

Realty Advisory Board on Labor Relations, Incorporated
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Residential Building Preparedness Information

Guidelines to help owners and agents prepare their buildings and tenants to
weather a strike by service employees



March 2022

Contract Expiration Date: April 20, 2022

**REALTY ADVISORY BOARD ON LABOR RELATIONS
INCORPORATED**

1 Penn Plaza
New York, N.Y. 10119
(212) 889-4100

PREFACE

The contract between the owners and operators of residential apartment buildings in New York City represented by the Realty Advisory Board on Labor Relations, Incorporated (“RAB”) and Local 32BJ of the Service Employees International Union (“Local 32BJ”) will expire on April 20, 2022. It is possible that an employee strike could take place at that time.

The RAB and Local 32BJ are currently engaged in negotiations for a successor contract. We are all hopeful that a strike can be averted, but residents and owners of affected buildings need to be prepared for a possible strike.

This Manual is intended to help you prepare your building in the event of a strike. In the event of a strike, it is your obligation as the owner or operator of a residential apartment building to provide residents with the best level of service possible. It is also in your best interest to do so. This requires you to make certain decisions and arrangements well before the time of the strike.

This Manual will suggest guidelines for preparing your building and its residents for a strike. We deal with your preparations--checking out the physical plant, hiring security guards, reviewing insurance coverage. We also suggest procedures for dealing with residents and fulfilling your obligations to them, including the potential establishment of a "reserved gate" system if such a system is possible for your building. We include sample letters and signs which you can copy or transcribe onto your letterhead and post or send to residents now and then again shortly before the expiration of the present contract, as well as a letter which you may send to the Union to set up a "reserved gate". These letters will inform the residents of what is required of them and how the owner/managing agent will maintain vital services in the building during a strike.

This Preparedness Manual is intended as a guide for building owners and operators. You should not rely on this document for answers to legal questions but should consult counsel.

If you have any questions, feel free to call the RAB office at (212) 889-4100 or visit the RAB website at www.rabofr.com.

This document and its contents are confidential and should not be distributed, except to management personnel.

RAB - PREPAREDNESS MANUAL

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RAB - OWNERS' PREPAREDNESS MANUAL

INTRODUCTION

The parties that are directly involved in the current negotiations are Local 32BJ, Service Employees International Union (“Local 32BJ”), and the Realty Advisory Board on Labor Relations, Inc. (“RAB”). The contract, known as the 2018 Apartment Building Agreement, covers all building service employees working in Local 32BJ residential apartment buildings. In the event of a strike, some superintendents whose contract expires on June 21, 2022 will continue to work between April 21, 2022 and June 20, 2022.

THE UNION

Local 32BJ is a Union which represents more than 160,000 building service workers in ten states and Washington, DC. It represents building service workers in both residential and commercial buildings in New York City and is operated by a group of officers who are elected periodically by the membership. Currently, Kyle Bragg is the President of the Local.

THE RAB

The Realty Advisory Board on Labor Relations was formed 88 years ago as an organization through which employers in the building service industry could bargain with the Union. It is a membership corporation that is operated by a Board of Directors consisting of thirty-seven representatives elected yearly by the membership. The Board of Directors is sub-divided into a residential division of eighteen directors, a commercial division of eighteen directors, and one director-at-large. Negotiations with the Union are conducted through a committee chosen by the sub-division involved. The Residential Negotiating Committee is co-chaired by Andrew Hoffman of Hoffman Management, Eric Rudin of Rudin Management Co., Inc., and Jeffrey Brodsky of Related Management, and includes Albert Mayas of Charles H. Greenthal, Brian McCarthy of Samson Management, Daniel Wollman of Gumley-Haft, Inc., Daniel Wurtzel of FirstService Residential, Elly Pateras of Douglas Elliman Property Management, Greg Carlson of Carlson Realty, John Mongello of Durst Organization, Joshua London of Glenwood Management, Laurie Zucker of Manhattan Skyline Management Corp., Lisa Leib of Equity Residential, Mary Ann Rothman of the Council of New York Cooperatives and Condominiums, Max Freedman of Maxwell-Kates, Inc., Melissa Cafiero of Halstead Management, Mitchell Gelberg of Rose Associates, Inc., Neil Davidowitz of Orsid Realty and Rita Chu, a Director of East 67th Street Tenants Corp. as Advisors. They serve in this capacity without compensation, and are assisted by the RAB staff, counsel and appointed advisors.

In addition to bargaining on behalf of its 4,000 member buildings (3,000 residential buildings), the RAB, through its executive staff, provides day-to-day advice to its members in the administration of the collective bargaining agreements and represents members at grievances and arbitrations involving the agreements.

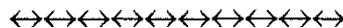
COMMUNICATION

In an effort to increase the ease of communication between the RAB and its members during the course of negotiations and during emergency situations, the RAB has established an emergency communications network through which we can quickly communicate with building owners and managing agents.

We are using the following systems:

- =>E-MAIL- you may contact us at NEstevez@rabolr.com.
- => RAB WEBSITE – recent bulletins and negotiating news will be posted to our website. The address is www.rabolr.com.
- => REGULAR MAIL - All bulletins will also be mailed by regular mail.
- => TELEPHONE - as expiration of the contract nears, and throughout any emergency, the RAB will be open day and night to provide you with any available information, either by recorded bulletins or from members of our staff.

Appendix D at the rear of this Manual contains a registration form for the emergency communications system. If you have not already done so this year, you are urged to return this form to us as soon as possible.



ADVANCE PREPARATIONS

COMPREHENSIVE CHECK OF BUILDING SYSTEMS

Because repair workers may be reluctant to cross a picket line in the event of a job action, you should conduct a thorough check of building systems well before the strike deadline. Heating systems, elevators, pumps, roof tanks, HVAC systems, etc. should be inspected to insure proper operation. In addition, oil tanks should be “topped off”. Necessary repairs and fuel deliveries should be completed before April 19, 2022.

Arrangements should be made by Owners/Management Companies to ensure the availability of key management staff during the possible strike period. If necessary, arrangements should be made to provide key management staff with hotel accommodations during the possible strike period. Thought should be given to creating a dedicated communication channel, i.e. Hotline, specific email address and or social media account, that would be staffed 24/7.

TEST ALARM SYSTEMS

Security is of paramount importance during a strike. Any alarm system or other security devices in your building should be tested to make sure that they are operational. Needed repairs to essential systems should not be delayed. Additionally, you should test the fire alarm and communication systems to ensure system reliability and performance.

CHECK VIDEO SYSTEMS

Check video recording systems, if applicable, to ensure that they function in the event of a strike.

REVIEW INSURANCE COVERAGE

Check your insurance policies to learn precisely what coverage you have during a strike. You may want additional liability insurance, e.g., coverage for vandalism, or special coverage if residents are to operate building machinery such as manual elevators, etc.

SECURE EQUIPMENT

Care should be taken to secure all building machinery and equipment rooms. This will prevent unauthorized persons from entering those areas and thereby protect against vandalism. Thought should be given to adding additional locks with keys held only by management and a designated resident in case of the need for emergency access.

OPERATION OF BUILDING EQUIPMENT

If Local 32BJ members are operating critical building equipment, it is imperative that a suitable temporary replacement person be found in the event of a strike. Qualified individuals can be found through your managing agent, service vendors, the Building Owners and Manager's Association (BOMA) and trade organizations. These individuals should be carefully selected and trained, if required, prior to the strike, and should be willing and able to fill in at any time in the event of a strike. Ask various service contractors, such as HVAC, plumbing and electrical, if they would be willing to supply these required services for a fee.

