

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE
AND LABOR

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HELD AT: Council Chambers - City Hall

B E F O R E: I. Daneek Miller
Chairperson

COUNCIL MEMBERS: Alan N. Maisel
Andy King
Mark Gjonaj
Adrienne E. Adams
Eric A. Ulrich

A P P E A R A N C E S (CONTINUED)

Lorelei Salas
Commissioner
New York City Department of Consumer and
Worker Protection

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Whitney Moore

Jordany Bueno

Pedro Gabola Bermudez

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National Employment Law Project

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Chief Economist

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1 COMMITTEE ON CIVIL SERVICE
AND LABOR

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2 [SERGEANT AT ARMS]Test, test, this is a
3 test. Today's date is May 28, 2019. This is the
4 Committee Hearing on Civil Service and Labor, being
5 recorded by Sergeant at Arms Adam Lopez. [pause]

6 CHAIRPERSON MILLER: ____. I am the chair
7 of the Committee on Civil Service and Labor. I'd
8 like to welcome you all to the chambers this morning.
9 Today we are hearing Proposed Introduction 800-A,
10 otherwise known as the Paid Time Off legislation. I
11 would like to acknowledge and welcome my colleagues
12 that have joined me, Council Member Adrienne Adams
13 and, of course, the Public Advocate, Jumaane
14 Williams. As I just mentioned, today we will be
15 hearing an important piece of legislation, Proposed
16 Introduction 800-A, sponsored by former member of the
17 City Council and now Public Advocate, Jumaane
18 Williams. This bill would expand the Earned and Sick
19 Time Act by requiring private employers in New York
20 City to provide paid personal time to employees. In
21 addition to the current requirement of paid sick and
22 safe time. To be clear, this is not a new issue.
23 Then-Council Member Jumaane Williams introduced this
24 bill in 2014 and the Public Advocate continues to be
25 a leader on this matter. The mayor has recently

2 embraced and championed the paid time off. And his
3 efforts has helped to bring us in this matter to the
4 level of discourse we are seeing today. I want to
5 take a moment to express appreciation to the Public
6 Advocate and the mayor for their continued advocacy
7 for the support for working people. There are no
8 federal standards in the United States that set
9 minimums for paid personal time and paid holidays.
10 This is left up to negotiation between employees and
11 employer. In many instances over the past decade
12 labor unions through collective bargaining have won
13 benefits for working people in an environment largely
14 created by business. Though these efforts have
15 created a framework for both workers and enterprise
16 has been created. Key to this effort has been an
17 understanding that allows businesses to thrive while
18 providing employees with compensation and safety
19 standards, along with benefits such as health
20 coverage, retirement, and paid time off. Specific to
21 the last time, according to the last time, according
22 to the US Bureau of Labor Statistics 2018, 76% of
23 private sector employees receive paid vacation days,
24 on average one year of employment date, after one
25 year of employment these employees are granted 10

2 paid vacation days. The number grows after years of
3 tenure with the employee increases. In 2017 the
4 average worker with five years of experience at a
5 company was given 15 days of paid vacation. The
6 average employee with a 20-year tenure received 20
7 vacation days. As usual, this committee will be
8 leading the way in labor law. No other state in the
9 country requires paid time off for workers. While
10 paid family leave laws, when it comes to paid
11 personal time there is no mandate anywhere. Today
12 our committee will discuss the impacts of this
13 proposal and what it looks to change. We look
14 forward to hearing from the administration as well as
15 business leaders, small business owners, and workers
16 about our concerns and endorsements alike. If you
17 cannot testify and watch it remotely, you can please
18 reach out to us through the committee directly by
19 Twitter and through the council and you can always
20 give your concerns to the committee in the very near
21 future. I think we're going to close this out by the
22 week's end. So we are already here, we have already
23 heard from many small businesses and others within
24 that community that the requirements of five
25 employees is too onerous on small businesses. We are

2 hear to discuss the workplace mandates that employers
3 face in the City of New York. We look forward to
4 hearing from all those who will be testifying today.
5 Vital to this process will be the testimony that is
6 received from the Department of Consumer Affairs and
7 Protections, the agency that will be tasked with the
8 outreach and enforcement of expansion of paid sick
9 and safe laws. I hope to hear about any outreach
10 with the small business community that the department
11 has engaged in prior to the hearing to address the
12 legitimate concerns of small business owners,
13 particularly those with the extreme end of the pay
14 scale of only five employees. Before I turn it over
15 to the Public Advocate for his open-end remarks I'd
16 like to thank my staff, my staff director Brendan
17 Clark, senior advisor Joe Goldblum, and my chief of
18 staff, Mr. Ali Vasumajab. I'd like to thank
19 committee counsel Malcolm, Kevin, Charles, Ismael,
20 Kendo, and Elizabeth. There you go. And now I'd
21 like to turn it over to my colleague, Public Advocate
22 Jumaane Williams. Please open the statements.

23 PUBLIC ADVOCATE WILLIAMS: Thank you, Mr.
24 Chair. Thank you for holding this hearing today, and
25 the entire Civil Service and Labor Committee staff

2 for their work on holding this hearing, to all my
3 colleagues in attendance, to the mayor, and to
4 representatives from all sides of this issue for your
5 testimony today. The United States is the only vast
6 economy in the world that doesn't guarantee some
7 level of paid level. That's inexcusable and it's
8 time to change. I was thinking that when I
9 introduced this in 2014. I'm now happy that the
10 climate has changed and we've come this far. There
11 are those who try to paint this policy as too far
12 left, too ambitious, too progressive, but so was the
13 eight-hour day once. We call ourselves an advanced
14 economy while we're the only ones that does not
15 mandate some level of paid personal leave. Our
16 country is far behind. Our people are overworked and
17 undervalued and it's time for New York City to make
18 up for lost time. Time off is not a luxury. It's a
19 necessity, one many don't have. As I mentioned at a
20 press conference, I myself just fresh off a seven-day
21 vacation, I don't remember the last time I've taken a
22 week, not because I don't have it but because
23 culturally we have been trained to believe that
24 taking time off makes something wrong with you, that
25 you are lazy, that you are not working hard enough.

2 This law is not only to change things statutorily,
3 but to change the culture of what time off means.
4 Why this is, as I mentioned it's a necessity, one
5 many don't have. Why this is can often be explained
6 because of the love of money and because of people
7 who believe that it's more important than their
8 workers. To be clear, it's unfair to presume that is
9 the only reason. Small businesses face new and
10 escalating market pressures day by day, and it's all
11 too easy for someone to take the leap of being their
12 own employer and fall short. I'm speaking from
13 experience. My own small business didn't work out,
14 but it gave me, I'm now attuned very often to the
15 issues of a small business. We can look out for
16 workers protections as small business owners alike
17 and if we can manage to find buildings and economic
18 benefits for Amazon and the wealthiest man in the
19 world, we can certainly find the same benefits to
20 help mom and pop shops. I'm looking forward to hear
21 the issues of small business. I'm hoping we can
22 change from a chorus of not right now, not now, to
23 how best we can best effectively and efficiently put
24 this through protecting workers while making sure
25 that our small businesses have the ability to grow

2 and thrive. I approach this hearing mindful that in
3 a city as complex as our breadlines are hard to come
4 by. I look forward to taking in feedback and
5 suggestions from all stakeholders in this issue and
6 working to craft the best bill possible. As we
7 continue to remember, this is not about an issue of
8 luxury, this is not an ask for something people just
9 want, it is something that human beings need and have
10 to have to live a productive life, to help ease the
11 mind of stresses of work that can also manifest
12 itself physically. So I hope we move forward with
13 all that in mind. Again, thank you to the chair, and
14 I look forward to the hearing.

15 CHAIRPERSON MILLER: Thank you, Mr.
16 Public Advocate. We've been joined by Council Member
17 Maisel from the great borough of Brooklyn. With
18 that, we are going to swear in our first panel.
19 We've been joined by Commissioner Salas, Sam Krinsky,
20 Jill Maxwell, and Casey Adams.

21 UNIDENTIFIED: If you could just raise
22 your right hand.

23 UNIDENTIFIED: Yes.

2 UNIDENTIFIED: Do you swear to tell the
3 truth before this committee and answer Council Member
4 questions truthfully?

5 UNIDENTIFIED: I do.

6 UNIDENTIFIED: Please go ahead.

7 UNIDENTIFIED: Good morning, Chairman
8 Miller and members of the committee. I am really
9 honored to be here today to be discussing this
10 proposal. My name is Lorelei Salas and I am the
11 commissioner for the New York City Department of
12 Consumer Affairs, recently renamed the New York City
13 Department of Consumer and Worker Protection. I'd
14 like to thank the committee for the opportunity to
15 testify today about Intro 800, a bill that would for
16 the first time require employers to provide paid
17 personal time to New York City workers. In January
18 Mayor de Blasio announced that New York City would
19 become one of the first jurisdictions in the nation
20 to require employers to provide two weeks of paid
21 personal time. The bill before you today, which has
22 been in informal discussions with workers, employers,
23 and other stakeholders, Public Advocate Jumaane
24 Williams, and the council will make that committee a
25 reality. This proposal is another important piece of

2 Mayor de Blasio's committee to making New York the
3 fairest big city in the nation by advancing worker
4 rights and protections. New Yorkers work hard. We
5 may be called the city that never sleeps, but that
6 does not mean that hard-working New Yorkers should be
7 forced to miss important family and life events, like
8 parent-teacher conferences, weddings, funerals, or
9 anniversaries because they cannot get time off work
10 or afford to go without a paycheck. Workers in the
11 greatest city on earth should not be made to choose
12 between keeping a job that supports their families
13 and having enough time to rest, recharge, or handle
14 family matters. Unfortunately, that is the reality
15 for the up to one million New Yorkers who do not
16 currently have any paid personal time. The lack of
17 paid personal time affects workers in all industries
18 and walks of life, but it is especially glaring among
19 those workers who have the most precarious schedules
20 and are paid the lowest wages. Part-time workers are
21 significantly more likely to lack access to paid
22 personal time than full-time workers. In addition,
23 low- and middle-income workers are less likely to
24 receive paid personal time than higher-income peers.
25 Time to rest and recharge should not be a privilege

2 enjoyed mainly by the most stable and well-paid
3 workers in our city. All New Yorkers, no matter what
4 type of work they do or how much money they make,
5 deserve a day off. The benefits of paid personal
6 time for workers, businesses, and the economy as a
7 whole are clear. Vacation and time off from work are
8 associated with improved health, lower stress, lower
9 likelihood of depression, and more happiness at home
10 and at work. Paid time off is associated with higher
11 employee morale and retention, less burn-out, and
12 higher worker productivity. Experts like former
13 Secretary of Labor, Robert Reich, agreed that paid
14 personal time is good for workers, good for
15 employers, and good for the economy. Countries
16 across the globe have recognized the importance of
17 paid personal time by enshrining the right to time
18 off in national and regional laws. According to a
19 2012 report by the International Labor Organization,
20 an overwhelming majority of countries have
21 established the right to a minimum period of annual
22 leave by law. A majority of countries in every
23 region across the globe, from Asia to Africa, the
24 Middle East, Europe, and Latin American, guarantee a
25 minimum amount of paid personal time for workers.

2 Germany, one of the strongest and most productive
3 economies in Europe, currently mandates a minimum of
4 four weeks paid vacation per year. Unlike this
5 country, the United States does not currently mandate
6 paid personal time at the federal level, nor does any
7 state or city in the country. Today we have the
8 opportunity to change that and to send a message that
9 workers deserve better. As Mayor de Blasio put it,
10 we as a nation need to get there and New York City
11 will lead the way. I will now discuss the specifics
12 of the proposal before you. Intro 800 builds on the
13 framework established by New York City's landmark
14 Paid Safe and Sick Leave Law. The bill requires
15 employers with at least five employees or one
16 domestic worker to provide at least up to 80 hours of
17 paid personal time per year to their workers. The
18 amount of time is a minimum labor standard.
19 Employers may, and are encouraged, to provide their
20 workers with more generous paid personal time if they
21 so choose. The universe of employees covered by this
22 bill would be the same as those covered by the Paid
23 Safe and Sick Leave Law, easing the implementation
24 burden on employers. Like the Paid Safe and Sick
25 Leave Law, this bill applies to both full- and part-

2 time workers. Paid personal time would accrue on an
3 earned basis at the same rate as paid safe and sick
4 leave, one hour of leave earned for every 30 hours
5 worked. Employees would be entitled to use personal
6 time for any reason. Today we expect to hear from
7 workers, businesses, and advocates and we welcome
8 their input on the proposed bill. The administration
9 conducted extensive outreach to affected communities
10 to hear questions and concerns and inform the
11 development of this property. Over the course of
12 several round table events we received helpful
13 feedback from large employers, small businesses,
14 unions, community-based organizations and policy
15 groups, and of course workers themselves. You may
16 hear today that New York City employers simply cannot
17 afford to give workers a break or that the law will
18 be too difficult for businesses to implement. Many
19 of these same objections were raised when New York
20 City became the largest jurisdiction in the country
21 to provide workers with paid safe and sick leave.
22 Time and experience have shown that an overwhelming
23 majority of businesses were able to implement the
24 law's requirement with city outreach and support and
25 without a measurable loss in profits or productivity.

2 A 2016 report co-authored by the Center for Economic
3 and Policy Research and the Murphy Institute entitled
4 "No Big Deal - The Impact of New York City's Paid
5 Sick Days Law on Employers" found that nearly 85% of
6 employers reported no changes in costs due to the
7 Paid Safe and Sick Leave Law. In fact, since Paid
8 Safe and Sick Leave went into effect, New York City's
9 economy has boomed and our city now has more private
10 sector jobs than every before in history. In
11 addition, DCWP's experience help in businesses
12 implement and comply with paid safe and sick leave
13 will inform our approach to this process. DCWP will
14 provide businesses with helpful aids like leave
15 trackers, request forms, and notices of employee
16 rights, just as we do now for paid safe and sick
17 leave. This experience also includes our extensive
18 engagement with industry stakeholders and worker
19 communities. Since 2014 we have conducted almost
20 1600 outreach events, distributing more than two
21 million pieces of literature, to promote worker
22 awareness and business education. We believe New
23 York's businesses are the most dynamic and innovative
24 in the country and they will be able to implement a
25 law that helps increase productivity and ensure the

2 workers have time to not just survive but to live
3 fulfilled lives with their families and loved ones.

4 I am honored to be here today to urge the passage of
5 this legislation. I would like to thank Public
6 Advocate Jumaane Williams, Speaker Corey Johnson,
7 Chairperson Miller, members of this committee, and
8 the employer and worker stakeholders who have been
9 generous with their time in offering feedback. Today
10 New York City has the opportunity to send a message -
11 workers deserve better. Working in our city should
12 mean more than just making ends meet. It should mean
13 time and piece of mind to be present for the moments
14 that shape our lives and the lives of those we love,
15 the marriage of a brother or sister, or parents'
16 anniversary, the funeral of an aunt or uncle or close
17 friend, time to visit family abroad, learn a new
18 skill, or prepare for an exam, or just enjoy time off
19 to rest and recharge with friends and family. For
20 some New Yorkers paid personal time will mean the
21 opportunity to keep an immigrant family together
22 across borders or bring family and friends together
23 to celebrate a religious holiday that they would not
24 otherwise get off. This bill will give workers the
25 time they deserve, whatever that means for their

2 lives. I hope you hear from workers today who don't
3 have this benefit or who were promised this benefit,
4 but they still didn't get it after they earned it. I
5 thank you for the opportunity to testify today, and I
6 am happy now to answer any questions. Thank you.

7 CHAIRPERSON MILLER: Thank you,
8 Commissioner. I'm going to begin now questioning
9 with, could you speak to in respect to paid safe and
10 sick leave, ah, the departments, which the department
11 head has been tracking over the past few years any
12 negative and unintended consequences, such as
13 reduction of work force or work force reduction of
14 hours that you have seen over the past few years?

15 COMMISSIONER SALA: Yes, I would love to
16 tell you a little bit about, we've been enforcing the
17 Paid Safe and Sick Leave Law since 2014. I can tell
18 you that to date in the almost five years we have
19 processed almost 1800 complaints. We closed over
20 1600 cases and we have awarded workers close to 10
21 million dollars, mostly in restitution, maybe a
22 couple of million of that in penalties. But the law
23 has been successful. We have the results of a survey
24 that was conducted in 2016, a study that showed 85%
25 of employers reported no increase in costs for them.

2 We also know that there a report of very, close to
3 90% of employers reported no decrease in productivity
4 by their workers. So we think the net effect has
5 been positive for New York City's economy, workers,
6 and businesses.

