

MEMORANDUM OF AGREEMENT

Whereas, SEIU Local 32BJ (“Union”) and the Realty Advisory Board on Labor Relations, Inc. (“RAB”), on behalf of its members (“Employers”) are parties to the 2020 RAB Commercial Building Agreement, the 2020 RAB Contractors Agreement, the 2018 Apartment Building Agreement, the 2018 Resident Managers and Superintendents Agreement, the 2018 Long Island Apartment Building Agreement, the 2021 Security Officers Agreement, and the 2021 RAB Window Cleaners Agreement (collectively, the “Agreements”);

Whereas, the COVID-19 pandemic has impacted building operations and building service workers throughout the City of New York and its surrounding counties;

Whereas, the parties desire to maintain the stable labor relations that have served them well during the COVID-19 pandemic, and ensure an effective and consistent response across the Industry to this and future public health crises arising from airborne infectious diseases;

Whereas, on May 5, 2021, the New York Health and Essential Rights Act, Senate Bill 1034B (“S1034B”), amending the New York Labor Law to include provisions on prevention of airborne infections disease, was signed into law by Governor Cuomo;

Whereas the parties consistently have sought to provide reasonable and effective protection from airborne infectious diseases to employees in the Industry from the outset of the COVID-19 pandemic and wish to continue such valuable and effective cooperation;

Now, therefor, the RAB, on behalf of its members, and the Union agree to implement the following to ensure a safe and healthy workplace for Industry employees as follows:

1. Employers agree to adopt an airborne infectious disease exposure prevention plan by August 3, 2021, by either adopting the model standard promulgated by the Commissioner of the Department of Labor in consultation with the Department of Health, or by establishing an alternative plan that is comparable to or better the minimum standards provided by the model standard. The RAB and the Union agree that an Employer’s adoption of the model standard relevant to them shall satisfy that Employer’s obligation to adopt an airborne infectious disease exposure prevention plan. Any Employer seeking to adopt an alternative plan that is comparable to or better than the model plan shall submit such plan to the RAB and the Union at least fourteen (14) days prior to the proposed effective date of such alternative plan, and if neither the RAB nor the Union object to such plan, in writing, within the fourteen (14) day period, such alternative plan will satisfy the Employer’s obligation to adopt an airborne infectious disease exposure prevention plan.

2. The RAB, Employers, and the Union agree to establish joint labor-management workplace safety committees. The workplace safety committees will be organized by Employer, except where the parties mutually agree that another format is acceptable. The workplace safety committees shall be comprised of Employer representatives, selected in consultation with the RAB, Union representatives, and bargaining unit employee representatives as the Union may designate. The workplace safety committees shall meet as needed, upon the request of either the

Employer or the Union, at such times and in such manner as the Employer, RAB and the Union may deem reasonable and proper. Each workplace safety committee so-established, will have the ability, consistent with S1034B, to: (a) raise health and safety concerns, hazards, complaints and violations to the Employer; (b) review any policy or procedures put in place in the workplace concerning workplace safety; (c) participate in any site visit by any governmental agency responsible for enforcing safety and health standards in a manner consistent with applicable law; (d) review relevant reports filed by the Employer related to the health and safety of the workplace in a manner consistent with applicable law; and (e) discuss training and equipment needs, including personal protective equipment. Meetings shall occur during work hours and shall be scheduled within two weeks of either party requesting the meeting, provided that in the event that there is an urgent health and safety issue or other urgent operational issue in connection with the exposure prevention plan, the parties shall make their best efforts to meet on an expedited basis. Upon agreement by the parties, commonly-owned, commonly-managed buildings that are subject to one of the above-referenced Building Agreement, may form a workplace safety committee that covers all or some of the commonly-owned, commonly-managed buildings. Established workplace safety committees may make reports and recommendations to the Employer, as necessary, concerning the above and other matters covered by S1034B within their responsibility to the Employer as may be appropriate.

3. The RAB, on behalf of its members, and the Union agree that the benefits provided under the Agreements and under this Memorandum of Agreement are comparable to or better than those provided under S1034B, enacted under N.Y. Labor Law Sections 27-d and 218-b, and therefore, pursuant to N.Y. Labor Law § 27-d (7) and N.Y. Labor Law Section 218-b (9), the provisions of S1034B are waived with regard to the parties, and to the extent not precluded by those laws with regard to other parties. The parties further agree that any dispute arising out of or relating to airborne infectious disease exposure prevention, including, without limitation, the implementation of this Memorandum of Agreement, shall be resolved through the applicable grievance and arbitration processes of each of the applicable Agreements, as the sole and exclusive process for resolution of such disputes. Any grievance alleging a violation of the Employer's exposure prevention plan that creates a substantial probability that serious physical harm or death could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, by the Employer at the work site, shall be submitted to expedited arbitration within three (3) business days of an arbitration demand.

4. During the period of time prior any requirement by the Department of Labor or Department of Health that the Employer implement its exposure prevention plan Employers shall follow the joint guidelines developed by the RAB, Local 32BJ and REBNY, as they may be revised, with respect to personal protective equipment, social distancing and other practices to reduce the risk of COVID-19 exposures and/or transmission.

SEIU LOCAL 32BJ

REALTY ADVISORY BOARD ON LABOR
RELATIONS, INC

By: David Prouty
David Prouty, General Counsel

By: Howard Rothschild
Howard Rothschild, President

Date: 7/11/2021

Date: 7/12/21