Compactors

Compactors should be cleaned on a daily basis. **IMPORTANT:** Unless qualified people are available to clean and check this equipment on a daily basis, it would be advisable to discontinue its use during a strike. If compactor usage is discontinued, **BE SURE TO SEAL THE HOPPER DOORS ON EACH FLOOR IF THIS EQUIPMENT IS NOT TO BE OPERATED AND TO POST NOTICES FOR RESIDENTS ON GARBAGE DISPOSAL PROCEDURE.** (Hopper doors can be sealed with wire or duct tape.) **IF THE BUILDING IS SO EQUIPPED, DOORS TO THE COMPACTOR ROOMS ON EACH FLOOR SHOULD BE LOCKED TO PREVENT REFUSE FROM PILING UP.**

NOTE: If any building equipment is to be operated by residents during a strike, be sure that they have been trained in the proper operation thereof and do not fail to check with your insurer as to the availability of liability coverage.

MANUAL AND FREIGHT ELEVATORS

A brief training program by your managing agent or building manager should be scheduled with the selected qualified temporary replacements prior to the strike deadline. The training should include the location and operation of the main elevator power supply controls. (You should take extra care to secure and protect this area.) Security guards may also be engaged to operate the manual and freight elevators. Consideration should be given to limiting the number of operating elevators.

ENGAGE SECURITY GUARDS

Arrangements should be made in advance to guarantee that you will have as many security guards as you will need in the event of a strike. Owners of buildings with doorpersons / lobby attendants should replace them with security guards, locking all doors and allowing access only to building residents and employees of residents. All security guards should have radio communication available to them. Updated phone numbers for police, fire department and other emergency services should also be available in an emergency manual. *It may also be helpful to have a camera and/or video camera available for the use of security personnel for recording any conduct that may damage property or violate the law. Cameras and/or video cameras should not be used to record striking employees for any other purpose.* If you do not have guards available at all times, you may want to have resident volunteers guard the door.

The earlier you reserve the services of the security personnel that you need, the fewer problems you will have if a strike does occur. The price of a firm reservation is generally a guarantee of one day's work. The price and quality of their services vary. Select according to your needs.

REVIEW SECURITY PROCEDURES

Guards and resident volunteers should be instructed that they are not to admit or do "favors" for anyone, including striking personnel, even if they are long time acquaintances, i.e., allowing access to use the restroom. There are no "pals" or "buddies" during a strike!

Review or formulate procedures for admission to the building and instruct all personnel and guards and residents about reserved gate procedures if you intend to set up a reserved gate, as described later in this manual.

UPDATE LIST OF RESIDENTS

The security guards and/or resident volunteers who will attend the lobby during a strike will need a list of residents, residents' employees and sub-residents who are allowed entry to the building. Ensure that each resident list details all residents and employees who should be permitted access to the building along with an emergency telephone number. Arrange the names alphabetically on one list and by name and by apartment on another. Both lists should be available to personnel in the lobby. Also, make sure personnel is provided with a list of emergency telephone numbers. (See Appendix C for suggestions.)

Consideration should be given to issuing ID Cards to residents. These cards need not be specific to the resident but should have features specifically tied to the building. For those buildings that utilize BuildingLink, or a similar portal, this system can be utilized by the security guards and/or resident volunteers to confirm access to apartment residents.

KEEP FUEL IN GOOD SUPPLY AND SECURED

If your building utilizes fuel oil, arrange for a fuel delivery just prior to April 20, 2022. Discuss with your fuel company the ability to deliver fuel during off hours. If no strike occurs on April 20, 2022, but no agreement has been reached, be prepared to re-order fuel as soon as the tank is $\frac{3}{4}$ full. In the event of a strike, picketing workers may prevent the delivery of fuel. Owners should discuss this potential delivery problem with their suppliers.

You should also be careful to secure the access (filler pipe) to your fuel supply in order to prevent vandalism.

PROVIDE FOR THE ELDERLY, THE INFIRM AND THE DISABLED

Certain building residents will be more seriously affected by a strike because of advanced age, infirmity or disability. Try to ascertain before the strike deadline which residents may fall into this category. Arrangements should be made to help them if a fire or other emergency should occur during a strike. Provisions should also be made to help them with removing garbage, receiving deliveries, etc. A resident representative or committee for this purpose is suggested.

GARBAGE COLLECTION

Garbage collection is a major problem during a strike. Often, sanitation employees refuse to cross a picket line to pick up garbage unless the Board of Health has declared a health emergency for the building. Prior to the potential strike, you should put out additional trash/recycling containers, where applicable and possible. Collection also can be facilitated by purchasing a large quantity of garbage bags and making them available to residents.

Residents can be encouraged to cooperate in this important aspect of building comfort during a strike. The following are suggested ways of dealing with the garbage in your building.

BE SURE TO CHECK OFF THE APPROPRIATE ALTERNATIVE IN THE LETTER TO THE RESIDENTS (APPENDIX B, SECOND LETTER). ALSO, BE SURE TO ORDER GARBAGE BAGS EARLY SO THAT YOU WILL HAVE AN ADEQUATE SUPPLY ON HAND.

Here are the possibilities:

A) Volunteers are needed to collect the garbage each evening and to place it at the curb for collection on appropriate days. To volunteer, please contact management.

OR

B) Each resident will be responsible for taking his or her garbage down to the curb for collection on appropriate days. The days for garbage collection in this building are: _____.

Please bring down your garbage no sooner than ___ o'clock the previous evening.

OR

C) During a strike the compactor will continue to operate. Please store recyclables or non-combustible trash in your apartment for disposal after the strike.

OR

D) Secure a container (dumpster) and place it in the street near the building entrance. Residents should be directed to dispose of all rubbish, including recyclables in the container.

MAIL DISTRIBUTION

In some buildings mail may normally be distributed by Local 32BJ members. If mail must be distributed by a building representative, a resident group or management personnel should be designated to oversee this task. The post office requires that one individual be designated to receive the mail. Select this individual and contact your local post office during the first week of April. Other functions will be dictated by the individual needs of the building.

PACKAGE DELIVERY

Package delivery personnel such as UPS, FedEx, DHL, etc., may refuse to cross picket lines to deliver packages. You should inform residents of this fact and/or arrange for alternate delivery of packages.

CLEANING

Building owners and operators may wish to consider alternate means to provide some basic cleaning to the building, such as the periodic use of service contractors or the use of resident volunteers. Your building may want to consider: discontinuing all special service work; closing public washrooms; and limiting public area maintenance to emptying receptacles and picking up litter once a day.

KEYS FOR ALL RESIDENTS

In buildings with lobby attendants/doorpersons, many residents are accustomed to entering without a key. Yet, during a strike there may be unforeseen periods when neither an attendant or guard will be available. Residents in such buildings should be reminded to carry their keys at all times. Make additional keys available to those residents who need them during the days preceding the strike deadline. Also, make sure to safeguard any keys to residents' apartments currently left with lobby attendants/doorpersons.

GARAGE FACILITIES

If your building has a garage staffed with service employees, you will have to decide whether or not to close the garage if a strike occurs. Be sure to inform anyone who uses the garage if it will not be open during a strike or to provide garage security or procedures that prevent entry to the building through the garage.