7 CHAIRPERSON MILLER: How many employees
8 does the administration estimate to have, ah, not
9 have a paid time off policy at their workplace?

10 COMMISSIONER SALA: We are estimating
11 close to a million workers in New York City across
12 all industries who do not currently have any paid
13 personal time off.

14 CHAIRPERSON MILLER: And how did the
15 admin arrive at this number?

16 CHAIRPERSON MILLER: I'll defer to my
17 research director, Sam Christie.

18 SAM CHRISTIE: The primary dataset we
19 used to estimate the number of workers who lacked
20 coverage is the Community Service Societies Unheard
21 Third Survey. The 2018 results included estimates of
22 vacation access at various employer sizes. So we
23 combined that data with information from the Census
24 Bureau and the Bureau of Labor Statistics, that give
25 us employment totals for the city at different sizes

2 of employment, and then combining those two and
3 summing up the total we got to a million workers
4 lacked access.

5 CHAIRPERSON MILLER: And what are the
6 demographics of these employees?

7 SAM CHRISTIE: We did not perform
8 demographic analysis for this population
9 specifically. But it is representative of the low-
10 wage workforce of the city.

11 CHAIRPERSON MILLER: OK, that's a
12 different, that's taking us in a different direction.
13 But we didn't want to, is there a specific target
14 audience, so are we looking to address that entire
15 one million population that lack, um, sick leave?

16 COMMISSIONER SALA: Yes, we are
17 definitely looking to address the entire one million
18 workers who currently do not have paid personal time.
19 I don't know how we differentiate between one worker
20 and the next, workers across all industries deserve
21 this time, so whatever, you know, employment you have
22 in New York City and wherever you come from, whatever
23 language you speak, you deserve the day, the time
24 off.

2 CHAIRPERSON MILLER: So have you
3 experienced one industry over another that failed to
4 provide paid leave?

5 COMMISSIONER SALA: Yes. With respect to
6 paid safe and sick leave law enforcement, I can say
7 that some of the industries where we have seen a lack
8 of compliance with the law have been industries that
9 generally employ workers who may be immigrants,
10 whose first language may not be English. One
11 industry that really rose to the top in terms of our
12 concerns for compliance was the home care industry in
13 New York City. As you probably know, it's an
14 industry that is primarily comprised of immigrant
15 women of color and so that is definitely, domestic
16 workers are also, it's another industry in which
17 we're concerned with enforcement.

18 CHAIRPERSON MILLER: And in that industry
19 they do notice a difference between those that were
20 represented by organized labor and those that were
21 not and being afforded this benefit?

22 COMMISSIONER SALA: Our initiative to
23 proactively investigate 40 home care agencies did not
24 include any agency that had contract with a labor
25 unit, a collective bargaining agreement so I cannot

2 say that I would be able to speak about the
3 differences between those two. But, you know, this
4 law really is meant to cover all workers who do not
5 fall under collective bargaining agreement where they
6 have negotiated these kinds of benefits already,
7 right? So we're speaking for those workers who don't
8 have any time off. I also want to say that there are
9 a number of workers I've spoken to personally who
10 were promised paid personal time at the beginning of
11 employment who worked really hard to earn that leave,
12 who thought they followed all the steps in order to
13 qualify for the leave, asked with enough notice of
14 their employers, and then took the time off with
15 assurances from their supervisors that it was fine.
16 They came back to find no work, no job, right?
17 Because there's no guarantee in the law right now
18 that they can go to and say this is what I earned.
19 It's really up to the whim of some of the employers.
20 So this law will benefit not just the one million
21 workers who don't have the leave, but those who were
22 promised the leave but whose employers are not
23 willing to fulfill that promise.

24 CHAIRPERSON MILLER: So that allows us to
25 segue kind of into enforcement. I had the

2 opportunity in the past to tour in my district and
3 throughout the city with you in terms of enforcement
4 around paid safe and sick and, as you indicated, had
5 been pretty successful in doing so, but what would
6 the outreach look like? Would it be similar, what
7 would you, or would there be something that would be
8 done differently, because this is certainly, while it
9 is consistent with paid sick it is actually a
10 different benefit and do you see any nuances that
11 have to be done different? Do you see that your
12 agency and your work force has the capacity to
13 address this one million potential new clients?

14 COMMISSIONER SALA: As drafted right now,
15 the legislation builds on the framework of the Paid
16 Safe and Sick Leave Law and so it captures the same
17 universe of employers that are already covered by the
18 safe and sick leave law, and as you just rightly
19 pointed out, we have been, came out to your district
20 to do business education days. We do that regularly.
21 In fact, by law we're required to conduct ten
22 business education days a year with different
23 communities. We do more than that. Because we
24 believe in [inaudible] education, we think that that
25 is the right investment to do for our businesses. In

2 addition to that, we're committed to continuing to
3 hold small business round tables. We also held one
4 with you in your district where I personally came to
5 hear from small businesses and understand what are
6 the challenges they are facing with our enforcement
7 and to make sure that they know that there are no
8 barriers in accessing us personally and me
9 personally. So we are committed to that. I think
10 that as an administration we've done a lot to really
11 help relieve the burden on small businesses, but as
12 an agency we've created programs like the visiting
13 inspector program that is not something that was
14 required of us, but is something that we believe is
15 due to small businesses. We should like make sure
16 that one day there is new legislation that they have
17 the information they need in order to succeed. So I
18 would anticipate that we would do the same type of
19 outreach that we did with Paid Safe and Sick Leave
20 Law, but it would be an ongoing process. It is not
21 something that we would do once. We would do that
22 continuously. We would work with elected officials
23 to make sure that we're getting to those
24 neighborhoods, where like there is more information
25 and outreach needed, and we will also come up with

2 tools that will help small businesses with
3 implementation. We have done that. We do that
4 across all of the laws that we enforce. We put
5 together posters, FAQs, we translate those materials
6 so it's not a cost to the employer, and we're here
7 today to hear from small businesses as to what else
8 we can do to help them implement this law, we
9 [inaudible].

10 CHAIRPERSON MILLER: So I'm really glad
11 to hear that you will continue your extensive
12 outreach and certainly also glad to hear that the
13 city will be providing technical and other
14 assistances to small businesses as they attempt to
15 comply with any changes in legislation that come to
16 be. So in so in your outreach and your economic
17 analysis, what would be the impact of the requiring
18 all employees of five or more employees, including
19 the one for domestic workers, to provide paid person
20 time, and has there been an analysis on the number,
21 another number, being it seven or ten, some of the
22 numbers that we've heard?

23 COMMISSIONER SALA: Yes, so to answer
24 your question we think that starting at businesses
25 sizes of five employees or more is the right way to

2 do this work. We think that we've already taken into
3 access by making sure that employers that are smaller
4 than, with four or less employees, do not have to pay
5 for their time off. This law is consistent, this
6 proposal is consistent with what we have on the books
7 for Paid Safe and Sick Leave Law, and as I said
8 earlier two years after the law became implemented we
9 saw that employers reported, I think about 85% of
10 employers reported no increase in the costs. So
11 there will be some pressure from employers, that is
12 true. But we think that the right, it's not the
13 right way to alleviate the costs by saying that we're
14 going to limit basic minimum protections for workers.
15 This is an important piece of legislation. Let me
16 just say that I have, before having this position
17 with the city I worked for close to 10 years with the
18 New York State Department of Labor and the Attorney
19 General's office supervising compliance with minimum
20 wage and overtime payments. A lot of my
21 investigations covered cases where workers were
22 employed up to 72 hours a week. That is a lot of
23 hours in one week. So workers deserve this time off
24 and I think that we can make this happen. Again, the
25 city is committed to working with small businesses

2 and making sure that we hear from them about their
3 concerns and challenges with implementing this law,
4 but, you know, 94% of countries already have it,
5 right? In Europe. You have countries in Central and
6 South America, I was born in Peru. Peru already
7 requires one month paid vacation on top of paid
8 holidays, right? It's not in your [inaudible] as you
9 said earlier and it's something that has been proven.
10 We have strong economies, countries with strong
11 economies and strong worker protections, and we can
12 make this happen.

13 CHAIRPERSON MILLER: We've been joined by
14 Council Members King and Gjonaj, and before I go any
15 further I'm going to pass it over to the Public
16 Advocate for his question.

17 PUBLIC ADVOCATE WILLIAMS: Thank you, Mr.
18 Chair. Thank you, Commissioner, for the testimony.
19 I have a few questions. I did want to go back to one
20 that the chair asked about negative consequences so
21 far. I think you said 80% of businesses had no
22 negative impact on paid safe and sick law, is that
23 correct?

24 COMMISSIONER SALA: Close to 85%.

2 PUBLIC ADVOCATE WILLIAMS: 85%, right.
3 What about the 15% who did? How many employees does
4 that cover and what kind of negative impact did it
5 have?

6 COMMISSIONER SALA: [whispering] Yeah, so
7 we would be happy to submit a copy of the report for
8 your review. But, like I said, 85% reported no
9 increase in costs and I believe that there was some
10 increase in cost, no more than 3%, for the remaining
11 percentage of that. But I will be happy to provide
12 you with copies of that study.

13 PUBLIC ADVOCATE WILLIAMS: So right now
14 you don't have the information on what the negative
15 impact was for the other 15%?

16 COMMISSIONER SALA: It's the same, the
17 same report are signed, I signed it, tells us that,
18 what is that? No, I'm sorry, I don't have the
19 information right now.

20 PUBLIC ADVOCATE WILLIAMS: OK. I think
21 it's critically important and I don't want to dismiss
22 it. I'm glad it was only 85%, 15% can be a
23 significant subset and I would like to understand
24 what the negative impact was as we move forward.
25 When I first introduced the bill in 2014 it was to

2 apply to employers of 10 people or more. Since then
3 paid sick leave passed, applying to employers of more
4 than five employees. I know the administration
5 really wants to do five plus for personal paid time
6 and that's what we're hearing. But as you know,
7 myself and I believe the chair are not quite there
8 yet. And so can you explain why you believe so much
9 that it should be five plus like paid sick leave?

10 COMMISSIONER SALA: Yes. I would urge you
11 to consider that if you raise the threshold from the
12 business size of five employees more to about 10 you
13 lose close to 115,000 workers who probably most need
14 this time off. We have quite a good number of
15 workers that are both in the retail industry and also
16 in the hospitality industry. These are workers who
17 are often working part time, workers who live off
18 tips, and the people who are more likely to be
19 subject to income instability, and so I do think that
20 it's important we continue to think about how to make
21 this law happen for workers that are employees at
22 businesses of five employees or more, because we
23 don't want to start leaving workers behind.

24 PUBLIC ADVOCATE WILLIAMS: I think the, I
25 don't, hopefully the partnership will testify, I

2 think they have different numbers that say it's much
3 lower than 115,000 workers. But I just want to be
4 clear. Is that the only reason, just the amount of
5 workers, that you believe that we should keep it
6 consistent with paid sick leave?

7 COMMISSIONER SALA: I mean, there's
8 definitely a strong argument for consistency, right?
9 Right now employers and workers know that their
10 obligations kick in and their rights kick in at five
11 employees or more. It will be more complicated when
12 you have to have two different messages for two
13 different thresholds and for implementation. So that
14 is definitely a strong argument, but I think the
15 strongest argument is that we want to treat every
16 worker with dignity and respect and that they all
17 deserve paid personal time off.

18 PUBLIC ADVOCATE WILLIAMS: Well, the
19 consistency, do you mean consistency of enforcement
20 or consistency for the employer?

21 COMMISSIONER SALA: It's consistency of
22 enforcement, consistency of education for employers,
23 for employers to know that this is simple and this is
24 the way that it is and there's no, you don't have to
25 be thinking about different laws for different

2 [inaudible] of thresholds of workers, but also for
3 workers themselves, right? It's a simpler message for
4 them to understand that if I work for an employer
5 that has five employees or more I have access to both
6 the paid safe and sick leave and the paid personal
7 time.

8 PUBLIC ADVOCATE WILLIAMS: So under the
9 [inaudible] peripherally and hopefully we'll here
10 from some more of the employers today, they seem to
11 not think it would better for them to have it
12 consistent in the way you're talking, that they would
13 be able to administer both laws, even if they had
14 different thresholds of employees. So hopefully
15 we'll hear from them and hopefully someone will stick
16 around so you can hear what they're saying on that
17 issue, and of course I'm fully on board making sure
18 we cover as many workers as possible, but we are
19 making a decision and we could do from zero up, but
20 we're saying five and up, and so there are going to
21 be some workers even in your bill, the bill that
22 presenting now, five up, there are still going to be
23 workers who aren't included. And the question is
24 trying to find the balance with all the things that
25 we're asking employers to do to make sure we are not

2 overburdening them, particularly we're not providing
3 or even offering the same support that we offered
4 Amazon to the small businesses, and so I'm wary and
5 cautious of that and I want us to be cautious of that
6 as well. I'm not sure, as the businesses come and
7 testify they will say 100% that they agree with this,
8 and so even doing this, but I do believe we should be
9 still hearing what they're saying in terms of how we
10 apply this, because I do want to get from not now to
11 how best. So I haven't been persuaded yet and I'm
12 hoping you have some answers why we should keep it to
13 five plus and so hopefully, I just wanted to give you
14 another opportunity, if there's something else that
15 says it should be at five plus besides what you said
16 already.

17 COMMISSIONER SALA: I think I'm not doing
18 the, I'm not doing it justice. I think that I'd love
19 for you to hear directly from the workers who are
20 impacted by this issue, right? That they don't have
21 access to that. I sit here with the privilege of
22 enjoying paid personal time. We all do here, right?
23 We take it for granted. There are plenty of people
24 out there who can't take two hours paid personal time
25 a day to handle an emergency. I want you to hear

2 from the workers, because frankly I could not look
3 them in the eye and say you do not deserve this, this
4 time off.

5 PUBLIC ADVOCATE WILLIAMS: Absolutely.

6 COMMISSIONER SALA: And I think that,
7 again, when I mention that, um, workers, 15,000
8 workers that you lose by lowering the threshold, I'm
9 sorry by raising the threshold, you end up with,
10 again, the majority of those workers are employed in
11 industries such as retail and hospitality, and I do
12 think that it is important that we don't leave them
13 behind.

14 PUBLIC ADVOCATE WILLIAMS: I agree,
15 except even with the bill as worded we will be
16 leaving workers behind, so you will be saying to some
17 workers that they're not covered. My question is why
18 the five point? Because I appreciate the motion that
19 you, the emotion you present and make sure we hear
20 the workers, because that's the only reason I put
21 this forward, we heard some passionate discussion
22 already downstairs. But exactly what you just said,
23 we are going to be saying to employers who have zero
24 to five, am I correct? So you'll be saying exactly
25 that to them, that they're not covered.

2 COMMISSIONER SALA: That is true.

3 PUBLIC ADVOCATE WILLIAMS: OK.

4 COMMISSIONER SALA: For employers that
5 are smaller than five employees, right, four or less,
6 they do not have to pay for the leave. They have to
7 still provide unpaid leave, but they do not have to
8 compensate the workers for that leave.

9 PUBLIC ADVOCATE WILLIAMS: Yeah, I'm just
10 saying that because you, I don't want to make it seem
11 as if we both don't agree that all workers should be
12 covered. But even in what you're presenting now,
13 some workers won't be covered, even what the
14 administration wants. So I don't want to make it
15 seem like we're trying to do something that the
16 administration isn't already doing.

17 COMMISSIONER SALA: Absolutely,
18 absolutely. And we're definitely here today to hear
19 from small businesses and other industry players
20 today. We want to hear what the challenges would be
21 keeping this threshold at five employees or more.

22 PUBLIC ADVOCATE WILLIAMS: Thank you.
23 According to data provided by the administration, 6%
24 of New York City's total workforce is employed by
25 [inaudible] with five to nine employees, and of that

2 percentage half of them already have paid personal
3 time from their employers. What are the
4 circumstances of the other half, why don't they have
5 personal time off? Do you have any insight into that?

