

**Testimony of Michael P. Fishman, President of the SEIU Local 32BJ, before the Codes  
Committee of the New York State Assembly  
October 12, 2006**

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Good morning Chairman Lentol, members of the Codes committee. Thank you for inviting me to speak today. I am the President of SEIU Local 32BJ. Our union represents more than 85,000 building service workers, including cleaners, residential workers and security officers, in New York, New Jersey and Connecticut, Pennsylvania, Maryland and Washington DC.

Low standards in the security industry put people at risk and officers in poverty. Our work with top real estate owners and major security contractors has created a model for improving security standards and offering security officers a path out of poverty, but action is needed to improve conditions on a wider scale throughout the security industry.

**PRIVATE SECURITY IS A MATTER OF PUBLIC SAFETY**

We are all aware of the new security threats facing our country, our state and our city at this time. New York City is the financial capital of the world and home to the United Nations and the international diplomatic community. The density of people and business in the City means that a single attack on one building can bring tragic consequences to dozens of buildings or more. It means that improving security can not be done one building at a time.

Thus far, much of the response to 9/11 has focused on the public sector and progress has been made with police, fire, and emergency service workers to strengthen our safety network. However, the private sector has been neglected.

As the 9/11 Commission recently stated in its report,

“85 percent of our nation’s critical infrastructure is controlled not by government but by the private sector, private-sector civilians are likely to be the first responders in any future catastrophes.”

**SECURITY OFFICERS ARE A FIRST-LINE OF DEFENSE**

The 100,000 private security officers working in the private sector in New York State are on the front lines of our defense system. Everyday they protect the millions of workers, businesses, and visitors to our State. As it stands now security officers are a vital but neglected link in the state’s first responder network. When on the job for a sustained period of time, security officers develop in-depth knowledge of the tenants in the building and any special conditions that exist in the building. This valuable knowledge can make the difference in saving lives when emergency workers arrive on the scene. Unfortunately, thus far, there has not been enough progress made to link security officers with our police, fire and emergency service workers.

What’s more, security officers are being asked to do more and more, but are not provided with the additional training they need. For instance, they are being asked to implement more extensive building entry procedures with ID cards, turnstiles, x-ray machines, and baggage

checks. They receive and examine packages and coordinate specialized pick-up procedures with building tenants. They are conducting building evacuations in the event of emergencies and guiding tenants through additional fire and safety drills. And they are monitoring increasingly complex high-tech surveillance, fire safety, and access control systems. In many cases, they are being asked to perform these functions without little or no training in these areas.

## **THE SECURITY INDUSTRY IS UNDER-REGULATED WITH WEAK ENFORCEMENT**

Still, five years after 9/11, the security industry is under-regulated and enforcement of the existing laws is insufficient. New York State's security licensing law was written more than a decade ago before the first World Trade Center bombing. Under the current law, security officers are required to have only 8 hours of pre-hire training and 16 hours of on-the-job training, whether they are guarding a small town 7/11 convenience store or the World Financial Center in Manhattan. Compare this with home health care aides who get 75 hours of training or cosmetologists who are required to get more than 1,000 hours of training. Even the tranquil state of Vermont requires forty hours of training for their security officers.

The laws that do exist are routinely violated. A Department of State audit in 2002 found hundreds of companies that are failing to register their guards as required by law. This suggests that many security contractors are not even meeting the basic training requirements.

## **RACE TO THE BOTTOM LOW-BID PROCUREMENT SYSTEM**

This is an industry characterized by a race-to-the-bottom mentality where hundreds of contractors ruthlessly cut costs to win contracts. Even good contractors with a commitment to providing quality services are pressured to lower their standards to compete. The government, which is responsible for the employment of thousands of private security officers, perpetuates the downward cycle by using a low-bid procurement process that ignores the training and quality of the security officers being hired.

As a result, the wages and benefits in the industry are abysmal, and turnover rates are estimated between 100 and 300%. The security officers who are asked to protect our lives are often paid poverty wages that cannot support them and their families. This particularly impacts communities of color as security officers are 56% African-American and 21% Latino.

## **NEW YORK SAFE AND SECURE**

Following 9/11, in consultation with real estate industry and law enforcement experts, Local 32BJ launched New York Safe and Secure -- a project to make New York City safer and to professionalize the private security industry. As part of the New York Safe and Secure program, Local 32BJ's joint-labor management training fund worked with the New York Police Department, the New York Fire Department, the New York Department of Emergency Management, and John Jay College to develop a forty-hour training curriculum that provides the

state-of-the art training that security officers need to meet the challenges of a post 9/11 era. The trainers are highly qualified police officers or instructors from the NYPD or the Police Academy.