UNION SUPERINTENDENTS

If your building Superintendent is covered under the Resident Managers and Superintendents Agreement, such superintendent's contract does not expire until June 20, 2022. Until that date, he or she will continue to work pursuant to the contract, even if the rest of the

employees are on strike, but should not be required to do the work of the striking employees. (Pursuant to the Resident Managers and Superintendents Agreement, such Superintendents should not be required to perform the duties of striking employees except for emergencies involving health and safety, but should be required to perform their own normal duties.) Call the RAB to determine under which contract your Superintendent is covered.

NOTICE TO BUILDING RESIDENTS

A letter to building residents is provided in Appendix B (i) of this Manual. It explains that a strike may take place if a satisfactory contract cannot be negotiated before the April 20th expiration of the present agreement. It helps you outline all procedures that would be followed in the building in the event of a strike and urges the residents to volunteer to take on responsibilities to keep the building functioning. Once you have supplied the information appropriate to your building, the letter is ready for duplication. A second letter to building residents is provided in Appendix B (ii) of this Manual. It outlines the building's emergency procedures in the event of a strike.

You may also transcribe these letters onto your own stationery, but the first letter should be sent to the residents as soon as possible. ***YOU SHOULD HAVE THESE MADE UP IMMEDIATELY AND DISTRIBUTED TO ALL RESIDENTS.*** The second letter should be sent shortly before the April 20th deadline.

IF A STRIKE OCCURS

A sample strike notice is included in the tear out section at the end of this manual which you can post if a strike occurs. Simply tear it out and post it in a visible location, or you may transcribe it onto your own letterhead.

ESTABLISH A "RESERVED GATE" SYSTEM

In some residential buildings it may be possible to establish a reserve gate system in the event of a strike. Buildings with ground floor retail space, for example, may be particularly suited to the implementation of reserved gates. By setting up such a system, you may be able to limit picketing to the reserved gate and reduce its imposition on residents.

Provided that you are vigilant about maintaining it properly, a reserve gate system in certain residential buildings may be enforceable under the labor laws. Guidelines for the establishment of such a system are included in this Manual under the heading Reserved Gate Systems.

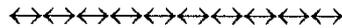
OTHER SPECIAL NEEDS

Residents who are expecting guests or are hosting gatherings after April 20th should be advised of the possibility of a strike and management should have arrangements in place to provide for extra security or other items which may be necessary.

Also, guest lists should be provided by residents to security personnel, or, in the alternative, a family member may wish to be present in the lobby to identify guests at the time of arrival.

"LONG HAUL" CONSIDERATIONS

Although prior strikes in the residential sector have normally lasted one or two weeks, the 1996 strike in the commercial sector lasted for more than thirty days. Experience has shown us that methods involving volunteers and residents performing services are effective in short-term emergencies, but should be replaced or supplemented with other methods, such as service contractors, as rapidly as possible. This will minimize inconvenience to residents who also have busy schedules and obligations which prevent them from being available for volunteer work over a longer period of time.



WARRANTY OF HABITABILITY

DIMINUTION OF SERVICES

The Warranty of Habitability establishes your potential liability for loss of services in your buildings due to circumstances beyond your control. If you face a suit for diminution of services, the measure of damages cannot exceed your savings as a result of a strike, provided you have made a reasonable effort to maintain such services.

We have reproduced below the text of the actual statute, with the pertinent section underlined. In addition, please note the caveats of our attorneys, who cautions against overreliance on the statute.

REAL PROPERTY LAW

Sec. 235-b. Warranty of Habitability

1. In every written or oral lease or rental agreement for residential premises the landlord or lessor shall be deemed to covenant and warrant that the premises so leased or rented and all areas used in connection therewith in common with other tenants or residents are fit for human habitation and for the uses reasonably intended by the parties and that the occupants of such premises shall not be subjected to any conditions which would be dangerous, hazardous or detrimental to their life, health or safety. When any such condition has been caused by the misconduct of the tenant or lessee or persons under his direction or control, it shall not constitute a breach of such covenants and warranties.

2. Any agreement by a lessee or a tenant of a dwelling waiving or modifying his rights as set forth in this section shall be void as contrary to public policy.

3. In determining the amount of damages sustained by a tenant as a result of a breach of the warranty set forth in this section, the court;

(a) need not require any expert testimony; and

(b) shall to the extent the warranty is breached or cannot be cured by reason of a strike or other labor dispute which is not caused primarily by the individual landlord or lessor and such damages are attributable to such strike, exclude recovery to such extent, except to the extent of the net savings, if any, to the landlord or lessor by reason of such strike or labor dispute allocable to the tenant's premises, provided, however, that the landlord or lessor has made a good faith attempt, where practicable, to cure the breach.

(c) where the premises is subject to regulation pursuant to the local emergency housing rent control law, the emergency tenant protection act of nineteen hundred seventy-four, the rent stabilization law of nineteen hundred sixty-nine or the city rent and rehabilitation law, reduce the amount awarded hereunder by the total amount of any rent reduction ordered by the state division of housing and community renewal pursuant to such laws or act, awarded to the tenant, from the effective date of such rent reduction order, that relates to one or more matters for which relief is awarded hereunder.

A CAUTION FROM OUR ATTORNEYS

The Warranty of Habitability section of the Real Property Law provides that in determining the amount of damages sustained by a tenant due to a breach of the warranty due to a strike or other labor dispute "which is not caused primarily by the landlord or lessor", such damages should be excluded "except to the extent of net savings to the landlord or lessor by reason of such strike or labor dispute allocable to the tenants premises." There is also a provision requiring the landlord or lessor to make a good faith attempt to cure the breach (i.e., strike).

While this section may be viewed as a relief to landlords in the case of a strike, there are several major problems with it. First, the strike cannot be primarily caused by the landlord or lessor. It is not clear whether or not failure to accede to the Union's demands will be sufficient to trigger this section and make the landlord liable because it primarily caused the strike. Second, the net savings because of non-payment of wages and fringes to striking employees is recoverable by the tenant to the extent that services have not been delivered. Third, as mentioned, the landlord has to show it has made a "good faith" effort to cure the breach. Again, would a dispute over a few dollars a week in wages and failure to agree to pay such additional wages be considered a failure to make a "good faith" effort to settle the strike?

It is clear from the above analysis that the amendment to the Warranty of Habitability provisions is not a panacea for landlords.

Proskauer Rose LLP



RESERVED GATE SYSTEM

A "reserved gate" system, properly implemented and maintained, can be a powerful tool in limiting the impact of a strike should the parties be unable to reach an agreement. This is accomplished by containing picketing at a single building entrance. If done properly, picketing at other entrances by the Union can be remedied by an order from federal court.

The following is a review of the rules concerning the implementation of a "reserved gate" system in residential buildings which you may find helpful.

If you have questions regarding this procedure, please contact the RAB at (212) 889-4100.

1. *In General* - Under a "reserved gate" system, one building entrance or "gate" is to be used exclusively by the employer with whom the Union has its dispute, by all of its officers, managers, supervisors, and by any employees or suppliers of that employer. All residents and any other companies located in the building, and all their visitors, employees, and suppliers should use other "neutral" entrances. It is very important that the employees and suppliers of the employer with whom the Union has a dispute use only their reserved entrance or gate – they must not be allowed to use the other "neutral" entrances. Failure to maintain this complete separation between those who use the reserved gate and those who use the "neutral" entrance could cause the "neutral" entrances to become tainted and picketing to be allowed at those entrances. A legally valid untainted reserved gate system should limit picketing activities to the "reserved" entrance, leaving free access to the premises for all residents and any other companies located in the building, and all their visitors, employees, and suppliers who are not involved in the labor dispute. In the event the Union fails to limit its picketing to the reserved gate, an unfair labor practice charge may be filed with the National Labor Relations Board. Provided that the reserved gate system has been maintained properly, the National Labor Relations Board will normally obtain an injunction from the courts to prohibit any future violations.