6 COMMISSIONER SALA: As to why about half
7 of the workers do not have paid personal time? I
8 mean, really, there is, again, there is nothing in
9 the law in this country that requires any employers
10 to provide any kind of benefit, right? I think I am
11 concerned that even with those workers that were
12 offered, that are part of the 50%, the half of New
13 Yorkers who actually are supposed to be getting
14 leave, I'm concerned that workers are not receiving
15 it, right? Because there is nothing, again, no
16 guarantee in the law that they have recourse to
17 anyone if they don't get the paid time that they
18 earned. So I don't know the reasons why. I mean, I
19 think we are well behind. We spoke about all the
20 countries that already have this. I think that we
21 need to start like sooner than later to make sure
22 that this is the law, that there is a floor. Again,
23 some businesses out there are already providing this
24 benefit and some businesses are providing more than
25 that. And for the half of the businesses in New York

2 City that provide the benefit, we are just raising
3 the standard so that they're not competing at a
4 disadvantage when we have all businesses held to the
5 same standard.

6 PUBLIC ADVOCATE WILLIAMS: Are there any
7 other agencies you do or would partner with in
8 enforcing the act?

9 COMMISSIONER SALA: In terms of the
10 enforcement, the enforcement will be squarely within
11 my agency. In terms of doing outreach and education,
12 we will be working closely with Small Business
13 Services, we always do. Everything we do outreach or
14 business education days, small business round tables,
15 we're always in communication with them to make sure
16 that we have a coordinator approach to our work.

17 PUBLIC ADVOCATE WILLIAMS: Thank you very
18 much. Thank you, Mr. Chair, and I'm looking forward,
19 Commissioner, to working with you and the
20 administration with the small businesses to make sure
21 we go from not now to how best and passionately
22 protecting the workers, who we're going to hear from
23 just in a few moments. Thank you.

24 CHAIRPERSON BORELLI: Thank you, Public
25 Advocate. Before I go to Council Member Adams,

2 Maisel, and King I just want to follow up on the
3 Public Advocate's line of questioning about small
4 businesses. And so with the legislation which
5 represents, this legislation represents another
6 mandate on employers and we've seen a bevy of those
7 over the past few years and this administration and
8 our tenure in the council, and while those mandates
9 have certainly improved the quality of life, paid
10 sick and safe, \$15 minimum wage, and other anti-
11 discrimination training mandates, certainly it has
12 had an impact. Has the department considered how it
13 will support small businesses as they adapt to this
14 new operational environment? And if so, what does
15 that look like differently from paid safe sick?

16 COMMISSIONER SALA: So I would just say
17 that the commitment from this administration to
18 working with small businesses and helping them to
19 thrive in the city is clear, right? We have
20 implemented as a city through the Department of Small
21 Business Services 30 commitments to reduce the
22 regulatory burden on small businesses. The
23 commitments are projected to save businesses,
24 business owners, 50 million dollars and reduce the
25 time it takes to complete business transactions with

2 the city by 30%. We have reduced fines for small
3 businesses by almost 50% since Mayor de Blasio came
4 into office, and we continue to think about
5 legislation, like the [inaudible] laws that the
6 council works on to make sure that...

7 CHAIRPERSON MILLER: Excuse me. [baby
8 crying] Continue, please.

9 COMMISSIONER SALA: We will continue to
10 work with small businesses to make sure that we
11 continue to address how to make enforcement part of
12 what helps them run their businesses well. One thing
13 that I would say is that, again, as part of our
14 outreach and education, any time we implement a new
15 law we have the interests of businesses very clearly
16 in our minds, especially because in the city we have
17 so many small business immigrant owners, right, who
18 speak different languages, who come from different
19 countries, who oftentimes are importing the business
20 practices from their countries, and it's not that
21 they're trying to break the law, it's just that
22 they're not aware of what the legislation is, what
23 the rules are. So we invest a lot on education and
24 going door-to-door. Really, door-to-door, talking to
25 businesses and spending as much time as we can to

2 understand, to make sure that they get what it is
3 that they need to do to avoid fines from the city,
4 and to bring to them tools that they can use to make
5 implementation easier. So we will do the same that
6 we do with every other law that we have in the books
7 and we have learned along the way, when we know that
8 there are certain industries or sectors of businesses
9 that need more of our resources we accommodate that.
10 So we're committed to making this work for the
11 business community.

12 CHAIRPERSON MILLER: And as I said, I've
13 had the pleasure of touring with you and as a matter
14 of outreach and reaching out to the various
15 businesses and not just in my district but throughout
16 the city, and they greatly appreciate it. But I
17 think that this new policy is going to, along with
18 the other, in addition to the other policies that
19 have been implemented are going to bring back new
20 challenges, new challenges such as if you look at
21 paid safe and sick and now paid leave, we're talking
22 about 15 days per employee, average of five, so a
23 small business potentially has to deal with 75 days
24 of time inattendance that they now have to learn to
25 manage. Do they have the skills? Are Small Business

2 Services or any other agency going to provide the
3 technical assistance and resources that allow them to
4 manage a work force minus 75 days and outside of,
5 what's different from collective bargaining, most
6 collective bargaining agreements where there are
7 certain, ah, mandates around usage of time
8 inattendace, I don't see that in the legislation and
9 potentially you have one or two people out on
10 vacation, somebody calling out sick...

11 COMMISSIONER SALA: Yep.

12 CHAIRPERSON MILLER: Have we, you know,
13 kind of tried to look at some of those collective
14 bargaining agreements or some other policy that is
15 out there that would not further burden small
16 businesses and so that we can provide that type of
17 technical assistance, as well as what was already
18 done, because certainly these are new challenges.

19 COMMISSIONER SALA: Yes, certainly, and
20 today is obviously an opportunity, another
21 opportunity to hear from small businesses on what
22 they want to consider as we continue to develop this
23 legislation. But I would say that in the law there's
24 room for rule-making from our agency so that we can
25 provide clear guidance on what kinds of policies,

2 legitimate policies employers can set in order to
3 manage staffing needs, right? We all have to, those
4 of who have a staff have to do that all the time,
5 right? We know that you can't have everyone out on
6 vacation at the same time. We understand that, and
7 we're willing to work with employers to make sure
8 that they come with policies that are in compliance
9 with the law, but that are also not using a
10 discriminatory manner, right? That they provide
11 enough notice to workers and they're clear and people
12 cannot argue that some people were treated
13 differently and others, than others.

14 CHAIRPERSON MILLER: So that is certainly
15 something I would look forward to working with the
16 admin on. I know that FMLA, it gives a lot of
17 latitude towards the employer to administer those
18 benefits, but it happens not always in the best way
19 and I think that it's something that we can all
20 working collectively make sure that it certainly
21 benefits the workers, that they have access to this
22 benefit, but that is not an overburden on businesses.
23 With that, I'm going to pass it over to Council
24 Member Adams for questioning, followed by Council
25 Member Gjonaj, King.

2 COUNCIL MEMBER ADAMS: Good morning,
3 Consumer.

4 COMMISSIONER SALA: Good morning.

5 COUNCIL MEMBER ADAMS: Thank you, Mr.
6 Chair. And I certainly thank the public advocate for
7 his legislation, very important and impacting
8 legislation. Thank you for touring my district with
9 me. I remember that day very well and I think that
10 it's very profound what you said. What I find in
11 District 28 in Queens that because of the immigrant
12 population there is a disconnect and we found that
13 day that it just is simply education that is needed,
14 very, very desperately, to our small businesses. So
15 to that very, very simple question I'd just like to
16 know what the feedback, what is the feedback that you
17 have received from small businesses because of the
18 policy and what is the feedback that you have
19 received from the workers since this policy?

20 COMMISSIONER SALA: Um-hmm, yes, so I
21 would say just a couple of things about feedback from
22 small businesses, and I'm sure today we'll hear
23 plenty of feedback. But one thing I would say is
24 that initially most employers do want to be able to
25 provide for the workers appreciate the work that is

2 being put into their businesses, and they are more
3 conflicted about how to just make it happen, right?
4 And so I think that one thing that will concern small
5 businesses is the kind of notice that they can ask
6 employers to provide, right, before they actually
7 take the time off. So that, because that will help
8 them in managing their staffing needs, so that is
9 certainly something that we want to hear from small
10 businesses on. We have also heard from small
11 businesses about, you know, what happens when you
12 already offer certain time off, because maybe you
13 close the business for a certain period of time, you
14 know, what happens then? So what we're hoping today,
15 the feedback from small businesses on what they think
16 would be the right policy. But we also want to hear
17 from workers, right? Because the reality is that,
18 again, like I said, it is real easy to forget when
19 you already are able to take time off what it feels
20 like for workers who don't have any access to that,
21 and who cannot afford to take time off, even if the
22 employer wants to give them the time, if they don't
23 get paid, there's just like or two weeks that they're
24 missing wages, wages that they need to make ends meet
25 at the end of the month. I heard from one airport

2 worker who came to my office and said, you know, I
3 haven't been back to my country in like 12 years
4 because it's too expensive to go, and I had a recent
5 death in my family and I had to make the very
6 difficult choice that I just couldn't make it. I
7 could not go back because either if I have the time
8 from my employer it wasn't getting paid, right, I
9 wasn't getting paid for that time. I'm missing two
10 weeks out of the money of wages. I can't pay my rent
11 if I don't have those wages. And so I think that we
12 need from those voices today and also think about
13 what kind of city we want to leave for the next
14 generation of New Yorkers. I have two kids who are
15 graduating college soon. They don't know what it's
16 like out there and like right now you either are born
17 into wealth and you don't have to worry about income
18 stability or you are one of the lucky New Yorkers,
19 one of the half of New Yorkers that actually get over
20 some kind of paid personal time. It should not be up
21 to, it should not be a matter of luck, right? And so
22 I think that, you know, this is a city that can
23 continue to thrive, continue to have a strong
24 economy. We have the most jobs available right now
25 than ever, 4.5 million jobs. We can do that and

2 still bring protections to workers because we're not
3 the only ones. This is not an experiment. This is
4 something that has been proven around the world.

5 COUNCIL MEMBER ADAMS: Thank you. I
6 agree with you, and hopefully with all of us working
7 together to make this a reality, but best from
8 everyone from small businesses to workers alike, that
9 we will come to a happy medium for everybody
10 involved, because our workers are extremely
11 important, as are our small businesses to help keep
12 this city going effectively. So thank you very much
13 for your testimony today.

14 COMMISSIONER SALA: Thank you so much.

15 CHAIRPERSON MILLER: Thank you, Council
16 Member Adams. Council Member King.

17 COUNCIL MEMBER KING: Thank you, Chair,
18 and thank you Public Advocate [inaudible]. Thank
19 you, Commissioner, for joining us today. I start
20 with this. I always say people pay attention to
21 people who participate. So I want to thank you all
22 of you who came out today to participate in this
23 conversation, make sure that your voices are heard,
24 and that we do right by you while maintaining small
25 businesses. I'll move to the next thing. We always

2 in this world hope that, you use these famous nine
3 words, small businesses are the pillar of our
4 communities. So what are we doing today to making
5 sure that that continues to happen? While I'm looking
6 at the legislation and you can help me answer this
7 question, because I understand whether under four
8 some things don't apply, over five everything
9 applies. So knowing those rules are in place with
10 paid sick leave and looking for earn more sick days
11 and all more vacation days, has there ever been, as I
12 looked at the documents, based on the financial
13 profits of a business, whether they can sustain
14 themselves with all these rules that have been thrown
15 at them, because at the end of the day while we want
16 to make sure people have an opportunity to be with
17 their families and get paid at the same time, we
18 don't want to put businesses out of business as well.
19 So I just want to get an idea while we use number of
20 participants in a business, are we looking at the
21 final financial impact of the business or the
22 existence of the business to say, hey, if a business
23 is worth a million dollars they can handle all of
24 this. If they're worth \$50,000 all these rules will
25 really just put them underground. So I just want to

2 get how did, is that factored into these
3 conversations and the legislation?

4 COMMISSIONER SALA: I cannot sit here and
5 give you a full analysis of what the impact has been
6 on all of the recent legislation that has been put
7 forward by both the council and the administration.
8 I can tell you from our experience enforcing Paid
9 Safe and Sick Leave Law when we heard that four years
10 ago, five years that the sky was going to fall, that
11 we were going to lose jobs, that's not the case.
12 We're here with a strong economy, it's stronger than
13 ever. We have employees who are receiving the
14 benefit, employers who are providing the benefit, and
15 this law, this proposal now really builds on the same
16 framework that we have in the Paid Safe and Sick
17 Leave Law. It covers the same universe of employers.
18 Like I said earlier, there is a survey that was done
19 that showed that 85% of employers reported that they
20 did not see an increase in costs to their businesses,
21 so I think I am confident that we, we have a healthy
22 economy and healthy businesses and that we can make
23 this happen.

24 COUNCIL MEMBER MILLER: Well, we're
25 trusting this conversation will continue and evolve,

2 because we know we're not, as I'm looking at, I know
3 we're there one hundred percent. There are people
4 who will say yes, this is a wonderful thing, because
5 yes it is good for people to be able to take off when
6 they get sick and even get paid at the same time.

7 But we do understand that our small businesses,
8 depending on their bottom line, whether or not this
9 is feasible for all of them, if you own a pizza shop
10 before [inaudible] at the same time the store doesn't
11 open. So five, even if you have five, you know, if
12 everybody is out the pizza shop doesn't open. So I'm
13 just asking us as we continue to figure out what
14 makes sense that we really continue to be responsible
15 to the business owner as well as to those who are
16 doing the work so the business can stay in business.
17 So with that all being said, I'm just, thank you
18 again for your day of testimony and answering our
19 questions. Thank you.

20 COMMISSIONER SALA: Thank you so much.

21 COUNCIL MEMBER MILLER: Thank you, Mr.

22 Chair.

23 CHAIRPERSON MILLER: Thank you, Council

24 Member King. We're going to hear from Council Member
25 Gjonaj.

2 COUNCIL MEMBER GJONAJ: Thank you, Chair,
3 and thank you for the great questions from both the
4 chair and the Public Advocate. Commissioner, I'm
5 actually concerned from the very beginning that this
6 hearing is being held on Tuesday, the day after
7 Memorial Day. Now I'm not a conspiracy theory-minded
8 person. But it sounds to me like this was done
9 intentionally so there would be very low
10 participation today. But besides that. You know,
11 you're referring to countries that have already
12 adopted these rules. Why aren't we making this push
13 at a state level versus a city level?

14 COMMISSIONER SALA: Sir, thank you for
15 your question. I would love to be able to have the
16 state pass this kind of legislation. I would love to
17 have other cities in the country do this, and we are
18 doing what we can as New York City's administration
19 and I think it's the right, right way to go. With
20 respect to the schedule, I mean, really this
21 coordinated with the council and this is a date that
22 was provided to us for the hearing.

23 COUNCIL MEMBER GJONAJ: I can assure this
24 things happen with good reason. They don't happen
25 just by chance. So I believe that this was done for

2 that specific reason. Because all week I have heard
3 back from Chambers and Bids saying we're not even
4 aware. Merchant associations saying had we known,
5 how could they do this on Tuesday, right after
6 Memorial Day? We weren't given notice. So I believe
7 this was done intentionally. But besides that, and
8 the reason why I say the state versus the city,
9 because already there is a difference between a small
10 business in New York City and the rest of the state.
11 We have a minimum wage difference. We're giving
12 advantages to small businesses that operate out of
13 New York City and putting a stronger burden on small
14 businesses in New York City. And I want to correct
15 you on the SBS program that you were referring to, by
16 the way, is Small Business First, which was initiated
17 four years ago. It's supposed to have gone through
18 the six thousand rules and regulations in New York
19 City to remove old outdated regulations. Do you know
20 how many rules they've actually changed in four
21 years?

22 COMMISSIONER SALA: No sir.

23 COUNCIL MEMBER GJONAJ: Eighty. And they
24 modified them. They didn't get rid of a single rule
25 or regulation. Modified means they actually made it

2 worse, and it only costs 9 million dollars a year.

3 So we spent 27 million dollars in three years of
4 taxpayer dollars to modify 80 rules and regulations.

5 Government needs to stop trying to help, because
6 every time we help we hurt businesses. And I want to
7 make this clear for the audience. I am not choosing
8 a side between employer and employee. I speak to
9 employers all the time. I come out of that world.

10 And they say we want a happy employee. We want an
11 employee that's going to stay with us and be able to
12 provide for their family. But we can't provide those
13 coverages, those salaries, those benefits while also
14 giving to the worst city in the world for small
15 business. In this budget, do you know what the real
16 estate tax increase is?

17 COMMISSIONER SALA: No sir, I don't.

18 COUNCIL MEMBER GJONAJ: 1.8 billion
19 dollars. That's over last year's increase. Do you
20 know what that increase was? 1.5 billion dollars.
21 That's all going and trickling down to those very
22 small businesses that are trying to survive, and on
23 the way here to City Hall today do you see the
24 commercial corridors? Do you see the vacancies that
25 are out there? Government does a great job of

2 pegging employee against employer. That is not the
3 issue. The target and the cause is New York City
4 with overtaxation, overregulation, giving unfair
5 competition to anyone that operates out of New York
6 City. Employees are part of a family with that
7 employer, when you refer to small businesses. They
8 just can't give to both. Do you know what the
9 unemployment rate is today in New York City?

