewer, Manhattan Borough President
Hearing of the New York City Council Committee on Committee on Civil Service and Labor
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My name is Gale A. Brewer and I am the Manhattan Borough President. I want to thank Chair Miller and the members of the Committee on Civil Service and Labor for the opportunity to testify today.

The pre-considered bills being discussed today represent common sense amendments that build on established protections for our city's building service workers. These employees represent a vital sector of our workforce and are entrusted with the safety and overall well-being of our commercial and residential buildings. For that reason and many more this is a sector that deserves the same level of security that they provide to the buildings they steward. I commend Council Members Miller, Cornegy and Rodriguez for their respective pieces of legislation and am proud to stand with you both as a stalwart supporter.

As a member of the New York City Council I was an early co-sponsor of Intro. 2019 of 2002, later established as Local Law 39 of 2002. I immediately recognized the importance of establishing basic job protections and predictability for workers uncertain of how transition in ownership would impact the future of their employment and their ability to continue providing for their families. Prior to the passage of the bill, the absence of local worker retention laws presented a problem for workers, owners, and their clients with the hearings that followed exposing the adverse effects of abrupt workforce turnover. The testimony highlighted that decisions by some owners to replace experienced professionals with entry-level personnel in an effort to cut costs came at the expense of poor service delivery to their tenants. The result of these business choices was greater economic costs for building operations in the short-term and city social services in the long-term. Failing to prevent instances of immediate worker turnover meant instability that extended beyond the workers and into their neighborhoods and local economies.

These facts represented what many in the property management and real estate community already understood. The drafters of this legislation recognize the challenges it would pose for owners and took care to provide levers of relief with clear compliance rules that allowed organizations like the Realty Advisory Board on Labor Relations to provide supplementary materials to guide their members.

Broader than an economic development pilot or wage regulation and stronger than a feature within a community benefits agreement, this legislation presented a clear and balanced approach for both owners and employees to embrace. This law has been supported by the National Labor Relations Board and has contributed to the growing list of cities and county governments that have enacted similar protections for their own workers.

It is critical that a law of this significance be reviewed over time to see how it can be improved. The changes detailed in the bills before this committee today suggest a thoughtful approach to making the goals of this law even more successful than Local 39. Both bills include the addition of new qualifying job titles providing that a knowledgeable workforce in emergency response and public safety planning is retained. In particular, Council Member Rodriguez's bill would seek to include food service workers, a measure I also support. Eliminating the exemption for city-owned buildings and including some larger commercial office employers removes the double standard for service workers who carry out the same level of work and deserve equal protections and safeguards. Regarding the question of a salary cap the current ceiling of \$25 is no longer appropriate. The salary cap is a feature that risks leaving portions of the workforce exposed since the original legislation created no mechanism for keeping pace with inflation and the cost of living.

The amendment also addresses issues that arise with insourcing and outsourcing of onsite work. As new companies grow and new owners reassess the financials of recently acquired assets they often take jobs in-house or contract with a third party, without taking into account the well-being of the workers currently in place. The law protects service staff even if the owners part ways with the holdover contractor. Workers under an outside contract may experience the same hardship from a turnover as workers who are directly employed and they should have the same rights – this is a gap in the law that should be closed.

Finally allowing for language that extends the law's coverage to any job related to building service work is an important deterrent to those trying to circumvent the law. As an additional deterrent, the amendments provide clear directions to the court on remedies for relief including reinstatement/reinstatement, back pay for prolonged dismissal beyond 90 days, and a right to damages for indirect harms.

I applaud the sponsors of these bills for their commitment to the men and women that keep our buildings running and I am eager to work with the Mayor, members of the Council, building owners and worker organizations on these and other strategies to make sure the workplace operates fairly for all involved.

Thank you.