2. *How to Set Up a Reserved Gate System:*

- ▶ **First, select a suitable building entrance that will serve as the "reserved gate."** This is where the picketing will be permitted. Thus, the reserved gate entrance should be as far as possible from other entrances, so as to minimize the pickets' ability to interfere with residents and others not involved in the current dispute.

- ▶ **Second, post signs at all building entrances.** At the reserved gate entrance, post signs clearly indicating that the reserved gate must be used only by employees of the building owner and/or building manager and those visiting or doing business with them. At all of the "neutral" entrances, signs should clearly indicate that those entrances are only for the use of residents and any other companies located in the building, and all their visitors, employees, and suppliers, and the general public and others not involved in the labor dispute. Signs at all of the "neutral" entrances should also indicate that they are not to be used by employees of the building owner and/or building manager who has a dispute with the Union and those visiting or doing business with them. Samples of both types of signs are provided in Appendix A of this Manual. Posted signs must be visible from the

street or sidewalk adjacent to the premises, and from the interior of the building, so that individuals entering or exiting will be sure to use the proper entrance or exit. The signs should be checked daily to ensure that they are not altered, defaced or removed.

- ▶ **Third, send written notification to the Union.** Written notice that the reserved gate system is being implemented must be given to the picketing Union, by fax, by hand, by overnight mail and/or certified letter. (A sample letter to the Union is provided in Appendix A of this Manual, and a cut-out is included at the back of the manual).

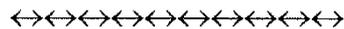
 - ▶ **Fourth, notify residents, employees and suppliers.** The reserved gate system only works if those using the entrances know that they are restricted to certain entrances and comply with the restrictions. All residents and any other companies located in the building should therefore be notified as to which entrance they must use, and regular reminder notices should be issued. To the extent possible, residents should be asked to instruct their employees and suppliers about the correct “neutral” entrance to use.

 - ▶ **Fifth, monitor the entrances closely.** This is critical to prevent contamination of the entrances (i.e., use of the wrong entrances). Select a responsible, reliable observer who can be trusted to monitor each of the entrances frequently and make sure that each entrance is being properly used. The more observers that can be assigned, the better (one at each entrance would obviously be ideal, but understandingly difficult to provide). A written log should be kept by observers to provide proof that the reserved gate system is being maintained. The reserved gate should be kept locked when not in use, eliminating the need for an observer to be posted. If the reserved gate is locked at times, however, a sign should be posted indicating how to call to gain access at that gate.
3. *"Contamination" of the Reserved Gate System* - If a resident, employee, or supplier uses the wrong entrance, the reserved gate system may become "tainted" or "contaminated", thus allowing the Union to picket all entrances until the system is re-established. Thus, great caution must be exercised to insure that proper entrances are used at all times. The system is considered re-established only after the Union is notified that the reserved gate system will be enforced as originally designed as of the following day; no actual physical change to the reserved gate entrance arrangement is necessary.

 4. *Observation of Daily Activity*- To the degree possible, building personnel should observe and keep written records of any picketing activities – including the number of pickets, the area they patrol, pertinent dates and times, and verbatim language of the picket signs. Any dangerous and/or potentially unlawful incidents should be noted along with names (if known) and physical descriptions of the pickets, other individuals, participating Union representatives and the license numbers of any vehicles involved. In the event of any improper activities, photographs and/or video tapes of the picket signs and of the improper activities are particularly helpful in documenting daily events.

5. Supervisory Personnel - Building Superintendents and other supervisory personnel must be briefed on the purpose, design and use of the reserved gate system, and on the absolute necessity of maintaining separate entrances in order to minimize disruption of business activities. Supervisory personnel should also be prepared to respond immediately to any improper actions taken by the pickets, and to notify appropriate management officials of such activity.

6. Residents performing "Struck Work"- One final but important note: to the extent that your building will be hiring and using temporary replacement workers for the duration of the strike, residents should be instructed to refrain from engaging in any activities that the striking workers would normally perform, such as cleaning lobbies, offices or bathrooms or taking out garbage. If residents engage in such activities, it opens the door for the Union to argue to the court during a proceeding to enforce the reserved gates that the residents are engaged in "struck work," making them allies of the building owners and managers against whom the Union is striking. As allies, the residents would be obligated to use the reserved gate, thereby defeating the purpose of the reserved gate system. If your building will not be hiring temporary replacement workers, or a much smaller number than the normal staff, such that residents will be expected or asked to perform some of the strikers' tasks themselves, you should be aware that the "struck work" argument may be available to the union and could result in eliminating the effectiveness (and possibly the legality) of your reserved gates.



OPERATING DURING A STRIKE

The section on Warranty of Habitability discusses the rental liability of owners under such warranty. As long as an owner has not caused or arbitrarily perpetuated a strike, and as long as an owner has made a reasonable effort in good faith to maintain services, the measure of his damages cannot exceed the savings incurred during a strike. If the owner has, in fact, succeeded in maintaining all services, there may be no liability under the Warranty.

The basic essential services which should be maintained are heat and hot water, security, elevator, garbage removal, cleanliness, and emergency repairs.

THE ROLE OF MANAGEMENT

COMMUNICATION WITH THE RAB

In the event of a strike, the RAB will hold additional meetings to discuss particulars of what you can and cannot do during a strike with respect to striking employees. The time and place of these meetings will be announced through email, the RAB website or by mail.

DAILY VISITS

It is imperative that a representative of management inspect each building daily to determine what the problems are. The building should be checked from roof to basement, paying particular attention to security, cleanliness and garbage removal from the building. **Management should have high visibility during a strike period so that residents will not feel they are being held hostage for the benefit of others.** Remember, if you have a reserved gate system in effect, that the management representative should enter or leave the building only through the reserved gate.

USE OF MANAGEMENT PERSONNEL

Despite the best advance planning, problems will arise.... Who will pick up the mess dropped in the lobby? ...Who will guard the lobby or run the elevator when the temporary replacement suddenly fails to appear? ...Who can shut off valves and take other necessary actions in an emergency? It is up to management personnel to take up the slack! Management personnel should be instructed on the various basic procedures so that they can assist as required. A key to maintaining services is the intelligent use of management resources.

DEALING WITH SERVICE COMPANIES

Equipment can malfunction during a strike, yet it is difficult for a plumber, elevator or boiler mechanic or electrician to confront an angry picket line. It is advisable to discuss this in advance with all of your contractors to determine how they can effectively help when an emergency occurs. If a contractor cannot promise effective assistance, perhaps you had better seek another.

PROTECTING AGAINST VANDALISM

As a strike wears on, tempers fray, and the possibility of vandalism or malicious mischief increases. Should such acts occur, **be sure to first call your local police precinct and then the Realty Advisory Board.** As previously discussed, secure all vulnerable areas and be sure your insurance covers you for these acts. You can also utilize any security cameras or other video devices to record evidence of possible vandalism.

1.) Union Communications to Building Residents

In the past, the Union has circulated communications to residents urging them not to pay rent or other charges during a strike. Do not be intimidated as these efforts are generally unsuccessful, and likely will be especially so under the current Warranty of Habitability.