10 UNIDENTIFIED: [whispering]

11 COMMISSIONER SALA: It's about 4.2,
12 something like that.

13 COUNCIL MEMBER GJONAJ: Very close, 4.3.
14 Commissioner, in this type of a climate you know what
15 the number complaint is from employers? I need
16 employees. The turnover rates, the vacancies, I
17 can't find a decent employee that wants to stay with
18 me and grow with me. They're leaving for better
19 opportunities. They're not stuck in those positions.
20 That's what I hear out there in the small business
21 world. Help me get a stable employee, someone that
22 will stay with me. I want him to stay with me. This
23 is working against them, not for them. See, we have
24 scissors in one hand and a hammer in the other. And
25 we tell our small businesses which one do you want?

2 So as we pay more in taxes and we pay more in fees
3 and have more regulations there's only one place they
4 can take it from, the employees. Because the bottom
5 line doesn't sustain it. 50% of small businesses
6 never make it to year five. And if you're a
7 restaurant, 80% of restaurants never make it to year
8 five. You are putting a burden on small business
9 without giving them any help anywhere else. You are
10 destroying small businesses in New York City. You
11 are forcing them to go robotics and automated. Just
12 so they can compete and keep their doors open. Or
13 you are forcing them to operate in the shadows, where
14 they don't comply with New York City rules and
15 regulations because there's no way they can. Look at
16 the people in that audience, and I really do hope you
17 will stay here for the entire hearing yourself to
18 hear the pleas of the small businesses, the few that
19 are here because of the lack of notice and the day
20 that this hearing was held on. There's going to be
21 major pushback against this administration. Why
22 here, why now, why today? And it's not because he
23 wants to help the employee. It's because our mayor
24 is out there now on a national agenda so he can
25 deliver to the country and this nation look at the

2 great work I'm doing. I've never met a person that
3 worked so hard for a job that they didn't do from the
4 very beginning.

5 CHAIRPERSON MILLER: Council Member,
6 please move, ask your questions to the Commissioner.

7 COUNCIL MEMBER GJONAJ: I am sorry,
8 Chair, but this was really a passionate issue that I
9 myself, the Small Business chair for New York City
10 Council found out about this last week. If I found
11 out about it, Chair, our small businesses never got,
12 received the notice that they should have. And these
13 are life changing. Those small businesses,
14 Commissioner, that invested everything that they had
15 in those small businesses and they value their
16 employees, this may be the straw that breaks their
17 back. And when businesses leave New York City to go
18 to Westchester, where they pay less in minimum wage,
19 have less restrictions, and now less benefits to
20 their employees, we're going to be asking ourselves
21 how did we let this happen? And then I want to see
22 those that are going to say we should have thought
23 this one out. Thank you.

24 COMMISSIONER SALA: May I respond just
25 briefly to a couple of things? One, I would say that

2 we have in the last few weeks, couple of months, held
3 several small business round tables, round tables
4 with all sizes businesses, to get input from them,
5 and so I believe that, I'm not sure who exactly got
6 notice when, but I know that this is something that
7 was not a surprise to any of them and we did receive
8 feedback from businesses. I would also argue that
9 exactly what businesses are looking for is stable
10 work force. Well, these, policies like these, like
11 paid personal time, actually contribute to having a
12 productive work force, a healthier work force, and I
13 think that it's true that there are pressures on
14 employers and we're here to, today hear from them.
15 We want to understand their concerns and the
16 challenges. But 50% of businesses in New York City
17 already say that they give paid personal time to
18 workers, right? They're making it happen. So I
19 believe that the rest of them can make it happen,
20 too. And, sir, I would just say that workers in all
21 industries, no matter what they do, are deserving of
22 time off and no one is more important than anyone
23 else and it cannot just be that workers at the top of
24 the ladder are receiving these benefits and not our
25 lowest income workers.

2 COUNCIL MEMBER GJONAJ: Chair, if it's
3 OK, the commissioner asked a, brought up a very
4 important point. I'm not saying that our workers
5 don't deserve time off. I am not saying that. I am
6 saying that employee, employers cannot give to
7 employee and New York City government through forced
8 mandates. They just can't. The bottom line doesn't
9 sustain it. What was the feedback that you received
10 from our small businesses in reaching out to them,
11 and did you reach out to them yourself or was it your
12 staff?

13 COMMISSIONER SALA: It was, um, a joint,
14 um, project from both the administration, people at
15 City Hall and my, my staff who were at these, several
16 round tables. Um, I, and I think again, like I said
17 earlier, businesses for the most part expressed, um,
18 really a desire to treat their workers well and to
19 make sure that they were rewarding people for their
20 productivity and their contributions to their
21 businesses. I think some of their concerns were
22 around notice, about staffing needs, and those are
23 the things that we want to hear from them today to
24 make sure that we draft a legislation that is

2 workable and that benefits both workers and
3 businesses.

4 COUNCIL MEMBER GJONAJ: How is this going
5 to work with the scheduling requirements where an
6 employer can't ask an employee without giving them
7 adequate notice?

8 CHAIRPERSON MILLER: We're going to do a
9 second round.

10 COUNCIL MEMBER GJONAJ: Yeah, thank you.

11 CHAIRPERSON MILLER: But you, you feel
12 free to answer the question.

13 COMMISSIONER SALA: Like I said, we will
14 definitely be working out those issues with today's
15 feedback and continue ongoing conversations with
16 businesses.

17 CHAIRPERSON MILLER: Thank you,
18 Commissioner, and again for the record we have
19 reached out to chambers and those representing the
20 business community where it is often difficult to
21 small business to take off, close their doors and
22 show up, but they are represented by a body and those
23 bodies hopefully are here today and that their voices
24 will be heard and that those voices will be a part of
25

2 this new policy when it takes effect. We're going to
3 hear now from Council Member Eric Ulrich.

4 COUNCIL MEMBER ULRICH: Thank you. Thank
5 you, Mr. Chair. I appreciate the time.

6 Commissioner, I apologize, I'm running late today,
7 but I did get a chance to review your testimony. Let
8 me just preface my question with just a brief remark,
9 that I was one of the original co-sponsors of paid
10 sick leave. I think I was the only Republican on the
11 bill when Gail Brew introduced it in a previous
12 session. So I support the concept of paid sick
13 leave. What bothers me about this bill in particular
14 is the enormous burden that it would place on small
15 businesses. This isn't like the mayor and the city
16 wants to go after this corporate multi-billion-dollar
17 corporations are taking advantage of workers, people
18 who are just trying to make ends meet. This is going
19 to have a detrimental impact, I believe, on the mom
20 and pop shops, so many of which are in my district
21 and my community, bakeries, pizzerias, clothing
22 stores, nail salons, people that are struggling.
23 Many of them are immigrant-owned businesses. They
24 face so many challenges. Now we're adding on another
25 layer and another unfunded mandate. It bothers me.

2 It really bothers me to know that they would be
3 impacted in such a negative way by the bill. I would
4 be more comfortable if there was a carve-out or a
5 threshold that addressed that fact that small
6 businesses are already paying their fair share to
7 stay in business. If the mayor really wants every
8 worker to have personal time, then let the mayor pay
9 for it. Let the city put the funding in and
10 reimburse the businesses. If that's how, if this is
11 such a moral imperative for the mayor, then the city
12 ought to pay for it. But we're asking small
13 businesses to absorb those costs, and they're
14 struggling already. So I have a big problem with the
15 bill as it's currently written. And I know that
16 you've heard some of these concerns already from some
17 of my colleagues or from some folks in the business
18 community, from the Chamber of Commerce, but what
19 steps is the administration taking to address some of
20 those concerns? Because these are real concerns faced
21 by real New Yorkers who are just trying to keep their
22 doors open and pay their employees what they're
23 entitled to be paid and compensated.

24 COMMISSIONER SALA: Um, yes, thank you
25 for your question and your concerns, and we, ah,

2 definitely committed to hearing from business owners
3 today. We've been meeting with, ah, with them over
4 the last few weeks. We want to hear what concerns
5 they have in having this law, ah, this bill become
6 law and in the implementation period. Like we do
7 with every legislation and every law that comes into,
8 into the books my agency is committed to investigate
9 in outreach and education first to make sure that
10 employers are not subject to fines unnecessarily just
11 because they didn't realize there's a new law on the
12 books. So we're very committed to spending time in
13 every community, especially like immigrant, small
14 business communities, and we do that all the time. I
15 said earlier we hold business education days where
16 our inspectors are out there visiting door to door
17 businesses between 70 to 100 in a day just to provide
18 education, not to penalize anyone, but to make sure
19 that employers and managers know, understand their
20 obligations under the laws. The city, ah, has
21 committed to reducing fines from small businesses. I
22 can tell you that since, um, at least since Mayor de
23 Blasio came into place fines are now down by 50% what
24 they used to be before, um, and we want to do more
25 [inaudible].

2 COUNCIL MEMBER ULRICH: Those are, I
3 don't mean to be rude, but those are health code
4 violations related to small businesses that are food
5 establishments are down. Buildings Department
6 violations are dramatically up, and look at the sign
7 violations in the city that was slapped on small
8 businesses. So that's not to suggest that all
9 violations or all fines are down by that percentage.
10 I would beg to differ there. The facts are clear.

11 COMMISSIONER SALA: I'm talking just from
12 our own agency's experience, right, enforcing the
13 rules and laws that we enforce, ah, there's been a
14 decrease by 50% in fines. So we are committed to our
15 small businesses and to our small business owners
16 that speak other languages we have all our materials
17 in different languages. I have, just last week I was
18 out in Queens with a couple of outreach staff who
19 speak Urdu and Bengali and, you know, we are bringing
20 our services, education, we want to make sure we can
21 communicate with all business owners regardless of
22 what language they speak. But I do think that as a
23 city we do want to make sure that we're treating all
24 workers with respect and dignity. As I said earlier,
25 I think that, um, this is not a new concept. This is

2 not an experiment. This is being done across the
3 world and we have strong economies and strong worker
4 protections, um, and those are not concepts that are
5 mutually exclusive. I think that domestic workers
6 are entitled to this leave, ah, and those are often
7 employees that are, it's only just one employee
8 working at a household, but they are no less
9 deserving of having paid time off to spend with their
10 families or just to recharge.

11 UNIDENTIFIED: Council Member, if I could
12 add, because this question came up in the public
13 advocate earlier, ah, about the report that was done
14 on paid safe and sick leave and we thank you for
15 being a sponsor and a champion for that. Of the 15,
16 it's actually 14%, that reported an increase in
17 costs, the majority of them reported, it's about
18 4.4%, reported an increase of less than 1%. And in
19 fact 1.5% of businesses, which is the difference
20 between the 85 and the 14, actually reported that
21 costs went down rather than going up.

22 COUNCIL MEMBER ULRICH: I don't doubt
23 those numbers. I mean, I would like to see the
24 breakdown.

25 UNIDENTIFIED: Happy to give it to you.

2 COUNCIL MEMBER ULRICH: And I'm sure
3 that's it there, and I'm happy to look at that. But
4 my point is that I'm not against treating workers
5 fairly or paying them a living wage or giving them
6 time off. But who pays for it, that's the question
7 that I bring up. What I'm saying is that Bill de
8 Blasio is running for president and this is the
9 centerpiece of his campaign, and you're not hear in
10 that capacity, you're here as government officials.
11 But when he's touting the fact that he is promoting
12 now personal paid sick leave or personal time off as
13 leave, but he is not telling the rest of the country
14 or the businesses throughout the city that they are
15 going to be the ones that are actually going have to
16 pay for it. I think it's very disingenuous. If he
17 truly believes in this, again, as a moral imperative
18 then the city ought to pay for it. Let's put it in
19 the budget. We're in budget season. If the mayor
20 wants every business in the City of New York to offer
21 personal time off for employees then let the mayor
22 and the City of New York pay for it. Let's not pass
23 the buck onto the small businesses that are already
24 struggling. That's my point and my concern. I know
25 the chair wants to get back to the hearing, but I say

2 that from a point of sincerity, and you can look
3 back. I was one of the original co-sponsors of paid
4 sick leave, so I'm not against helping workers. But
5 the bill as it's currently written I think is going
6 to have a negative impact on small businesses and we
7 need to provide a reasonable accommodation at the
8 very least. Thank you, Mr. Chair. Thank you,
9 Commissioner.

10 CHAIRPERSON MILLER: Thank you, Council
11 Member Ulrich. And Commissioner, before we let you
12 go, we do want to, um, the question has come up time
13 and time again about what type of support and we're
14 talking about, um, education, but support, and
15 Council Member Ulrich just mentioned some of the
16 larger corporations that receive subsidies, and I
17 know the city often is engaged in these larger
18 companies and pretty large subsidies, um, that
19 comparable on, aren't equitable to what we're talking
20 about now to small businesses. Often, ah, they're
21 receiving long-term subsidies of millions of dollars
22 to create very few jobs that aren't, may or may not
23 be created. Does that opportunity exist to provide
24 such subsidies to small businesses? Have we really
25 drilled down and done an analysis on how we can

2 really support small businesses, and while I
3 appreciate the numbers specific to paid safe and
4 sick, that does not include the advent of \$15 an hour
5 and some of the other things, and considering the
6 difference in those responsibilities and of course
7 the payroll have we addressed that? And have we taken
8 into account the other responsibilities of small
9 businesses that, ah, come with the payroll, the fees,
10 the Workers' Compensation, and other insurances that
11 have increased, that increase with the size of the
12 payroll as well? Have we taken those into
13 consideration? Those are the things I know that I've
14 heard, and if so I think those are the things that
15 would motivate us further to come up with some type
16 of support for small businesses, and that would be a
17 conversation that I think that all the members are
18 interested in hearing. Because I believe, as Dr.
19 King, that all labor, that [inaudible] humanity has
20 dignity and should be undertaken with painstaking
21 excellence and judging by the folks that are in the
22 room here today that is exactly what happens and we
23 don't want to leave that it is to be done with
24 painstaking excellence, we want those folks who are
25 delivering those services to be compensated, and

2 that's the purpose, right? And that the services, um,
3 that make the city great are delivered more
4 efficiently, more effectively, and we do that by
5 making sure that the work force is properly trained,
6 properly, um, compensated, and have the proper time
7 off in order for them to provide that. But in order
8 for that to happen I think, as you mentioned, the
9 folks in this room and beyond are going to have to
10 really get together and come up with something solid
11 in order for us to make that happen, and I think
12 everybody here on this council is absolutely
13 committed to ensuring that that happens. So, but, in
14 particular have we looked beyond to those unintended
15 additional costs based on what we've seen and how can
16 we support small businesses?

17 COMMISSIONER SALA: I would just say
18 that, um, the administration is committed to
19 continuing to look and explore what, ah, ideas and
20 strategies we need to put into place to make sure
21 that businesses are able to implement these new
22 policies, but also try. I cannot, obviously have no
23 authority to commit the city to providing incentives,
24 right, and, um, we would take that back to our teams
25 and continue to discuss that, um, but I think that,

2 and I agree with Public Advocate Jumaane Williams
3 that the question shouldn't be are we doing this, are
4 we doing this now, but the question should be how do
5 we make it happen, and I do think we're in the
6 position today to say that we're not going to leave
7 workers behind because workers are not disposable in
8 New York City. So I urge you to continue to work
9 with us in pushing for something that really will
10 have a huge impact in people's lives and will be,
11 just really will change people's lives. Thank you.

12 UNIDENTIFIED: Council Member...

13 CHAIRPERSON MILLER: Yep.

14 UNIDENTIFIED: If I could add, I think you
15 see in the bill, the commissioner mentioned earlier,
16 that we are acknowledging the unique contribution and
17 circumstances of small businesses in New York City.
18 That's why there is some flexibility built into that
19 bill that allows the agency to rule make around
20 notice that might be appropriate in some industries
21 and inappropriate in others, on others, based on
22 those unique circumstances. So I think we absolutely
23 agree with you that there are concerns that we want
24 to both learn more about but also that we already
25 have built into the bill in terms of giving ourselves

2 flexibility to respond to unique circumstances and
3 needs of certain businesses.