New York Safe and Secure has been supported by over one hundred New York local, state and federal elected officials, including Mayor Bloomberg and Police Commissioner Kelly. The Union has also developed an improved level of wage and benefit compensation to reduce worker turnover, and provide incentives to develop a cadre of experienced security professionals who want to make security their career.

## **PROGRESS**

We have made important progress since beginning the program. Several of New York most prominent building owners including Vornado Realty, Tishman-Speyer, Fisher Brothers, Durst, and Paramount Group are participating in New York Safe and Secure giving their security officers the training and improved wage and benefit standards they need to protect their tenants.

Two of the largest security contractors in the country have also agreed to work with 32BJ to raise standards. These contractors demonstrate that reputable security firms can succeed, if not thrive and prosper by marketing quality security services to their clients.

As a result, we have been able to raise standards for thousands of security officers at over a hundred buildings across New York City. However, in security, you are only as safe as your neighbor. That is why an industry-wide solution is needed. A few bad actors can threaten our ability to raise standards and put everyone's security at risk.

## **EMPIRE STATE BUILDING**

As the most high-profile building in New York, you would expect the Empire State Building to lead the way. But the Empire State Building has stood as an obstacle to our efforts to professionalize the industry. Last year, when we began our campaign to raise standards in the industry, security officers at the property made as little as \$7.00 an hour. After our campaign brought this to public attention, management raised wages for the officers, but at the same time they cut officers' hours, potentially undermining security at the building. Copstat, the security contractor at the building, has a history of wage and hour violations and in 2002 was fined by the Department of State for failing to register their security officers. In 2003, of the 75 officers at the Empire State Building, an average of 55 transferred into and out of the building every month.

In late July, Channel 9 reporter Jennifer Jordan, was able to sneak her entire crew into an unguarded entrance of the building which had direct access to the main lobby. Eric Adams will be testifying later about how his organization, 100 Blacks in Law Enforcement, performed a security assessment of the property that raised serious questions about security practices of the Empire State Building.

## **PUBLIC SECTOR – TRI-STAR**

In the public sector the problem is just as bad. The low-bid contracting process used in the public sector rewards the bottom of the barrel contractors who are willing to cut costs without

regard to the impact on standards. Tri-Star, the primary supplier of security officers with the City, pays its workers \$10 per hour without affordable health insurance. One of those workers is Robert Gonzales, 31, is a Tri-star security officer in lower Manhattan. He's been working near City Hall for more than a year and has more than 9 years in the security industry. Robert only earns \$10 an hour, which makes it very difficult for him to make ends meet as the sole provider for his four young children.

It is our understanding that Tri-Star was just terminated from State work because of alleged improprieties and the City is currently reviewing their contract.

Tri-star is just the latest example of an alarming, but continuing pattern. We have seen many instances where quality security contractors lose bids for public work because they cannot compete with unscrupulous contractors who are willing to cut corners.

## **POVERTY COMMISSION**

In addition to jeopardizing our safety, the current structure of the security industry keeps people of color trapped in poverty. I recently had the privilege of serving on the Mayor's Commission on Economic Opportunity, along with David Jones, the President of the Community Service Society, who is here today as well. One of the primary conclusions of the Commission was that we must find ways to make work pay. In the aftermath of welfare reform and the shift to a service-based economy, people in poverty are more likely than ever to have a job, but a job that doesn't provide the compensation or the career ladder to lift them out of poverty.

The security industry is a key source of employment for communities of color and is one of the four fastest growing job categories in the New York economy. It could potentially be a source of good wages and benefits for hard-working people in our communities. David Jones, president and Chief Executive Officer of the Community Service Society, and a respected authority on issues of urban poverty, will be speaking to you next about how the security industry has failed to live up to this possibility.

In addition to David Jones, you will hear today from security officers about the problems in the industry and the way that improved training and wage standards make a real difference for the safety of our citizens. Eric Adams will give you more information about the security assessment of the Empire State Building. You also hear from security industry experts from John Jay about the importance of improved training and the need for a career ladder for security officers.

We are calling on the state to consider taking the following steps:

### **Raise standards in the security industry**

- Increase the training requirement to a minimum of forty hours and explore additional training components that would give officers the skills to meet new security challenges.
- Create a minimum compensation standard for the security industry to reduce turnover.

- Provide enforcement agencies with sufficient resources to police these new, higher standards – lack of enforcement, in effect, punishes the good contractors who abide by the law.

**Change Procurement Policies from Low-Bid to Best Value**

- Government agencies should contract with security firms that can provide the necessary quality of security work at the best price.

**Give New York City the power to raise standards**

- New York City as one of the prime terrorist targets in the world faces particular security threats.
- The City Council passed a resolution requesting that the City be allowed to raise standards to address the particular threats facing New York City.

Thank you Mr. Chairman for the opportunity to address this committee.