Using its communication network, the RAB will provide bulletins to respond to Union literature. Make sure you tell your agent to give you this information or sign up by completing Appendix D.

2.) Union Sweet-Talk

"Sign up your building," says the Union representative "and we promise you a contract that is no worse than the RAB agreement, with none of the wear and tear of a long strike." Do not be seduced by these comments. If enough owners are enticed away, the eventual RAB contract will be an economic disaster. Hold the line. **We strongly urge you NOT to sign such an agreement and immediately bring the situation to the RAB's attention.**

3.) Reports of "Owner Defections"

The Union representative may tell you of the many owner defections that are occurring. "Owners are signing up in droves." Neither believe nor be influenced by such reports. Past strikes have shown defections to be minimal and union talk to be grossly exaggerated. Remember, when the strike is over and the dust has settled, defectors will not only have to face the Union on their own, but also the rest of the industry.

4.) Selective Strikes

Sometimes the Union will strike isolated buildings. Before you decide that you have been singled out by the union to be struck, and not your neighbors, determine that the surrounding buildings employ Local 32BJ labor. If, in fact, you are being struck selectively, be aware that this is a frequent union tactic designed to divide and conquer. Under these circumstances, call the RAB immediately. We will provide assistance and advice.

5.) Mass Demonstrations and News Releases

In the past the Union has used mass demonstrations in areas of the city in order to attract attention and get news coverage. Often, news coverage is inaccurate or slanted based on statements which are made. While the negotiating committee makes every effort to see that the media has accurate information, it does not control what gets printed by the press or reported on television. If you read, hear or see reports which you have questions about, please let us know so that we can take steps to clarify the information.

COMMUNICATING WITH STRIKING EMPLOYEES

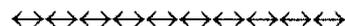
While it is legally permissible to engage in certain communications with employees about a strike, such communications may have legal consequences. It, therefore, is recommended that no one communicate directly with striking employees without first receiving guidance from the RAB. As situations arise, the RAB will issue guidance on communicating with striking employees. If you believe such communications are necessary, please contact the RAB prior to engaging any employees.

COMMUNICATIONS WITH RESIDENTS

Just as you expect the RAB to keep you informed on a regular basis, so you should maintain constant communication with your residents. By keeping your lines of communication open you may mitigate the feelings of isolation and hostility that many residents experience during a strike and thus gain their cooperation.

USE OF TEMPORARY REPLACEMENT PERSONNEL

If a reserved gate has been established, all temporary replacement contractors and their employees hired during a strike should be directed to use the "reserved gate" to enter and leave the building --- **with no exceptions.**



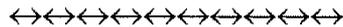
CONCLUSION

A STRIKE is not pleasant, nor should it be taken lightly. During a period of work stoppage, pressures and problems develop which make building management very difficult. Yet, once a strike is called, it is imperative that owners stand behind their negotiators. The Realty Advisory Board on Labor Relations, Inc. (RAB) must be able to command the same level of loyalty as Local 32BJ receives from its membership.

The Real Estate Industry has nothing to apologize for in its relationship with Local 32BJ. Our employees are the best paid service employees in the nation, who receive liberal sickness and vacation allowances, and are beneficiaries of many other fringe benefits. In past years, we have dealt more than fairly with our employees; we hope to continue to do so.

Follow the RAB's lead and do not succumb to outside pressures. The RAB negotiators are, for the most part, owners or operators like yourself, who have your best interests at heart. Give them the opportunity to forge as equitable a contract as possible.

During a strike the RAB will maintain close communications with all members. Telephone lines will be open 24 hours a day. Do not hesitate to call (212) 889-4100 if you need advice or help, or log on to the RAB website at www.rabolr.com.



APPENDIX A

Sample Signs to be Posted to Implement the "Reserved Gate" System

A. The sign posted at the “neutral” entrance should read as follows, with the appropriate information supplied in the blanks provided:

"THIS ENTRANCE IS FOR USE BY RESIDENTS AND ANY OTHER COMPANIES LOCATED IN THE BUILDING, AND ALL THEIR VISITORS EMPLOYEES, AND SUPPLIERS, AND THE GENERAL PUBLIC EXCEPT FOR [name of building and/or owner and/or employer]_____. THIS ENTRANCE IS NOT FOR USE BY EMPLOYEES OF, OR ANY OTHER PERSONS SEEKING TO DO BUSINESS WITH [name of building and/or owner and/or employer]_____. ALL SUCH PERSONS ARE DIRECTED TO USE THE ENTRANCE LOCATED AT [exact location of “reserved gate” entrance]_____. THANK YOU FOR YOUR COOPERATION."

B. The sign posted at the Reserved Gate (Picketed) Entrance should read as follows, with appropriate information supplied in the blanks provided:

"THIS ENTRANCE IS RESVERED EXCLUSIVELY FOR USE BY EMPLOYEES OF, AND ANY OTHER PERSONS SEEKING TO DO BUSINESS WITH, [name of building and/or owner and/or employer]_____. THIS ENTRANCE IS NOT FOR USE BY RESIDENTS OF THE BUILDING, EMPLOYEES OF, OR ANY OTHER PERSONS VISITNG OR SEEKING TO DO BUSINESS WITH, ANY OTHER COMPANY OR RESIDENT IN THE BUILDING. ALL SUCH PERSONS ARE DIRECTED TO USE ANY OTHER ENTRANCE. THANK YOU FOR YOUR COOPERATION."

March 2022

(Sample letter to the Union establishing a reserve gate.)

DATE: _____

Mr. Kyle Bragg
President
Local 32BJ, SEIU,
25 West 18th Street
New York, N.Y. 10011

RE: Reserve Gate at _____ Address _____

Dear Mr. Bragg:

A gate (the "reserved gate") has been established at the _____ entrance, located at _____, to the _____ building for the exclusive use of the building, its owner, the employer, their employees, agents, suppliers, and all those seeking to do business with it or them. These entities and individuals will not use any other entrances or exits to the building except this reserved gate. Picketing must be confined to that location.

Furthermore, the _____ entrance(s) to the building is (are) reserved for the exclusive use of the general public, the residents of the building and those doing business with or visiting residents of the _____ building or any other company in the building except for _____ (names of building/owner/employer). The Union is directed not to picket at this/these entrances and to confine its picketing to the reserved gate.

If the Union's picketing is not confined to the reserved gate, it will constitute an illegal secondary boycott for which the Union, its officers and members will be held liable. In such event, it is the building's intent to (i) promptly file unfair labor practice charges with the National Labor Relations Board; (ii) bring an action to recover damages pursuant to Section 303 of the Labor Management Relations Act; and (iii) as appropriate, pursue all other remedies permitted by law.

All future communications with this building should be directed to the undersigned.

Very truly yours,

By: _____

March 2022

APPENDIX B

Sample Letters to Building Residents

First Letter: {It is recommended that this letter be sent immediately.}

TO: ALL RESIDENTS

RE: Building Employees

Dear Resident:

The agreement covering this building's employees who are represented by Local 32BJ of the Service Employees International Union, including the doorpersons, porters and cleaning personnel is due to expire on Wednesday night, April 20, 2022 at midnight. Although the Realty Advisory Board on Labor Relations, Inc., as the representative of the building owners, hopes to reach an agreement with Local 32BJ, there is a possibility that there will be a strike.

In the event that a strike does occur, building services may be restricted. Therefore, we ask that all expected renovation work or other services that you may be planning be scheduled so that it is completed prior to April 20th. It is possible that some service suppliers and/or material deliveries could be delayed during a strike.