4 CHAIRPERSON MILLER: So I absolutely
5 agree. I have no doubt that the commissioner, you
6 and your team, that you will do your due diligence
7 and work with the council and the small businesses to
8 make sure that we get to a space that is equitable,
9 but we have, you know, we want to see that the same
10 effort to small, to support small businesses and
11 support workers alike, um, that has been made to,
12 that we see in support on Wall Street and other
13 larger businesses throughout the City of New York.
14 We want to make sure that those services, those
15 opportunities, those subsidies are afforded small
16 businesses, so that these workers here could have the
17 benefits that they're entitled to and we subsidize
18 things like, ah, the ferry service at \$10.25 a trip,
19 that serves a pretty privileged community. And, um,
20 we can do the same thing for small businesses. At
21 least we can begin to think about it, and so I know
22 just based on our experience over the past four years
23 that I look forward to working with you and your team
24 and that we're going to get this done and that
25 workers are going to have the dignity and respect

2 and, ah, paid time off that they deserve. So thank
3 you for coming out.

4 COMMISSIONER SALA: Thank you so much for
5 the opportunity, thank you.

6 CHAIRPERSON MILLER: So before we call
7 our next panel I just want to say that we do have a
8 large number of people who will be testifying and so
9 we will be going on a three-minute clock and we ask
10 that you not, if it's more than three minutes please
11 do not attempt to read the entire statement because
12 it will be submitted into the record and we want to
13 make sure that we're hearing as many voices as we
14 can, and we will hear everyone who came to testimony
15 today will have their voice heard. So, again, I want
16 to thank everyone for coming out. The next panel is
17 Cy Bookus, Pagio Gambil, Jordany Bueno, Whitney
18 Moore, Joshua Stanton. OK, we can begin.

19 UNIDENTIFIED: [whispered] Make sure your
20 mic is on and say your name for the record, please.

21 CHAIRPERSON MILLER: Please make sure
22 that your mic is on, push the red button, and please
23 state your name for the record before giving your
24 testimony.

2 WHITNEY MOORE: Whitney Moore. Is this
3 better, can you hear me? Good morning. I would like
4 to thank the City Council for holding this important
5 hearing. My name is Whitney Moore and I've been
6 working as a checkpoint for Eulen American at JFK in
7 Terminal 8 since October 2018. At the airport I work
8 in a stressful, highly intense environment. It wears
9 on you. Sometimes you just want a day off. The
10 proposed paid time off would help workers like me a
11 great deal, because not only will I be able to get
12 time off when I need without sacrificing my paycheck,
13 I can help my mom, my grandmother out around the
14 house just to spend time with them. I want to be
15 able to take time off without worrying whether my job
16 will be there when I get back. One of my concerns is
17 about our sick days at work, which my employer, Eulen
18 America, calls paid time off. We get a total of five
19 days or 40 hours. There is a New York City paid sick
20 leave law that also grants five days or 40 hours if
21 we were sick or need to care for loved ones. It
22 seems a little different from what my employer
23 provides, with a catchall word. You can take it as a
24 sick leave or vacation once you accrue enough time.
25 I want to make sure that when the paid time off law

2 passes that it will be in addition to the city's sick
3 leave law so that employers don't violate either law
4 and shortage us workers with something less than the
5 two laws provide. I appreciate the opportunity to
6 address this hearing because this is very important
7 to my coworkers and I. It will help so many workers
8 like me have some safety and stability in our lives.
9 We work hard every day to keep New York running and
10 now when this law passes we will be able to take care
11 of ourselves as well. Thank you. [applause]

12 JORDANY BUENO: Good morning. My name is
13 Jordany Bueno. Thank you for giving me the
14 opportunity to address you today on an issue that is
15 so vital to all working New Yorkers. I've worked at
16 LaGuardia Airport for the past eight years as a
17 wheelchair agent. It is hard, backbreaking work that
18 is often stressful. You should be there to see the
19 scramble when the flight disgorges scores of people,
20 tired from their journey. Some of them sick, all of
21 them anxious to get home or to their destinations in
22 the city. It is the job of my coworkers and I to
23 take care of these travelers and make sure their
24 passage through the airports are safe. The last time
25 I took off I went to the Dominican Republic for the

2 first time in ten years. I got to see my
3 grandparents. I saw my younger cousins, who didn't
4 recognize me anymore, it had been such a long time.
5 That hurt, because we used to be so close. Now I was
6 just a stranger after 10 years. Though I had been
7 fortunate to retain my job, the loss of income meant
8 it took time to catch up with my bills and I had to
9 do without some things. The Dominican Republic still
10 feels like home to me and I wish I had paid time off
11 to be able to go back more. A law like this would be
12 a godsend for me and my families. My coworkers and I
13 will appreciate it very much the safety and stability
14 in our lives that this law will provide. Thank you.

15 PEDRO GABOLA BERMUDEZ: Hello, good
16 morning. I am testifying on behalf of the airport
17 workers. My name is Pedro [inaudible]. Hello
18 everyone. My name is Pedro [inaudible]. Thank you
19 for the opportunity to testify today. I have worked
20 at JFK Airport for past nine years as a baggage
21 handler. I have a 93-year-old who lives in
22 Guatemala, Central America. She gets sick and I want
23 to be able to go to take care of her. If I do decide
24 to take the paid time off I don't know how my bills
25 will be paid when I return. When I come back, I have

2 to juggle my bills, pay some and hold the others to
3 the next months until I'm able to catch up. Living
4 paycheck to paycheck, I never know if I'm going to
5 come back and be homeless. For the most part, taking
6 days off haven't been worth the risks of become
7 homeless or go without food. I know so many others
8 who are in this situation and it shouldn't be like
9 this. I applaud everyone who working on this law.
10 I'm doing what is right for the workers. This will
11 be a help for millions of people in New York City.
12 We appreciate that a lot of you have been with us as
13 we fought for higher wages, for more protection in
14 the airport. I'm grateful for the City Council that
15 passed a law that give us five days paid sick days
16 but we need more. My coworkers and I need safety and
17 stability in our lives. This law will provide help
18 to all of us. Thank you.

19 SAHEED BATAS: Hello everyone. My name
20 is Saheed Batas and I appreciate the opportunity to
21 talk with you all today about an issue that is very
22 important in quality of life of New Yorkers. Having
23 time off from work without worrying about losing
24 income as the need to protect me and my family is a
25 huge deal for working people like me in New York

2 City. I have worked at JFK Airport for 11 years as a
3 security officer. I have three children who all live
4 in different states and four grandchildren. I do not
5 have paid days off to go see them. Everyone needs
6 time off to see their family. When my mother died
7 last year I had to beg my boss for unpaid time off.
8 Because I did not get paid when I was off work I do
9 not know if I would be able to pay my bills when I
10 return. For the most part, taking days off haven't
11 been worth the risk. It has been an impossible
12 dream. We need time off to simply rest our bodies.
13 We need to be able to recuperate so we can be
14 protective, so we can be productive when we are on
15 the job. So I am here to pledge my support of this
16 legislation because it will help so many workers like
17 me have safety and stability in our life. We work
18 hard every day to keep New York running. And
19 hopefully now we will be able to take care of ourself
20 as well. Thank you.

21 RABBI JOSHUA STANTON: I'm Rabbi Joshua
22 Stanton, here with my son, Jonah Kurzer, and I wanted
23 to provide a different perspective, because what I
24 hear most from congregants and community members in
25 my office is about exhaustion and burnout, about

2 broken lives, broken relationships, broken families
3 because they simply do not have time. And I'm here
4 in support of paid leave because I'm someone with the
5 privilege to have it, currently finishing parental
6 leave and about ready to transition to a little bit
7 of paid vacation so I can spend yet more time with my
8 son. And the amount of brokenness, the amount of
9 suffering that is caused by the absence of time off
10 is staggering and something that I see each and every
11 day as a rabbi, and each and every day in the lives
12 of so many colleagues in ministry and in other areas
13 of service like this. In Jewish tradition one of the
14 most important requirements is the Sabbath is
15 Shabbat. It is the earliest arguably, or one of the
16 earliest labor laws in existence anywhere and it is a
17 requirement that people not be penalized and be given
18 one day off per week of paid leave to do as they so
19 choose, to be with their families, to be with their
20 friends, to rejuvenate and recuperate so that they
21 can contribute still more to society, and I think
22 that learning from this example and expanding upon it
23 is the need for paid leave for all workers in our
24 city. Now this is a requirement in Jewish tradition
25 not merely for those who are Jewish, but actually for

2 everybody, because it's understood that we need one
3 law in society and that paid time off is of sacred
4 importance. Thank you very much.

5 UNIDENTIFIED: Public Advocate.

6 PUBLIC ADVOCATE WILLIAMS: Thank you very
7 much. Thank you for coming her to share your
8 stories. I want to make sure Mr. Gabola Bermudez,
9 part of your testimony cut off so I want to make sure
10 it was clear on the record that you have an 93-year-
11 old mother who lives in Guatemala. That is the
12 person you were speaking about. I just want to know
13 if any of you had any idea about how many employers
14 are in the company you work for, roughly. I'm sorry,
15 employees here.

16 SAHEED BATAS: My company at the airport
17 actually have like 180 employees at the moment in one
18 terminal.

19 WHITNEY MOORE: I would say about the
20 same thing for my company, about 100, or nearly 200
21 employees at our terminal.

22 PUBLIC ADVOCATE WILLIAMS: All right.

23 JORDANY BUENO: I think we have like 900
24 or 1000.

2 PEDRO GABOLA BERMUDEZ: We have about,
3 let's say 350, at JFK, Terminal 7.

4 PUBLIC ADVOCATE WILLIAMS: 15 or 50?

5 PEDRO GABOLA BERMUDEZ: 350.

6 PUBLIC ADVOCATE WILLIAMS: 350.

7 PEDRO GABOLA BERMUDEZ: Three hundred and
8 fifty.

9 PUBLIC ADVOCATE WILLIAMS: Ah, I'm sorry,
10 these companies sound, they don't sound, they sound
11 pretty much bigger than small businesses, and so I'm
12 sad that we have these size companies that, ah, are
13 not offering the basics that employers, employees
14 that need. I'm hoping that as we'll hear they're not
15 the majority of employers. I think employers do want
16 to do what's right. It doesn't sound like yours are
17 one of them, though. So hopefully when we get this
18 bill passed that will provide some relief that is
19 needed. Thank you.

20 CHAIRPERSON MILLER: Thank you, Mr.
21 Public Advocate.

22 SAHEED BATAS: If you don't mind, my
23 company is one of the largest security companies in
24 the United States of America, like universal.

2 CHAIRPERSON MILLER: Of course, and, um,
3 Council Member Ulrich can appreciate it because of
4 many of, not only is JFK in our respective districts,
5 but employ many folks from our communities and I
6 remember doing a low-wage airport worker hearing
7 about five years ago now, and workers would testify
8 about having to make a decision on public
9 transportation, ah, walking to work to save money or
10 eating lunch and things of that nature, and I see
11 five years later things have not changed much, and
12 that is kind of the conundrum that we find ourselves
13 in, whether or not we as government have to legislate
14 and obviously it's up to, and I want to commend 32BJ
15 for the persistent and consistent fight for airport
16 workers, um, to raise those standards, and we as a
17 body, as a society, cannot give in to bad players,
18 and this industry has a bunch of subcontracted bad
19 players and airlines themselves have proven
20 themselves on many occasions to be so because they
21 are accepting of this type of, um, conduct when it
22 comes to workers, and certainly, um, it is important
23 to hear the testimony of this workers, these workers
24 here today, to speak very specifically to an industry
25 that obviously does not value workers, and

2 Commissioner I'm glad to see that you're sitting up
3 front and obviously this is a target audience, and
4 it's certainly an audience that does not require any
5 of those subsidies or further compensation for
6 employers that we were speaking about earlier, that
7 this is just an industry in which they have to be
8 forced to do the right thing, and unfortunately we
9 cannot educate and in this case you have to legislate
10 and, ah, for workers to have to make choices on
11 eating or having money for public transportation to
12 get to work, and some of the stories that we continue
13 to hear about workers within this industry is an
14 absolute travesty, and certainly we're going to be
15 paying more attention to that in the future. But,
16 thank you so much for your testimony. Rabbi, thank
17 you for your testimony and support of workers as
18 well. So, next panel.

19 RABBI JOSHUA STANTON: Thank you, sir.

20 CHAIRPERSON MILLER: Thank you. Adera
21 Simmon. [coughs] Excuse me. Jessica Walker. Samara
22 from Brooklyn Chamber. Maria Diaz. And Jay Peltz.
23 Please turn your mic on, identify yourself.

24 SAMARA KARASYK: Good morning, Chair
25 Miller and Public Advocate Williams. I am Samara

2 Karasyk, chief policy officer of the Brooklyn Chamber
3 of Commerce. The Brooklyn Chamber of Commerce is
4 among the largest and the most influential business
5 advocacy organizations in New York, having spent the
6 last hundred years developing and promoting policies
7 that drive economic development and advance its
8 members interests. We're the voice of the Brooklyn's
9 business community, offering resources, programs,
10 tools, and support services for businesses to
11 continue creating jobs and opportunities in our
12 communities. The Brooklyn Chamber supports
13 strengthening worker protections. Our businesses
14 care about their workers having good work life
15 balance and earning a living that supports their
16 families. They fundamentally believe in the concept
17 of paid time off for employees. However, we cannot
18 support this bill. Our member businesses are
19 currently facing so many regulatory and economic
20 challenges that it is threatening their ability to
21 survive. The proposed legislation would mandate that
22 employers with five or more employees be required to
23 provide employees with up to 10 days of paid personal
24 time off annually. Small businesses feel every
25 additional cost keenly because they do not have a

2 cushion to absorb it. This new mandate would have a
3 devastating impact on the small businesses that are
4 the backbone of the city. On top of recently passed
5 legislation increasing minimum wage, requiring paid
6 sick leave, rising rents, and the cost and complexity
7 of regulatory violations, our members cannot take one
8 more cost on top of their already-thin profit
9 margins. Member businesses have relayed to us their
10 concerns that this legislation will make it difficult
11 to maintain current staffing levels. They may be
12 forced to eliminate positions, as some already have,
13 and will not be able to offer robust training
14 programs under these conditions. We are concerned
15 that this legislation will push many businesses to
16 circumstances where they will be unable to function
17 and to ultimately shut down or move their production
18 outside of New York City. This bill needs to look at
19 the overall picture of all the bills and regulations
20 that have recently gone into effect and consider the
21 additional burden this would cause. The Brooklyn
22 Chamber is very focused on job creation that enables
23 our community of residents and businesses to all
24 thrive. This bill would prevent our economy from
25 continuing to grow good paying jobs and much-needed

2 training opportunities for our local workers. We
3 cannot require 10 days of paid time off for workers
4 without tying it to relief for small businesses so
5 that they can maintain their businesses and continue
6 to growth both their bottom lines and the number of
7 jobs they create. Thank you for the opportunity to
8 comment on Introduction 800-A.

9 MARIA DIAZ: Thank you, Chair Miller,
10 distinguished council members, and Public Advocate
11 Williams for affording an opportunity for hearing on
12 the mandatory earned safe and sick time laws. My
13 name is Maria Diaz and I'm the executive director of
14 the Greenwich Village Chelsea Chamber of Commerce.
15 With the recent adjustments to minimum wage, paid
16 sick and family leave, small businesses are not only
17 struggling to incorporate these new costs onto their
18 books, they're also struggling with an understanding,
19 with understanding that ever-increasing complexities
20 of taxes, fees, and regulations. These mandates are
21 an added burden and entrepreneurs cannot reinvest in
22 their business and work force and instead have to
23 divert resources to hire further regulatory
24 expertise, pay fines, deal with mounds of piling
25 paperwork or, in the worst cases, lay off workers.

2 Moreover, these mandates have been put into effect in
3 such rapid sequence that our businesses simply cannot
4 keep up with this onslaught of changes. Rather than
5 bombarding businesses with more policies, government
6 should allow our overburdened entrepreneurs to adjust
7 accordingly to keep their operations afloat.

8 Increasing rents and vacancy storefronts in our
9 neighborhoods are a big concern. In the heart of our
10 foot print we heard of Bleeker Street's unhealthy
11 vacancy rate of over 20%. Government should be
12 finding mechanisms to alleviate these pressures, such
13 as reforming the city's property tax laws, a major
14 factor in the rising cost of doing business in New
15 York. Starting and maintain a business comes with
16 incredibly high risks. New York City must encourage,
17 not inhibit, this entrepreneurial spirit. We believe
18 that the law being discussed today, while in good
19 faith, should not be a priority. Let us focus on
20 reducing and streamlining the growing number of rules
21 and regulations on our businesses, our small
22 businesses. Our message is simple. Refocus on what
23 really matters. Encourage an entrepreneurial climate
24 where businesses can thrive for the sake of their
25 owners, employees, and the consumers they serve.

