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**Testimony of State Senator Brad Hoylman Before the New York City Council
Committee on Civil Service and Labor Regarding Proposed Amendments to the
Displaced Building Service Workers Protection Act**

November 23, 2015

Thank you for the opportunity to testify today regarding proposed amendments to the Displaced Building Service Workers Protection Act in this pre-considered bill. I want to thank Council Member I. Daneek Miller, Chair of the Committee on Civil Service and Labor, and Council Member Robert E. Cornegy, Jr., the bill's prime sponsor, for proposing to introduce these amendments, as well as the sixteen other committed sponsors in the City Council.

The Displaced Building Service Workers Protection Act, signed into law by Mayor Bloomberg in November 2002, was enacted in order to protect the short-term job security of building services workers in the wake of commercial property sales. The law established a legally mandatory transition period of 90 days after a building transfers owners, during which time building services workers continue in their roles, are evaluated by the new ownership, and may then be offered the opportunity to stay on depending on their performance.

While the Act has been instrumental in securing stable transitions for building service workers over the last thirteen years, the text requires several updates in order to align its protections with the evolving landscape of building services work in New York City.

Increasingly, commercial office tenants have been directly contracting office cleaning services rather than relying on services provided by building-wide contracts. In fact, some landlords are now even mandating that lessees acquire their own services. In light of this new reality, the Act must be updated to ensure that the same worker displacement protections in place for workers contracted by building owners are also in place for workers contracted by commercial tenants. However, the pre-considered bill exempts commercial lessees with fewer than 10,000 square feet of rented space, which will ensure that small operations do not face undue hardship from the law's new application.

The original Act also could not predict the greater movement toward outsourcing building services work and, in turn, insourcing work that was once contracted out. The amendments proposed in the pre-considered bill would ensure that workers are protected from arbitrary dismissal during nearly every type of employer transition, including from building owner to building owner, contractor to building owner, and building owner to contractor. Moreover, the amendments bolster the remedies available to workers by allowing courts to provide for reinstatement and backpay beyond ninety days. This will ensure that employers do not simply disregard the law and accept any resulting penalties from the occasional court case as the cost of doing business.

Other common-sense changes include the addition of covered job titles such as safety director and security officer, reflecting changes in the lexicon of building services, and the removal of a salary cap of \$25 at which point the law no longer applied, which has not been updated to account for rising income levels and could possibly threaten protections for vulnerable workers.

Finally, the amendments would end exemptions for buildings where the City leases more than half of the space. The public sector should set an example for fair and responsible treatment of workers, rather than finding workarounds that exempt government from laws applicable to our private sector counterparts.

I have witnessed the need for many of these amendments firsthand. This past summer, the shared workspace company WeWork, a large and growing commercial lessee in many New York City buildings with headquarters in my district, terminated its contract with commercial building cleaner CBM in an effort to move its operations in-house. I stood with former WeWork cleaners as they applied for the new in-house jobs, and I was glad to see WeWork and 32BJ SEIU, the union working with the cleaning staff, announce a signed deal this fall that provided a path for many workers to recover their positions or gain compensation for time out of work. However, we cannot rely on good actors like WeWork to come to the table. We must take preemptive legislative action to protect the full range of building services workers during future periods of transition.

In order to help safeguard the economic security of thousands of working families in my district and across New York City, I respectfully ask my colleagues in the City Council to support the proposed amendments to the Displaced Building Service Workers Act contained in this pre-considered bill. I appreciate your time and consideration, and thank you again for the opportunity to comment.