In addition, we may establish procedures in order to keep the building operating and secure during a strike. You will be informed of these procedures in advance of the strike deadline. Please cooperate.

You will be kept informed and provided with further details as we get closer to the contract expiration date.

Second Letter: {Recommended to be sent near the beginning of April}

Notice to All Residents

RE: Emergency Procedures in the Event of a Strike by Building Service Employees

Dear Resident:

The contract with Local 32BJ of the Service Employees International Union expires on Wednesday night, April 20, 2022 at midnight. Negotiations are in progress, and the Realty Advisory Board on Labor Relations, Inc., as the representative of the building owners, is making every effort to achieve a fair and equitable agreement.

You, the resident, have a direct stake in these negotiations because, whether you are a rent paying tenant, a condominium unit owner or a cooperative shareholder, the monthly cost of your apartment will be directly affected by the results of the labor negotiation.

There is a possibility that an agreement may not be concluded prior to April 20th and that a STRIKE by Union employees could take place. In the event of a STRIKE, this building will take certain emergency measures to insure the safety, health and welfare of all residents. The success of these measures will depend on your cooperation.

For your information, New York City building industry service workers are the best compensated building service workers in the country. Doorpersons, porters, elevator operators, Porters and other building employees currently earn wages of more than \$1,050 per week (plus \$548 for benefit funds for a total of more than \$1,606 per week) for a standard workweek based on the average class A building (most cooperatives and condominiums). When other costs are factored in, an average employee costs a building in nearly of \$97,000 a year. Handypersons earn more than \$1,163 (plus \$548 for benefit funds for a total of more than \$1,711 per week). In addition, employees receive liberal sickness and vacation allowances, comprehensive family health benefits, plus pension and other substantial fringe benefits. Superintendents earn considerably more and receive free rent and utilities. Tips, gratuities, and overtime to all employees, which are often substantial, are not included in any of the above information.

You are not being asked to take sides, merely to help minimize your own discomfort and inconvenience by assisting in keeping the building clean, by removing garbage, by helping your neighbors who cannot help themselves, by planning to limit deliveries to the building, etc.

Please read this notice carefully and, in the event of a strike, please follow these procedures and rules:

1. Security

If a strike occurs, the only access to the building will be through the front door. The side doors and the basement entrance (if any) will be secured; no entry will be permitted. For your protection, deliveries may be accepted at the front door and only if you have authorized them in writing.

In buildings with lobby attendants, efforts are being made to provide lobby security with security guards. Guards will be furnished with a resident list, and you will be expected to identify yourself as you enter the building. There may be times when a guard is not available and when residents may be requested (or may elect) to monitor the lobby. Your cooperation is for the benefit of all and will be greatly appreciated.

Residents are urged to take extra security precautions in their own apartments. Be sure to keep doors locked at all times and to open them only to people whom you know. Please inform the guards at the door **IN WRITING** if you are expecting a housekeeper or a guest in your absence. No such visitor will be admitted without authorization. In authorizing admission, you are also vouching for the conduct of your visitor.

Remember to carry your key at all times. The security guard will not recognize building residents and will stop anyone who has no key.

THIS IS FOR EVERYONE'S PROTECTION!

2. Deliveries and Elevator Service

Since all traffic in the building will have to pass through the front lobby, residents are requested to keep deliveries, shopping trips, and other use of the entrance to a minimum during a strike.

No repair personnel, contractors or visitors will be admitted to the building unless you are at home to authorize their entry. Groceries and newspaper deliveries will be accepted at the front door; you will be called down to claim them.

The service elevator(s) will not operate during the period of the strike. Only the passenger elevator(s) will be operating. In buildings with manually operated passenger elevator(s), replacement personnel will not be available and such elevators will be shut down unless the residents operate them. Anyone who will operate the elevators must first take a brief training program from the building Superintendent. If you would like to assist in running the elevator, please contact management at once.

Please keep elevators tidy and hold their use to a minimum!

3. Garbage Collection

To keep the garbage compact, please store within your apartment recyclable items such as bottles and newspapers that are not health hazards. Please defer any garbage generating activities until after the strike. Sanitation workers generally refuse to cross a picket line to collect garbage until a health emergency exists.

Garbage will be disposed of in the manner indicated below:

A.) Volunteers are needed to collect the garbage each evening and to place it at the curb for collection on appropriate days. To volunteer, please contact management.

OR

B.) Each resident will be responsible for taking his or her garbage down to the curb for collection on appropriate days.

The garbage collection days for this building are: _____ Please bring down your garbage no sooner than the previous evening.

OR

C.) During the strike the compactor will continue to operate. Please store non-combustible trash and recyclable material in your apartment for disposal after the strike.

OR

D.) Secure a container (dumpster) and place it in the street near the building entrance. Residents should be directed to dispose of all rubbish, including recyclables in the container.

If a sick or elderly person lives near you who might have difficulty removing garbage in this manner, please offer help.

4. Emergency Repairs

During a strike it will be impossible to have repairs made that are not of an emergency nature. The Superintendent will try to remedy emergency situations as they arise. Outside contractors and repair personnel may be unwilling to enter the building if there is a picket line outside.

5. Cleaning of Halls and Public Areas

During a strike residents are asked to keep their hallways in good order. In as much as porters will not be available, residents of each floor should monitor these areas and do what they can to maintain cleanliness.

6. Laundry Rooms

Kindly keep your use of the laundry facilities to a minimum during the strike. Please be aware of the importance of proper use of the machines and of cleaning them after each use. It may be difficult to get service if breakdowns occur.

7. Basement Storage Areas

In the interest of security, the bicycle room and the storage rooms in the basement will be locked during a strike. If there is an item in storage that you may need during the expected time of the strike, please bring it to your apartment prior to April 20th.

8. Move-In; Move-Out; Leases, etc.

It will not be possible to authorize moving in or moving out of the building during a strike. Therefore, if your lease should expire during the time of the strike, you will be allowed to remain in your apartment without prejudice or penalty. If required, a new lease will be negotiated after the strike.

9. Mail Distribution

In those buildings where building employees normally sort the mail, it will become necessary for residents to do so. The post office requires that one individual be designated in advance to receive the mail. That person should be assisted in sorting the mail by other residents.

Contact management at once to participate in this procedure.

Delivery services such as UPS, FedEx and DHL may refuse to cross picket lines. Arrangements should be made to pick up packages directly from the delivery service or at another location.

10. Vandalism

There is always a danger of vandalism during a strike. If you see suspicious looking individuals within the building or attempting to enter, please call management immediately.

11. Communications

It is not our intention to prolong a strike, and every effort will be made to negotiate a fair agreement expeditiously. Management will provide frequent notices to keep you advised of developments.

APPENDIX C

Useful Telephone Numbers and Service Providers

Following is a list of useful telephone numbers and service suppliers that have been used by various members of the Realty Advisory Board.