2 Ensure a thriving economy for all and not, in my
3 written testimony, I still have 55 seconds, um, is
4 the numbers that the report that was quoted earlier
5 was, I believe, only a sample size of 352 businesses.
6 My organization represents a vast majority of
7 businesses that have five or less employees. And the
8 sample size would be only 49 businesses that were
9 sampled to represent the businesses that have one to
10 five employees. So I don't think that sample size is
11 accurate.

12 JESSICA WALKER: Good afternoon. I'm
13 Jessica Walker, the president of the Manhattan
14 Chamber of Commerce and, um, we represent almost 1700
15 businesses here in Manhattan, in the region, really,
16 the vast majority of which are small businesses. I
17 want to agree with the things we've already heard
18 here. There's no doubt about it. It's a tough time
19 for small businesses. This legislation in particular
20 is really going to affect retail and restaurants,
21 which is just really bad timing for them right now,
22 in addition to the minimum wage increase and the
23 things that we've heard about here. Obviously, the
24 retail sector is going through a mass transition at
25 the moment and so we're seeing all of these vacancies

2 because they're trying to figure things out and be
3 able to compete, so this would just be another whammy
4 in that, to that extent. And then we restaurants
5 we're starting see for the first time in 10 years a
6 decline, um, in terms of job losses among
7 restaurants, part of that because of the minimum
8 wage, but there are other factors here as well.
9 There's also at the state level the threat of
10 eliminating the tipped wage, which is a, basically it
11 would drive up, if that were to happen it would
12 really drive up payroll costs substantially, and so
13 that coupled with the paid vacation mandate would
14 really be devastating to restaurants, which of course
15 would have an impact on tourism. So I think there's
16 a lot of different things there. The other thing I
17 will say is I wanted to just, Maria brought up the
18 issue of paid sick leave. I think, I don't want to
19 take it for granted that we didn't see an impact from
20 it. I think there's, the report, definitely take a
21 look at the methodology. I do think that the report
22 is shoddy and shouldn't be taken as, you know, sort
23 of gold. We probably do need to do another study in
24 here in the city to really examine the, ah, and the
25 other thing is I think that we did see, um, when the,

2 when paid sick leave was enacted and then we finally
3 were, employees were able to accrue and then when
4 they were finally able to start taking time off we
5 did see a spike in the, um, regional cost of eating
6 out. So I think that there was an impact there for
7 consumers and restaurants. I'm happy to share that
8 with you as well. But long story short, I do think
9 that this is something that we really need to
10 examine. I hope that the City Council will not rush
11 it through, that we really have additional
12 opportunities to hear from small businesses and the
13 potential impacts, because I do, I really do think
14 this is, ah, potentially very harmful.

15 JAY PELTZ: Thank you for the opportunity
16 to testify today. My name is Jay Peltz and I'm the
17 general counsel and senior vice president of
18 government relations for the Food Industry Alliance
19 of New York. FIA is a nonprofit trade association
20 that advocates on behalf of grocery, drug, and
21 convenience stores. Neighborhood grocers have never
22 faced a more difficult operating environment. Food
23 price inflation is minimal, while operating expenses
24 soar due partly to high rents and the \$15 minimum
25 wage. Legislation that would authorize the issuance

2 of up to 4450 new food vending permits and mandate
3 the establishment of 20 single-carter zones for the
4 collection of solid waste will, if passed and signed
5 into law, reduce sales and increase costs further.
6 Accordingly, regulatory burdens are squeezing
7 neighborhood grocers while non-union, non-traditional
8 retailers, such as Internet sellers, warehouse clubs,
9 natural organics retailers, and dollar stores are
10 taking market share from neighborhood grocers. These
11 circumstances are making it increasingly difficult
12 for neighborhood grocers to net even a penny on the
13 dollar. Traditional grocers have shut their doors
14 while food deserts are present throughout the city.
15 Unfortunately, the highly disruptive nature of this
16 legislation will likely result in more, rather than
17 fewer, food deserts in the city. The cost of this
18 bill will be substantial. The *Washington Examiner*
19 has provided an analysis of the projected costs of
20 the proposal. Quote, the mayor estimates his plan
21 would affect 500,000 workers in the city. Government
22 statistics say the average hourly salary is about \$42
23 for the Mid Atlantic region, and applying that figure
24 to eight-hour shifts for 10 working days would yield
25 a cost of 1.67 billion dollars. Clearly, the city's

2 neighborhood grocers cannot afford such a mandate.
3 Accordingly, to ensure that these small businesses
4 remain viable and can make payroll we respectfully
5 request that businesses with fewer than 50 employees
6 be exempt from paid personal time off provisions of
7 the bill. In addition, grocery stores' busiest
8 season is from mid November through January 1. The
9 significant use of paid personal time off during this
10 season would undermine the viability of neighborhood
11 grocery stores. However, the provisions of proposed
12 Section 2914 C3 regarding the denial of a request for
13 paid personal time off combined with expanded
14 provisions prohibiting retaliation make it likely
15 that a significant number of employees will take paid
16 time off during the holidays, when people prefer to
17 be home with their families or away on vacation
18 rather than working. To avoid this outcome we
19 respectfully request that Section 2914 C3 be deleted
20 in its entirety and be replaced with a negotiated
21 framework that better balances the interest of
22 employers and employees. We respectfully request
23 that Intro 800-A be held in committee while the
24 foregoing issues are discussed. Thank you for your
25 time.

2 ADERA SIMON: Thank you, Chair Miller,
3 for the opportunity to testify. My name is Adera
4 Simon, from the Partnership for New York City. We
5 represent employers of a million private sector
6 workers in the city. The partnership opposes
7 proposed Intro 800-A as an imposition on the decision
8 of what benefits private sector employers will
9 provide their employees. Adding 10 vacation days to
10 the five mandated paid sick days would triple the
11 amount of paid time off for New York City employees.
12 It would require little or no notice to employers and
13 would substantially add to the administrative and
14 cost burdens that the city and state have placed on
15 employers. These burdens are particularly difficult
16 for small businesses to bear. They do not have legal
17 departments to interpret new laws or human resource
18 professionals to manage the compliance and record
19 keeping for new mandates. Empty store fronts, which
20 the council is concerned with, are a symbol of the
21 impact of a less-friendly business climate in the
22 city. This is in part a result of the growing cost
23 of new mandates, ranging from increased minimum wage
24 to new scheduling restrictions and new training
25 requirements that employers must comply with. Most

2 large employers provide paid time off, often more
3 than would be mandated under the proposed
4 legislation, but every company has different
5 practices with respect to how and when this leave is
6 taken depending on their individual business
7 requirements. Also, most large employers have
8 operations outside the city and their leave policies
9 are difficult to change in response to local law.
10 There is no clear reason why the City Council should
11 impose a single paid time off policy on all New York
12 City employers. Certainly the specific prescriptions
13 in this bill leave little room for policies that
14 reflect the needs of individual businesses or the
15 extent of the hardship that this may impose on some
16 employers. We recognize the political impetus for
17 the legislation and urge that if you are moving
18 forward the law exempt businesses with fewer than 20
19 employees and all those employers who certify that
20 they are already providing at least 15 days of paid
21 time off, pursuant to collective bargaining
22 agreements or their own benefit arrangements. This
23 would at least mitigate the negative impact of the
24 bill. Thank you.

25 CHAIRPERSON MILLER: Public Advocate.

2 PUBLIC ADVOCATE WILLIAMS: Thank you, Mr.
3 Chair. Thank you all for your testimony. A few
4 questions. Someone mentioned that the study only had
5 49 businesses with employers less than five. Who was
6 that? Um, what is the sample size you think would be
7 the best to...?

8 MARIA DIAZ: I wouldn't know a number to
9 quote. I just don't think that 49 is appropriate.

10 PUBLIC ADVOCATE WILLIAMS: Ah, I mean, it
11 might be. I don't know what the number...

12 MARIA DIAZ: Right, I don't know where
13 those businesses, like the spread of the businesses,
14 in my district I'm, I only represent Greenwich
15 Village and Chelsea, south Manhattan. I can, I can
16 probably secure a significant number of businesses
17 that would [inaudible]

18 PUBLIC ADVOCATE WILLIAMS: I know when
19 pollsters are doing this kind of stuff it's usually,
20 they usually have a remarkably, I think, small amount
21 of people that they then extrapolate, um, to everyone
22 else. So it might in fact be enough. I don't know.
23 But I was interested to hear what you thought. And I
24 guess, almost everybody mentioned things about most
25 large employers already provide paid time off. I'm

2 not, it doesn't sound like a persuasive argument not
3 to do this. So I'm not sure what the argument is, if
4 most of the employers already do it that's great.
5 We're trying to focus on the ones that don't do it.
6 There are a few things also, that the Partnership, I
7 think your testimony, there is no clear reason why
8 the City Council should impose a single paid time off
9 on all New York City employees. You also said that
10 every company has different practices with respect to
11 how [inaudible] this leave is taken. I also don't
12 think that's necessarily persuasive. We definitely
13 need to have on some of these things some consistency
14 so that when people go to different jobs and
15 different places there's some constant about what
16 they can expect to get when they go. As you've heard
17 testimony there's plenty of abuse going on, um, from
18 even large businesses, and I've heard of people who
19 have, um, their employers are actually just mixing up
20 paid sick with other things. So I think some
21 consistency, ah, definitely is needed when we discuss
22 this. I am, as always, concerned about the impact of
23 our legislation on small business. As mentioned, I
24 had a small business, so I am trying to find ways to
25 help mitigate some of it. I don't think 15 employees

2 or 20 employees are less is realistic, ah, to the
3 people that we want to cover. I'm also not persuaded
4 by the administration that five is the number. I
5 would like to see it a little higher so folks can
6 think about what that could be. I'd like to hear
7 that as well. And Partnership, I think you
8 mentioned, um, if you pass a bill small businesses
9 would need some additional support. I would like to
10 know what kind of support that would look like.
11 Because I agree, the administration has, in my
12 opinion, failed to provide much support to small
13 business in general. Even as we're passing these
14 bills that frankly we should pass, I mean, um, I'm
15 sad that we always have to go to employer versus
16 employee, but there are a lot, a lot of employees out
17 there and they have to have our protection as well,
18 um, we see the impacts when that is not happening.
19 But I concurrently believe that we have to be doing a
20 lot more for our small businesses and our smaller
21 employers, which we are not. So if there are some
22 ideas, ah, Samara or anyone else actually, of what
23 that support can look like as we're doing this I
24 would love to hear it.

2 UNIDENTIFIED: No, I just wanted to start
3 with the, what supports would be needed for business.
4 Obviously, I think, um, Councilman Ulrich, um, spoke
5 about, you know, if there is such a moral imperative
6 for this that the city should be able to try to help
7 subsidize it, and I think that's right, or at least
8 try to find some offsets that would allow, um, small
9 businesses to be able to provide this benefit
10 without, you know, putting themselves out of
11 business.

12 PUBLIC ADVOCATE WILLIAMS: I mean, just
13 peripherally when I had a brief outside meeting I
14 brought up that exactly. That didn't seem to be
15 something that people thought would be administered
16 properly. I brought up actually a fund like that,
17 possibly the same amount or a similar kind of money
18 we would give to Amazon, put together a fund to give
19 to businesses that will create five more jobs or
20 something like that. I don't know if there's
21 interest in something like that. It seemed like
22 perhaps there wasn't, so...

23 JESSICA WALKER: Well, I think part of it
24 is, um, I think the incentive to create new jobs is
25 different from providing additional benefits, right,

2 to the employees that they already have and being
3 able to just, you know, not go under water is part of
4 it.

5 PUBLIC ADVOCATE WILLIAMS: How
6 logistically, magically we have 25 billion dollars,
7 how do you get that to a small business [inaudible]?

8 JESSICA WALKER: It could be in the form
9 of tax relief, and there's probably different
10 things...

11 PUBLIC ADVOCATE WILLIAMS: [inaudible]

12 JESSICA WALKER: ...that could, could
13 happen. We've always been fighting, this is a
14 Manhattan-specific issue, um, but the commercial rent
15 tax, um, the City Council made a change, I think two
16 or three years ago, and it's already, even with that
17 change in place it's expected to bring in an
18 additional hundred million dollars this fiscal year
19 than it did two or three years ago. So, you know,
20 where does it end? It's, it's, there are lots of
21 different ways and lots of different places where I
22 think that we could do it.

23 PUBLIC ADVOCATE WILLIAMS: I mean, I do
24 see how, you know, the minimum wage, paid sick, how
25 that can look and this can look like it's layering,

2 but I do think the issues of rent and taxes are more
3 damaging to small businesses than these things that
4 we're trying to put forth.

5 JESSICA WALKER: Just the example that
6 I'll give is the coffee shop which recently closed.
7 Um, there's no question about it. The rent is going
8 up in Union Square, there's no question about it.
9 But they, um, did say that because of the increase in
10 the minimum wage, um, that their payroll was going to
11 be going up \$46,000 per month. Just based off the
12 minimum wage. So payroll costs are real.

13 PUBLIC ADVOCATE WILLIAMS: Definitely.
14 I've, from having owned, I understand. But I also
15 know rent and taxes are equally...

16 JESSICA WALKER: It's the cumulative
17 impact, though...

18 PUBLIC ADVOCATE WILLIAMS: Yeah.

19 JESSICA WALKER: And so it's adding all
20 of these things.

21 PUBLIC ADVOCATE WILLIAMS: But we have to
22 make sure that we're looking out for the employee as
23 well and even, I mean, I often, myself kind of the
24 dichotomy of the privilege that I have, making sure
25 that I recognize that, but even if someone doesn't

2 have it, getting 750, even you have failure to thrive
3 job and still unable to pay your rent, still unable
4 to buy food, and possibly having to go to a homeless
5 shelter, I don't know that that's a good thing,
6 either. So there's things that we have to grapple
7 with as we're trying to move forward with these
8 things.

9 JAY PELTZ: Hi, so from the grocery
10 industry's perspective the commercial rent tax, ah,
11 is something that needs to be looked at. The food
12 vending permit bill is a big problem. The transition
13 away from market-based collection of solid waste and
14 receivables is a big problem. But bigger, in terms
15 of the bigger picture we need to do, um, we need to
16 convene some sort of commission or mechanism that
17 does a top-down review of the rules and the regs that
18 are imposed on businesses in the city, ah, because
19 it's going one way and not the other, and those rules
20 impose hidden taxes, and something's got to give in
21 the long run. Ah, I think it's already happening
22 already, um, and that's not going to help preserve
23 jobs in the city. Over-regulating will decrease jobs
24 in the city. So we need a collaborative effort to

2 rationalize regulations so that we can better balance
3 the interest of employers and employees.

4 PUBLIC ADVOCATE WILLIAMS: Those who
5 recommended 20, 20 employees or less and 50 employees
6 or less, was this similar to what you proposed for
7 paid sick?

8 JAY PELTZ: No, we did not.

9 PUBLIC ADVOCATE WILLIAMS: OK. Anyone?

10 ADERA SIMON: We were recommending 20. I
11 don't know that we had that conversation under paid
12 sick.

13 PUBLIC ADVOCATE WILLIAMS: I also did, I
14 mean, I did find persuasive the, um, the amount of
15 days needed. So I do want to look into that a little
16 more. I think it was, [inaudible] the amount of days
17 that are needed to make sure that everything
18 [inaudible] impacts in effect. I do want to look at
19 that some more, so I'm happy to look at that. I do
20 want to lastly, the administration put forth that the
21 consistency issue of keeping it at five so that
22 employers can best, have the best opportunity to
23 apply the law and not be confused, I guess. I'd just
24 like a response to that, and one of the issues,
25 they're separate. One of them is that it's easier

2 for the employer if this law matches the already-
3 existing paid sick law. So can we have some comment
4 on that? Of course, acknowledging I want it happen to
5 begin with, but in the world where I believe and I'm
6 happy that it may be moving forward [inaudible].

7 JESSICA WALKER: Well, that, not to be
8 funny, but that's what I was going to say. For those
9 who survive, yes, it would be, ah, potentially easier
10 because of the existing system. But, um, again,
11 starting it at five is very low.