Emergency Information 911
Non-Emergency Information 311

Police Precincts

1st Precinct (212) 334-0611
5th Precinct (212) 334-0711
6th Precinct (212) 741-4811
7th Precinct (212) 477-7311
9th Precinct (212) 477-7811
10th Precinct (212) 741-8211
13th Precinct (212) 477-7411
17th Precinct (212) 826-3211
19th Precinct (212) 452-0600
Mid-town South Precinct (212) 239-9811
Mid-town North Precinct (212) 767-8400

Fire Department

Dial "0" or 718-999-2000

ConEd

Main Number (800) 752-6633

Environmental Protection Agency

Main Number (212) 637-3000

Department of Sanitation

Main Number 311

Appendix D

Emergency Communications Registration for 2022 Labor Negotiations

Please complete and return this form via mail:

**Realty Advisory Board on Labor Relations, Inc.
1 Penn Plaza, Suite 2110
New York, N.Y.10119
Attn: Nydia Estevez**

or EMAIL to: **NEstevez@rabolr.com**

Name of Person (Please print clearly): _____

Address of Building or Name
of Organization: _____

Phone Number: () _____

I want to receive emergency communications at:

Email : _____

CUT OUT SECTION

The following material may be cut from this Manuel and used for notices and signs, just fill in the blank areas.

- 1. Notice to Union of the Establishment of a Reserved Gate.*
- 2. Sign to be used on the Reserved Gate.*
- 3. Sign to be used on the resident entrance.*
- 4. First Notice to Residents (on letterhead).*
- 5. Second Letter to Residents (on letterhead).*
- 6. "Me too" Agreements from 32BJ.*
- 7. Strike Notice to Building Residents - To be used in the event that a strike occurs.*

Realty Advisory Board on Labor Relations, Incorporated

**1 Penn Plaza, Suite
2110**

New York, N.Y. 10119

Tel: (212) 889-4100

Fax: (212) 889-4105

DATE: _____

Mr. Kyle Bragg
President
Local 32BJ, SEIU
25 West 18th Street
New York, N.Y. 10011

RE: Reserve Gate at _____

Dear Mr. Bragg:

A gate (the "reserved gate") has been established at the _____ entrance, located at _____, to the _____ building for the exclusive use of the building, its owner, the employer, their employees, agents, suppliers, and all those seeking to do business with it or them. These entities and individuals will not use any other entrances or exits to the building except this reserved gate. Picketing must be confined to that location.

Furthermore, the _____ entrance(s) to the building is (are) reserved for the exclusive use of the building residents, the general public and those doing business with or visiting residents of the _____ building or any other company in the building except for _____. The Union is directed not to picket at this/these entrances and to confine its picketing to the reserved gate.

If the Union's picketing is not confined to the reserved gate, it will constitute an illegal secondary boycott for which the Union, its officers and members will be held liable. In such event, it is the building's intent to (i) promptly file unfair labor practice charges with the National Labor Relations Board; (ii) bring an action to recover damages pursuant to Section 303 of the Labor Management Relations Act; and (iii) as appropriate, pursue all other remedies permitted by law.

All future communications with this building should be directed to the undersigned.

Very truly yours,

BY: _____

Attention

THIS ENTRANCE IS RESERVED EXCLUSIVELY FOR USE BY EMPLOYEES AND ANY OTHER PERSONS SEEKING TO DO BUSINESS WITH, _____.

THIS ENTRANCE IS NOT FOR USE BY RESIDENTS OF THE BUILDING, EMPLOYEES OF, OR ANY OTHER PERSONS VISITING OR SEEKING TO DO BUSINESS WITH, ANY OTHER COMPANY OR RESIDENT IN THE BUILDING. ALL SUCH PERSONS ARE DIRECTED TO USE ANY OTHER ENTRANCE. THANK YOU FOR YOUR COOPERATION.

Attention

THIS ENTRANCE IS FOR USE BY BUILDING RESIDENTS, THE GENERAL PUBLIC AND THOSE DOING BUSINESS WITH OR VISITING RESIDENTS OF THIS BUILDING OR ANY OTHER COMPANY IN THIS BUILDING EXCEPT FOR

_____.

THIS ENTRANCE IS NOT FOR USE BY EMPLOYEES OF, OR ANY OTHER PERSONS SEEKING TO DO BUSINESS WITH,

_____.

ALL SUCH PERSONS ARE DIRECTED TO USE THE ENTRANCE LOCATED AT

_____.

THANK YOU FOR YOUR COOPERATION.

Realty Advisory Board on Labor Relations, Incorporated
1 Penn Plaza, Suite
2110
New York, N.Y. 10119
Tel: (212) 889-4100
Fax: (212) 889-4105

(Company letterhead)

TO: ALL RESIDENTS

RE: Building Employees

Dear Resident:

The agreement covering this building's employees who are represented by Local 32BJ of the Service Employees International Union, including the doorpersons, porters and cleaning personnel is due to expire on Wednesday night, April 20, 2022 at midnight. Although the Realty Advisory Board on Labor Relations, Inc., as the representative of the building owners, hopes to reach an agreement with Local 32BJ, there is a possibility that there will be a strike.

In the event that a strike does occur, building services may be restricted. Therefore, we ask that all expected renovation work or other services that you may be planning be scheduled so that it is completed prior to April 20th. It is possible that some service suppliers and/or material deliveries could be delayed during a strike.

In addition, we may establish procedures in order to keep the building operating and secure during a strike. You will be informed of these procedures in advance of the strike deadline. Please cooperate.

You will be kept informed and provided with further details as we get closer to the contract expiration date.

Realty Advisory Board on Labor Relations, Incorporated
1 Penn Plaza, Suite
2110
New York, N.Y. 10119
Tel: (212) 889-4100
Fax: (212) 889-4105

Notice to All Residents

RE: Emergency Procedures in the Event of a Strike by Building Service Employees

Dear Resident:

The contract with Local 32BJ of the Service Employees International Union expires on Wednesday night, April 20, 2022 at midnight. Negotiations are in progress, and the Realty Advisory Board on Labor Relations, Inc., as the representative of the building owners, is making every effort to achieve a fair and equitable agreement.

You, the resident, have a direct stake in these negotiations because, whether you are a rent paying tenant, a condominium unit owner or a cooperative shareholder, the monthly cost of your apartment will be directly affected by the results of the labor negotiation.

There is a possibility that an agreement may not be concluded prior to April 20th and that a strike by Union employees could take place. In the event of a strike, this building will take certain emergency measures to ensure the safety, health and welfare of all residents. The success of these measures will depend on your cooperation.

For your information, New York City building industry service workers are the best compensated building service workers in the country. Doorpersons, porters, elevator operators, office cleaners and other building employees currently earn wages of more than \$1,050 per week (plus \$548 for benefit funds for a total of more than \$1,606 per week) for a standard workweek based on the average class A building (most cooperatives and condominiums). Handypersons earn more than \$1,163 (plus \$548 for benefit funds for a total of more than \$1,711 per week). When other costs are factored in, a typical employee costs a building in excess of \$97,000 as year. In addition, employees receive liberal sickness and vacation allowances, comprehensive family health benefits, plus pension and other substantial fringe benefits. Superintendents earn considerably more and receive free rent and utilities. Tips gratuities and overtime to all employees, which are often substantial, are not included in any of the above information.

You are not being asked to take sides, merely to help minimize your own discomfort and inconvenience by assisting in keeping the building clean, by removing garbage,

by helping your neighbors who cannot help themselves, by planning to limit deliveries to the building, etc.

Please read this notice carefully and, in the event of a strike, please follow these procedures and rules:

1. Security

If a strike occurs, the only access to the building will be through the front door. The side doors and the basement entrance (if any) will be secured; no entry will be permitted. For your protection, deliveries may be accepted at the front door and only if you have authorized them in writing.

In buildings with lobby attendants, efforts are being made to provide lobby security with security guards. Guards will be furnished with a resident list, and you will be expected to identify yourself as you enter the building. There may be times when a guard is not available and when residents may be requested (or may elect) to monitor the lobby. Your cooperation is for the benefit of all and will be greatly appreciated.