12 UNIDENTIFIED: I would just add I think
13 that when we're making policy, and I appreciate that
14 you're listening to the feedback from everybody here
15 today, we should be taking into account what's going
16 to work for small businesses and workers and make
17 sure that those good jobs that the small businesses
18 are trying to create can stay there, so we should
19 start from that place, um, with the complex
20 regulatory environment in New York City I don't think
21 that's the thing for us. It's that our small
22 businesses can survive and employ workers and give
23 the business, you know, provide that customer service
24 that we all want as New Yorkers.

2 PUBLIC ADVOCATE WILLIAMS: So I will say
3 usually when I hear Armageddon is going to happen I
4 generally don't believe it. I think that we're in a
5 bad space and whatever we do or don't do there are
6 people who are going to be harmed, whether it's
7 workers or employees, employers, and I get that. I
8 mean, if we do nothing right now someone's going to
9 be harmed. If we do something someone is going to be
10 harmed. We just want to find the most impact, the
11 best impact for the most people while harming the
12 least amount of folks. So that's where I was coming
13 from. I do think, you know, passing this, there may
14 be some employers that get harmed. We want to try to
15 mitigate that as much as possible. I think not
16 passing it, there's other things that might harm
17 employers. But we know now there are a whole host of
18 employees that are being harmed mentally and
19 physically because they cannot have this time off.
20 We've heard stories of people having to beg their
21 employer just for time off to go see their mom.
22 These are happening in the rate of thousands right
23 now. So something has to be done. Um, I do want to
24 just drill it again, just understanding in your
25 words, for those who survive, I don't think it will

2 be that Armageddon, but for those who, in your words,
3 survive you do think keeping it at five is best for
4 consistency for them, is that what you're saying?

5 JESSICA WALKER: So I usually start at,
6 it's a little higher than that because of what Adera
7 brought up. The, a lot of small businesses don't
8 have an HR department to begin with, right? So it's
9 the CEO who is doing everything, all of the back
10 house, back of the house operations, and they're
11 doing their own books, um, so sure, but it's not,
12 it's not ideal under paid sick leave in that scenario
13 because they don't have the HR support. So, yeah,
14 sure, if they're linked together, um, yes, but again,
15 like I said, that that means you're capturing very
16 small businesses and it's adding another burden to
17 the CEO who's doing everything.

18 JAY PELTZ: Right, so from our
19 perspective, I mean, they're used to inconsistencies
20 and differences in rules and regs all the time. So
21 the differences can be tracked. It's not, we
22 shouldn't make it five across the board just to make
23 it quote unquote easier from that perspective.
24 That's not really the issue.

2 PUBLIC ADVOCATE WILLIAMS: Does anybody
3 else want to comment on that? I just also keep in
4 mind, which is interesting to me and it doesn't
5 include family, so if you're talking about the mom
6 and pop shop, it doesn't include mom and pop, and I
7 don't think it would include their children. So that
8 does help mitigate some of it a little bit. Go
9 ahead.

10 UNIDENTIFIED: I was going to say, Jessica
11 mentioned CEO, but [inaudible] small businesses, like
12 the couple who just went out of business because the
13 rising rent and that is affected by taxes and they
14 couldn't afford to hire an employee. So they worked
15 seven days a week. So the, you know, this wouldn't
16 apply to them. They can't pay, they weren't paying
17 themselves salaries. So there are several small
18 businesses that employ employers, employees, that are
19 not the large, you know, 200, 300, 900 businesses,
20 we're, I represent the smaller businesses that, um,
21 this is going to have a negative effect on.

22 PUBLIC ADVOCATE WILLIAMS: So for those
23 small businesses who I will assume probably don't
24 want this to pass, if we're doing it, is it better if
25 it's five, consistent with paid sick, or does it make

2 a difference if it's not five and it's a higher
3 amount? Originally it was at 10, but the
4 administration put forth that consistency was an
5 issue, so that the mom and pops that you're speaking
6 about can administer the law in a better way. I'm
7 trying to find out if that is an accurate
8 description.

9 JESSICA WALKER: I can't imagine why just
10 keeping it consistent will make it better, because
11 keeping, increasing the number five will capture less
12 of the small businesses that I represent. So I don't
13 think consistency is a necessary factor.

14 PUBLIC ADVOCATE WILLIAMS: OK, thank you.
15 Thank you, Mr. Chair.

16 CHAIRPERSON MILLER: Thank you, Mr.
17 Public Advocate. So while we represent different
18 organizations and chambers throughout the city, what
19 has your collective data, data showed in terms of,
20 um, costs associated with the latest policies and
21 specifically if there is any cost, additional cost
22 associated has that cost been passed on to the
23 consumer?

24 JAY PELTZ: Well, in the grocery industry
25 the competition is fierce, so it's very difficult,

2 there's very little food price inflation in terms of
3 food consumed at home. So increasingly profits are
4 being squeezed and that's the situation that we want
5 to avoid. It's not a matter of the sky falling.
6 It's a matter of if this bill is passed as is and
7 signed into law there will be adverse impacts because
8 employers are going to have find a way to pay for it.
9 And that's, that's something that we want to avoid.

10 CHAIRPERSON MILLER: Anyone else?

11 JESSICA WALKER: It's hard to answer just
12 because it's so different in different industries how
13 that, how that all works. But I will say just across
14 the board we do, ah, an annual survey of our members
15 and there's no question about it. The biggest
16 challenge that they are facing right now is the cost
17 of doing business here in the city. Obviously that
18 applies to a lot of different things. But when we
19 did, when we dug deeper, um, there's no question
20 about it that regulations, taxes, those things were
21 brought up a lot more than real estate issues. I'm
22 happy to share that with you. But that's, you know,
23 that's sort of, again that's more across the board.

24 UNIDENTIFIED: I would just say I have had
25 businesses tell me they can't pass it along. There's

2 only so much that you can charge for a cup of coffee
3 or a baked good. We have seen, and I think this was
4 raised in some of the restaurants, that because of
5 all of the new regulations they have increased some
6 costs, but, again, there's only so much they can pass
7 along to customers and that customers will be OK
8 with. And they don't really want to have to pass the
9 cost along to customers. They want to be able to
10 provide good service at a good price and also treat
11 their employees well.

12 JAY PELTZ: If I could follow up, so then
13 if it's not being passed through then profit is being
14 squeezed, and over time that means fewer stores, that
15 means less jobs, lower pay raises, etc. Less
16 benefits. So that's a cycle we want to avoid.

17 CHAIRPERSON MILLER: So, yeah, and then
18 there is, and I know you represent a broad diversity
19 of industries as well, what I'm not seeing are those
20 low-wage workers that are losing jobs to automation
21 because of this as well. There are not, like I don't
22 walk into a small business and not hear some
23 semblance of concern, and I'm hopeful that this
24 dialogue will be able to somehow address and be able
25 to mitigate some of those concerns, but certainly

2 when you go into fast foods and there's automation
3 and kiosks happening instead of people and that, you
4 know, are we achieving our goal of what is our target
5 universe for creating a quality, a better quality of
6 life for workers if in fact they're reducing the
7 numbers of workers, and, you know, how do we really
8 achieve this goal at the same time and being
9 effective? Certainly there are industries, you know,
10 whether you're getting your car washed or you're
11 doing other things, you know 21 bucks, 22 bucks, is a
12 lot of money. And that certainly has been passed on,
13 um, but there's also specific industries I think that
14 whether they are represented here or not we need to
15 have a more detailed conversation about how do we
16 provide these benefits to the workers within those
17 industries, at the same time providing the technical
18 support, some of the back room stuff that we, you
19 were talking about, that you mentioned, um, in terms
20 of how do you manage this new work force, these new
21 numbers that you now have to deal with where there's
22 no collective bargaining agreement or there's no
23 regulations governing the usage and what impact that
24 will have on small businesses. I'd really like for
25 you all that represent these hundreds of thousands of

2 businesses to consider these, some of these thoughts
3 and ideas so that we can come back and have a really,
4 really intelligent conversation about how we move
5 this thing forward. Because there's no doubt that it
6 absolutely needs to move forward. But what I'm
7 hearing is very generic and when I'm the ground,
8 going into restaurants and going into car washes and
9 going in laundromats that the day-to-day stuff that
10 every New Yorker does I'm hearing stories that you
11 guys aren't necessarily, and I know you represent
12 these businesses, some, ah, maybe not in my district,
13 but I, there's a little consistency, um, missing in
14 the narrative and how it gets told, you know, I was
15 in a business and they gave me a letter of which they
16 testified over paid sick and they wanted this kind of
17 amended and to bring it in here, but there's also,
18 what of the, are there any additional costs
19 associated with higher payrolls for businesses?

20 JAY PELTZ: Higher payrolls means higher
21 payroll taxes for one.

22 CHAIRPERSON MILLER: Higher payroll
23 taxes, you do have to pay insurances, business
24 insurance, unemployment insurance, Workers'
25 Compensation insurance. Has there been, those,

2 because some of that is government regulated, not
3 necessarily the city, but the state right? If in
4 fact we are imposing increased fees in one way on the
5 businesses there can be a way for the government then
6 to kind of induce those, you know, to, can we have
7 the conversation about the cost of these mandated
8 provisions that are associated with it, like, you
9 know, the Workers' Compensation and the other things
10 that go along with employing of folks. Have we
11 considered that? Is that not, because when I talk to
12 small businesses they, when I talk to them, when,
13 they offer to me when I'm just sitting down to have a
14 cup of tea that, you know, here's what's going on in
15 their lives and their businesses by virtue of these
16 policies. I'm expecting to hear you guys articulate
17 that and so that we can go back with the admin and
18 the members of the council and really try to be able
19 to drill down and address these issues.

20 Specifically, where can we be supportive? What does
21 that support look like? And I think that's where we
22 want to get to. Just let it marinate.

23 JESSICA WALKER: No, no, I just...

24 CHAIRPERSON MILLER: Don't worry about
25 it. You don't have to answer it now.

2 JESSICA WALKER: I appreciate it.

3 CHAIRPERSON MILLER: But we're going to
4 definitely, I think the Commissioner and the admin
5 and their team are committed to further commentary.
6 We don't have a lot of time because this needs to get
7 done, um, but that is certainly something to consider
8 so we can put all this in the pot and come up with
9 something, ah, that is suitable, um, for everyone
10 involved.

11 JESSICA WALKER: Thank you.

12 CHAIRPERSON MILLER: OK. So, thank you
13 all and we're going to call the next panel. Irene
14 Low. Maurina James. Jackie Orey. Marcela
15 Cocalatos. Bam. [pause] OK, just turn your mic on
16 and identify yourself before giving your testimony,
17 and thank you all for coming out.

18 JACKIE OREY: Good morning. My name is
19 Jackie Orey, and I am an organizer in New York City
20 with the National Domestic Workers Alliance, NDWA.
21 NDWA is home to the growing care and cleaning work
22 force that go to work in American homes supporting
23 families. We are a powerful alliance of over 60
24 affiliate organizations and three local chapters in
25 36 cities and 17 states. We are in a regular contact

2 with over 230,000 nannies, house cleaners, and
3 caregivers to the elderly and people with
4 disabilities. For the past year I have outreached
5 several hundred domestic workers and supported many
6 to come forward to enforce their worker rights
7 through our domestic worker rights clinic. As
8 workers come through our legal clinic we learn many
9 domestic workers do not get paid vacation time, paid
10 personal time, or paid sick days. I migrated to the
11 United States from St. Lucia in 1999. In my very
12 first job as a domestic worker I only got one week
13 vacation when my employers were traveling. I was
14 paid only part of that time. I did not get paid sick
15 leave. With the families I worked with later, I
16 started to negotiate and receive at least two weeks
17 paid vacation a year. I had one employer for whom I
18 worked for five years who traveled a lot. We
19 negotiated paid time off that coincided with their
20 travel. I would get an average of six weeks vacation
21 a year, paid vacation. In my next job we agreed on
22 five sick days, two weeks vacation, and five personal
23 days, all paid. I'm currently in my part-time nanny
24 job. I work 24 hours a week. We have agreed on two
25 weeks paid vacation and a minimum of five paid sick

2 days a year. I have had employers who have been
3 fair, valued my work, and considered me important
4 enough to have vacation time and rest time. This
5 made a difference in my life. I went back to work, I
6 went back to school full time and I worked full time
7 as a nanny to get my design. It went a long way to
8 ensuring I had enough time to study for important
9 exams. OK, I'm going to have it cut it for lack of
10 time. Paid time off has allowed me the freedom to
11 live my life fully. This is so important for
12 domestic workers. We do very stressful work and work
13 very long hours, and just like other workers we need
14 time to care for ourselves and to recover our energy
15 in order to bring our best to our jobs. At some
16 point in our lives we may all need care. Paid
17 personal time is critical to our mental and emotional
18 health. And this is a human right. Thank you.

19 MARINA JAMES: My name is Marina James
20 and I'm a proud leader of the National Domestic
21 Workers Alliance, NDWA. NDWA is a home growing care
22 for cleaning work forces that goes to work in
23 American homes, supporting families. I migrated to
24 the US from St. Lucia in 1994. I have worked as a
25 domestic worker for 11 families in New York and

2 Connecticut since 1995. My job duties normal include
3 child care, light housekeeping, and running
4 occasional errands. I am a single mother. I have a
5 daughter born in 2000, and throughout her life I
6 found it so difficult to balance being there for her
7 in all ways I wanted. While I was meeting my
8 employers' unrealistic expectation for my job when my
9 daughter was a baby I would drop her off 7:00 a.m. in
10 the morning with a childcare provider and not see her
11 until 7:30 or later in the evening. When she was of
12 school age it was very similar. I would pick her up
13 after getting off work, which is past the bedtime I
14 would like for her. Getting home, I would give her a
15 bath and put her to sleep and prepare things for the
16 next day. I never really got time to spend with her.
17 On top of this, I had to teach my daughter at a very
18 early age to travel to school and stay home alone.
19 Often I would worry about her safety while at work.
20 It was often not possible to attend events and
21 conference meeting at my daughter's school, and I
22 could not be involved as I would have liked. My
23 employer never accommodated me, never considered
24 supporting me to be a mother I wanted to be. I never
25 got paid personal time of my choosing as a domestic

2 worker. While I heard of, while I heard and knew
3 other domestic workers who negotiated paid sick time,
4 federal holidays, and vacation, I never felt like I
5 was in a work situation where I had a voice. My
6 employer always communicated in their needs were,
7 that were more important than mine, both their words
8 and action. Occasionally I would have time when my
9 employer were going on their vacation. I sometimes
10 got paid for some of the time, but often I did not
11 get paid at all. Most recent employer refused to pay
12 me for vacation when I traveled, reasoning that I had
13 to pay for another childcare provider when she
14 travels. In the summer, winter, this would
15 especially set me back. I couldn't rely on bringing
16 income I normally would insure to provide for my
17 daughter. As a single mother, working and keeping my
18 job was essential and surviving to raising my
19 daughter. I felt I could not speak for fear of
20 losing my job. Today I feel differently. This bill
21 made paid personal time a right for New York City
22 workers to have major positive impact on domestic
23 workers. Thank you.

24 MARCELA COCOLATOS: Good afternoon.

25 Thank you to the committee and to the public advocate

2 for this opportunity to testify. My name is Marcela
3 Cocolatos and I'm a staff attorney at A Better
4 Balance, a national nonprofit legal advocacy
5 organization based here in New York City. A Better
6 Balance drafted the majority of the nation's paid
7 sick leave laws and we are proud to support this
8 bill, which would amend the city's sick and safe
9 leave law to give workers an additional right to paid
10 personal time off. Shockingly, the US is the only
11 advanced economy in the world that does not guarantee
12 its workers paid vacation. Member countries of the
13 European Union are required to provide at least 20
14 paid vacation days, but some exceed that floor,
15 including France, which provides 30, and the United
16 Kingdom, which provides 28. Indeed, with no federal,
17 state, or local law other than the newly passed law
18 in Maine, requiring employers to provide paid
19 vacation time, the US is woefully out of step with
20 all of its peers on this issue, and unsurprisingly
21 the paid vacation that US employers do make available
22 voluntarily is distributed unequally. Most low-wage
23 and part-time workers do not have paid vacation.
24 Small business employees are also less likely to have
25 this benefit. With this bill the council has shown

2 once again that New York City is a national leader in
3 the movement to advance the rights and well-being of
4 working families. The bill will benefit workers'
5 health and businesses bottom line, as studies have
6 shown that taking personal time off can improve one's
7 health and longevity, as well as employees'
8 productivity. That said, we do have several concerns
9 with the bill as presently drafted that we must
10 raise. While all are laid out in our written
11 testimony, I want to focus on one in particular at
12 this time concerning enforcement. The proposed bill
13 does not contain a private right of action that would
14 enable workers to vindicate their rights in court.
15 New York City's enforcement is lagging far behind the
16 other jurisdictions in the US with paid sick leave
17 laws. Over two-thirds of the thirty-plus sick leave
18 laws in the US include a private right of action,
19 including Westchester. We know first hand from our
20 direct services work that exclusive agency
21 enforcement harms workers in several significant
22 ways. First, we have seen agency cases languish,
23 some dragging on for years, and workers are left
24 paying the price. Second, the priorities of the
25 agency and the complaining worker do not always

2 align, leaving workers confused, disempowered, and
3 often without the full relief that they may have
4 received by going to court. Third, without a private
5 right of action workers who experience other labor
6 abuses such as minimum wage violations and
7 discrimination lack the ability to consolidate all of
8 their claims in a single venue. This is both
9 extremely burdensome for workers and an inefficient
10 use of city resources. Lastly, while the proposal
11 does authorize the Corporation Council to bring civil
12 actions for violations of the law, this mechanism
13 still leaves workers with no ability to vindicate
14 their own rights as a party. Therefore, we urge the
15 council to add a provision to the proposed bill that
16 will authorize workers to bring a civil action and
17 ensure that New York City does not lag behind the
18 majority of other cities and states with paid sick
19 leave laws. Thank you very much.