Residents are urged to take extra security precautions in their own apartments. Be sure to keep doors locked at all times and to open them only to people whom you know. Please inform the guards at the door **IN WRITING** if you are expecting a housekeeper or a guest in your absence. No such visitor will be admitted without authorization. In authorizing admission, you are also vouching for the conduct of your visitor.

Remember to carry your key at all times. The security guard will not recognize building residents and will stop anyone who has no key.

THIS IS FOR EVERYONE'S PROTECTION!!

2. Deliveries and Elevator Service

Since all traffic in the building will have to pass through the front lobby, residents are requested to keep deliveries, shopping trips, and other use of the entrance to a minimum during a strike.

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The service elevator(s) will not operate during the period of the strike. Only the passenger elevator(s) will be operating. In buildings with manually operated passenger elevator(s), replacement personnel will not be available and such elevators will be shut down unless the residents operate them. Anyone who will operate the

elevators must first take a brief training program from the building Superintendent. If you would like to assist in running the elevator, please contact management at once.

Please keep elevators tidy and hold their use to a minimum!

3. Garbage Collection

To keep the garbage compact, please store within your apartment recyclable items such as bottles and newspapers that are not health hazards. Please defer any garbage generating activities until after the strike. Sanitation workers may refuse to cross a picket line to collect garbage until a health emergency exists.

Garbage will be disposed of in the manner indicated below:

A.) Volunteers are needed to collect the garbage each evening and to place it at the curb for collection on appropriate days. To volunteer, please contact management.

OR

B.) Each resident will be responsible for taking his or her garbage down to the curb for collection on appropriate days.

The garbage collection days for this building are: *(add your schedule here)*

Please bring down your garbage no sooner than the previous evening.

OR

C.) During the strike the compactor will continue to operate. Please store non-combustible trash and recyclable material in your apartment for disposal after the strike.

OR

D.) Secure a container (dumpster) and place it in the street near the building entrance. Residents should be directed to dispose of all rubbish, including recyclables in the container.

If a sick or elderly person lives near you who might have difficulty removing garbage in this manner, please offer help.

4. Emergency Repairs

During a strike it will be impossible to have repairs made that are not of an emergency nature. The Superintendent will try to remedy emergency situations as they arise. Outside contractors and repair personnel may be unwilling to enter the building if there is a picket line outside.

5. Cleaning of Halls and Public Areas

During a strike residents are asked to keep their hallways in good order. In as much as porters will not be available, residents of each floor should monitor these areas and do what they can to maintain cleanliness.

6. Laundry Rooms

Kindly keep your use of the laundry facilities to a minimum during the strike. Please be aware of the importance of proper use of the machines and of cleaning them after each use. It may be difficult to get service if breakdowns occur.

7. Basement Storage Areas

In the interest of security, the bicycle room and the storage rooms in the basement will be locked during a strike. If there is an item in storage that you may need during the expected time of the strike, please bring it to your apartment prior to April 20th.

8. Move-In; Move-Out; Leases, etc.

It will not be possible to authorize moving in or moving out of the building during a strike. Therefore, if your lease should expire during the time of the strike, you will be allowed to remain in your apartment without prejudice or penalty. If required, a new lease will be negotiated after the strike.

9. Mail Distribution

In those buildings where building employees normally sort the mail, it will become necessary for residents to do so. The post office requires that one individual be designated in advance to receive the mail. That person should be assisted in sorting the mail by other residents.

Contact management at once to participate in this procedure.

Delivery services such as UPS, FedEx and DHL may refuse to cross picket lines. Arrangements should be made to pick up packages directly from the delivery service or at another location.

10. Vandalism

There is always a danger of vandalism during a strike. If you see suspicious looking individuals within the building or attempting to enter, please call management immediately.

11. Communications

It is not our intention to prolong a strike, and every effort will be made to negotiate a fair agreement expeditiously. Management will provide frequent notices to keep you advised of developments.



P 212.889.4100 | rabolr.com

ONE PENN PLAZA | 21ST FLOOR | NEW YORK, NY 10119

February 22, 2022

RE: “Me Too” Agreements from 32BJ

Dear RAB Member:

The Realty Advisory Board on Labor Relations (RAB) has begun its collective bargaining negotiations for the 2022 Apartment Building Agreement with SEIU Local 32BJ (32BJ). We are working to reach an agreement prior to the April 20, 2022 expiration of the current CBA. We write to alert you to a possible tactic 32BJ might employ to gain additional leverage in these critical negotiations.

Local 32BJ may distribute “Me Too” Agreements to RAB members especially as the deadline approaches. “Me Too” Agreements essentially provide that, in the event of a strike by 32BJ, your building(s) will not be struck, so long as you agree to **all** of the union’s proposals for a new contract—such as agreeing to the higher wage rates demanded by 32BJ. These agreements also could state that if the ultimate RAB-32BJ new collective bargaining agreement is more favorable than the terms offered in the “Me Too” Agreement, you’ll get the better terms.

We strongly urge you NOT to sign these agreements as doing so weakens the solidarity of the RAB membership and greatly harms our bargaining position.

Signing a “Me Too” Agreement not only signals a lack of solidarity among RAB members, but it also takes power away from RAB negotiators and gives bargaining leverage to the union. This diminishes our ability to negotiate terms favorable to RAB members. While a “Me Too” Agreement may appear beneficial at first blush, signing a “Me Too” Agreement makes it harder for the RAB because, if enough employers sign “Me Too” Agreements, the Union’s higher wages and other union-friendly terms **will become** the new collective bargaining agreement.

If approached by 32BJ to sign a “Me Too” Agreement, we strongly urge you—and any buildings that you manage—not to sign it, and immediately bring the situation to the RAB’s attention. Indeed, the Union’s actions may be unfair labor practices so please notify the RAB immediately so it can consider filing NLRB charges against the Union, if appropriate.

If you should have any questions, please do not hesitate to contact the RAB.

Sincerely,

Howard Rothschild

Strike Notice

Regretfully, the negotiating committee appointed by this Board, and Local 32BJ, Service Employees International Union, have been unable to reach an agreement despite exhaustive efforts to do so, including numerous bargaining sessions. As a result, the Union has elected to strike our members and conduct picketing at the various job locations.

Although it has been our desire to reach a fair and equitable agreement with the Union, extensive preparations which have been made for this eventuality will make it easier to operate your building during the strike and to ensure that residents will continue to live in a safe and healthy environment. While we do not ask you, the residents, to take sides, we do request your cooperation during this difficult period.

The real estate industry has treated its employees fairly over the last twenty-five years and will continue to do so, but the demands which are being made in the current bargaining are intolerable and will not be met. For your information, porters currently receive a salary of more than \$55,000 per year, plus overtime; a comprehensive medical and dental plan fully paid by the employer; a fully paid legal services plan; an annuity savings plan; a pension of up to \$1,400 per month; training and scholarship benefits paid for by the employer; as well as liberal holidays, sick days and vacation time, all providing for up to 49 paid days off per year. The cost to the employers of this package is more than \$96,800 per employee. Superintendents and Handypersons earn even more.

By any measure, our employees have made real wage and benefit gains over the cost of living in the last three, ten or twenty years. Indeed, over most of the last contract, increases in wage and benefit costs have exceeded the cost of living.

Be assured that we will continue our efforts to negotiate a fair and reasonable contract for both sides and end this inconvenience as soon as possible.

Acknowledgments

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