20 IRENE LIU: Good afternoon. Thank you
21 for the opportunity to testify today. My name is
22 Irene Liu and I'm a policy analyst at the Community
23 Service Society. We have supported the expansion of
24 protection and benefits for low-wage workers,
25 including a lead role in efforts to pass the paid

2 sick days law in New York City. I am testifying
3 today in support of the paid personal time bill. I
4 am a new mom and I am lucky enough to have at least
5 two weeks of paid vacation a year, but many low-wage
6 workers don't have a single paid vacation day.

7 According to our 2018 Unheard Third Survey, among New
8 York City residents who would be covered by the paid
9 personal time provision only 34% of the working poor
10 had paid vacation from their employers, compared to
11 82% of those with moderate to higher incomes. We
12 also found that other employees who were least likely to
13 have paid vacation days now in New York City are
14 those working part time, those employed by small
15 businesses, those working in the retail sector, or
16 those relying on tips. These are all the workers
17 that would benefit the most from having a guaranteed
18 paid vacation law. My written testimony has more
19 detail on these statistics, but I just want to note
20 the importance of the bill covering workers employed
21 by firms with five or more employees, given the
22 concerns that we have heard about small businesses
23 today. Low-income workers are much more likely than
24 those with moderate to higher incomes to be employed
25 by small businesses, and they are least likely to

2 have covering. According to our survey data, 52% of
3 private-sector workers in small businesses with five
4 to 14 employees reported having paid vacation from
5 their employers, while 80% of those working for
6 employers of 50 or more did. Also, by covering
7 employees at firms with at least five employees paid
8 personal time would also be easier to administer
9 because the existing paid sick time law covers the
10 same group of workers. I'd also like to briefly
11 highlight some concerns we have with the proposed
12 legislation. As written, the bill does not enable
13 workers to actually accrue the intended 80 hours of
14 personal time a year. My written testimony has more
15 information on this, but we do urge the City Council
16 to consider establishing the same faster accrual rate
17 for both personal sick time to make it easier for
18 employees and employers to track accrued time, as
19 well as streamline administration for employees. I
20 would also highlight, I'd also like to highlight the
21 concern we have about the paid personal time bill not
22 enabling employers in restaurant and other tipped
23 industry to paid tipped workers, sorry, that enables
24 employers in the restaurant and other tip industries
25 to pay tipped workers the lower tips minimum wage

2 rather than the full minimum wage as required under
3 the existing paid sick days law. We urge the City
4 Council to correct the bill so tipped workers are
5 paid the full minimum wage for personal time and that
6 the personal time pay rate for tipped workers is
7 consistent with the sick time pay rate for these
8 workers under the existing paid sick time law. We
9 also urge the City Council to add a private right of
10 action that would enable workers to vindicate their
11 right in court. In closing, I would just to say that
12 low-wage workers are the ones who can least afford to
13 go without paid leave, but they are the ones who are
14 most likely to lack this benefit. All working New
15 Yorkers need paid personal time to spend with their
16 families, address necessary demands outside of work,
17 and recharge from the daily grind. Thank you.

18 CHAIRPERSON MILLER: Thank you for your
19 testimony and your suggestions to improve the
20 legislation as well. Your voice has definitely been
21 heard and obviously your organization has been at the
22 forefront for domestic workers for the past few
23 years. I've had the pleasure of working with the
24 organization on a number of policies impacting your
25

2 community. So I look forward to hearing your voice
3 as we move forward in the future. Thank you again.

4 UNIDENTIFIED: Thank you.

5 UNIDENTIFIED: Thank you.

6 UNIDENTIFIED: Thank you.

7 CHAIRPERSON MILLER: Next panel. Blair
8 Popagani. Kathleen Reilly. Andrew Rigie. Robert
9 Bookman, Nelson Osabio, and Matt Greller. You may
10 begin. Please begin by introducing yourself and turn
11 on your mic.

12 Hello. Good morning, Chair Miller and
13 all the members of the committee. My name is Nelson
14 Osabio. I'm the director of government relations for
15 the National Supermarket Association. The NSA trade
16 association represents the interest of independent
17 supermarket owners in New York and other urban cities
18 throughout the east coast, Mid Atlantic region, and
19 Florida. In the five boroughs alone we represent
20 over 400 stores and employ over 15,000 New Yorkers.
21 Our members work hard every day to run their
22 business, support their families, provide jobs,
23 healthy food options to their communities. I'm here
24 today to testify on Introduction 800-A, a law
25 requiring city employers to provide sick and personal

2 time to employees. While we support the intent of
3 the bill, we have some concerns surrounding the cost
4 and perimeters of implementation. Many NSA members
5 provide paid personal time for full-time employees.
6 However, our members don't necessarily provide the
7 same for part-time employees. Part-time workers are
8 inherently flexible in nature, in many cases the
9 employees scheduling around the employees' needs.
10 The reality is, the reality is that many of our part-
11 time employees are [inaudible] will apply for part-
12 time work to make extra money to help their families
13 save for the future and have some spending cash.
14 Requiring paid vacation for part-time employees will
15 only serve to steer employers away from hiring part-
16 time workers, which will doubly impact young high
17 school and college studies. We hope that the City
18 Council will consider exempting small businesses with
19 50 employees or less from having to provide paid
20 personal time to part-time staff. Thank you for your
21 consideration. I'm happy to answer any questions.

22 KATHLEEN REILLY: Good afternoon. My
23 name is Kathleen Reilly. I am the New York City
24 Government Affairs coordinator for the New York State
25 Restaurant Association. Restaurants are crucial to

2 economic and cultural fabric of New York City. They
3 employ hundreds of thousands of New Yorkers, fuel
4 tourism, and are many small immigrant-owned,
5 minority- and women-owned restaurants contribute to
6 the vibrancy of our city. Restaurants provide
7 important and sought-after jobs and many of the New
8 Yorkers who chose employment in the restaurant
9 industry do so for the flexibility, which allows them
10 to also pursue their passions or attend to other
11 responsibilities in their lives, such as school,
12 parent, or child care. To ensure the continued
13 viability of the restaurant industry, New York City
14 must prioritize regulations that enable these hard-
15 working New Yorkers to continue earning their
16 livelihoods, and remember to consider this crucial
17 industry when crafting wide-reaching policy. I am
18 here today to express opposition and concern over
19 Intro 800-A, which has been introduced by Public
20 Advocate Williams. This proposal would require all
21 employers in the city with five or more employees to
22 provide paid personal time in addition to the paid
23 safe and sick time which is already required.
24 Employees would accrue this time, much like safe and
25 sick leave. The New York State Restaurant

2 Association is opposed to Intro 800-A for reasons of
3 both expense and scheduling burden. On the issue of
4 expense it seems almost every time NYSRA comes to
5 testify before City Council we make a point to
6 contextualize new costly proposals and the current
7 difficult climate for our industry in New York City.
8 As the minimum wage has increased, and especially
9 since the most recent wage hike at the New Year, New
10 York City is seeing its restaurant industry struggle.
11 Employers are cutting jobs, decreasing hours,
12 staffing as few people as it can manage while
13 maintaining their standard of service, trying to cut
14 costs, and often raising prices. On top of wage
15 increases employers contend with [inaudible] and an
16 ever-growing list of regulations which are costly to
17 track and meet, and even costly to inadvertently
18 violate. In this environment, the city is looking to
19 impose yet another mandated increase to employee
20 compensation and it isn't something the restaurant
21 industry can afford. For a small restaurant
22 employing just 20 people, this proposal would cost
23 the employer at a minimum \$24,000 more each year.
24 There isn't \$24,000 extra in the budget, a truth that
25 City Council itself has acknowledged in the past when

2 you passed the Awnings Act several months ago. If
3 businesses didn't have \$5000 for an awnings fine,
4 they certainly don't have \$24,000 to pay for
5 vacations. Putting this legislation into effect will
6 cost jobs. Passing the legislation will effectively
7 pad the compensation of some workers at the expense
8 of others' jobs and arguably the people most at risk
9 of losing their jobs in this situation might be the
10 same vulnerable workers that you would be hoping to
11 protect, and we would really not like to see that
12 happen. Besides costs, our other major concern is
13 scheduling burden. It's worth nothing that the
14 restaurant industry particularly attracts people
15 seeking a flexible work schedule because it can
16 accommodate that. The ability to be flexibility is a
17 purported goal, but unfortunately what this
18 legislation actually does is provide an increase in
19 the number of days employees can call out last
20 minute, from five to 15. As it's written, they could
21 use their personal time. They could tell their
22 employer they're using their personal time when it's
23 practicable for an unforeseeable reason without
24 specifying what would qualify or requiring to be an
25 emergency. In summary, more is included in my

2 written testimony, but we are in opposition to this
3 legislation.

4 UNIDENTIFIED: You ready?

5 ROB BOOKMAN: Good afternoon. My name is
6 Rob Bookman. I'm a partner in a law firm, Pesetsky
7 and Bookman. I've been testifying on behalf of small
8 businesses before this council for 32-plus years now.
9 I counsel to two trade, to small business trade
10 associations, the New York City Newsstand Operators
11 Association, as well as the New York City Hospitality
12 Alliance. Mr. Rigie is our executive director and
13 will be testifying concerning them. I do have to say
14 that I am a bit offended that in this short-noticed
15 hearing, apparently such short notice that only you,
16 Mr. Chairman, were able to devote three hours to what
17 is supposedly such an important issue and that both
18 the sponsor of this bill and all of the other members
19 of the committee didn't find it an important-enough
20 issue to actually stay and listen. I find that
21 extraordinarily offensive. I guess the question here
22 is not whether paid leave is a good thing for people
23 to have. Of course it is. The question is who is
24 going to be paying for it? That's the issue.
25 Everybody has a New York City paid time off now.

2 Under the paid sick leave law you get five days off.
3 You could take it for any reason really whatsoever.
4 So the question is who is going to pay for this
5 expansion from five to 15 days off? Historically,
6 when we in this country have expanded the social
7 safety net from, whether you're talking about Social
8 Security, Medicare, unemployment insurance,
9 disability, food assistance, housing assistance,
10 every time we expand the social safety net it's a
11 shared expense between employees, employers,
12 government. Ah, government sets up an insurance
13 program, for example. Ah, there's a payroll tax that
14 everybody pays into. This concept that you can just
15 wave a magic wand and require a major new cost for
16 small businesses in New York and it just be borne by
17 the small businesses is just not realistic and it's
18 not honest. It's like Trump saying that tariffs are
19 being paid for by China. It's not being paid for by
20 China. It's being paid for by all of us, by
21 businesses and consumers. When you pass something
22 like this is has to be paid for. It's going to be
23 paid for by your constituents with higher prices.
24 It's going to be paid for by businesses with lower
25 profits. It's going to be paid for by the employees

2 who this is supposed to benefit by having fewer of
3 them, because the more you make it expensive to have
4 an employee the more people close their businesses,
5 the more they automate, and you mentioned that, um,
6 that's the reality. And so there is no free lunch
7 and the question is who is going to be paying for it,
8 and I agree with Councilman Ulrich, if this is that
9 significant then the city needs to come up with a
10 funding mechanism that's not just pretending that
11 it's free. I also do not trust Rule Making to fill
12 out the law. It's the council's job to fill out the
13 law and there are very troubling aspects of this bill
14 that should be addressed in the bill and not in Rule
15 Making. Finally, I just want to note those employees
16 who testified in the first panel work at these large
17 employers at the airport. Those are government
18 contracts and you have control over that. The
19 government office who gives those contracts should
20 require that they be paid leave as part of that for
21 companies. You don't need to pass a law to help the
22 people who were here at the first panel. Thank you.

23 ANDREW RIGIE: Good afternoon. My name
24 is Andrew Rigie. I am the executive director of the
25 New York City Hospitality Alliance. We are a not-

2 for-profit trade association that represents the
3 restaurant and nightlife industry in the five
4 boroughs. I've submitted my testimony. Much has
5 been said. But I just need to state it again. We're
6 at a time when you can walk through every single
7 neighborhood around are city and there are vacant
8 storefronts. Every time you hear a council member or
9 someone else talking about small businesses, they say
10 we must preserve our small mom and pop shops, our
11 local cafes, our favorite bar. Yet every single
12 action that is taken is not to actually help support
13 those businesses we're claiming to want to support.
14 Every time we're in these chambers, as was mentioned
15 before, it seems to be almost always another bill
16 that makes it more expensive, more complicated to run
17 a business. And as Mr. Bookman said, if this is a
18 shared cause that our city believes that paid
19 vacation should be a social safety net, then let's
20 talk about everyone sharing in that pot. There are
21 tons of ways that we can reduce cost. But none of
22 that is ever discussed in a significant way. Someone
23 mentioned in an earlier panel the real estate or
24 property taxes that are going up. Well, guess what.
25 Those get passed through to the tenant and they go up

2 thousands and thousands of dollars. It's putting
3 immense pressure on local businesses. The minimum
4 wage has been increased six years in a row, I
5 believe. The, ah, tipped wage in the past three
6 years has doubled. We've had paid sick leave. And
7 I'm not sure exactly where that data came from
8 earlier, but I can walk into 50 or 84 or however many
9 businesses was mentioned earlier and they will tell
10 you not only is it expensive, but it's complicated to
11 administer. And something specific to the
12 hospitality, retail, restaurant, and nightlife
13 industry is that we're not just paying for that one
14 person to be out for the day, where they come back
15 the following day and their work is on their desk.
16 No. We also have to pay the additional cost of
17 replacing that employee, whether they're a line cook
18 or a server or a bartender or a dishwasher. We
19 cannot just go without them. So you have that cost.
20 Also, look at the restaurant and nightlife industry.
21 What are the most popular times for people to go out?
22 Night, weekends, holidays, Mother's Day, New Year's
23 Eve, all the times when people are going out to eat
24 and going out to spend time with certain family
25 members or doing whatever, these are the times we

2 need to be running, ah, at full staff, and it's
3 already challenging enough in our industry because
4 there's a shortage of line cooks, there's a shortage
5 of other positions. To ensure that we can run with a
6 full staff, that we can keep our doors open, and the
7 city should be talking about ways to help support us.
8 Restaurants have been wanting the opportunity to add
9 a clearly disclosed administrative fee to menus. No.
10 We've been looking for further reduction in the
11 commercial rent tax businesses pay. No. We've been
12 looking for a reduction in fines. No. We've been
13 looking for cure periods and warning for non-imminent
14 hazards to the health. No. Everything that we talk
15 about supporting small businesses we give all these
16 proposals, no, no, no, no, no. But then when it
17 comes to something that makes it even more difficult
18 for business owners to operate here in our city, New
19 York, guess what? Oh, this is moving really, really
20 fast.

21 UNIDENTIFIED: Get on the train.

22 ANDREW RIGIE: Thank you.

23 BLAIR POPAGNI: Hi, my name is Blair
24 Popagni, and I think I'm the only person so far today
25 who has spoken who is an actually business owner. I

2 own restaurants in North Brooklyn, one in
3 Williamsburg and one in Green Point. I've been
4 really, really lucky to be embraced by the community
5 that I have businesses in. I opened my first
6 restaurant in 2007 and I still have retained some of
7 that same staff from 2007. I think a part of that is
8 because I think I am a good business owner. I think
9 that even before there was paid sick leave, um, I
10 adopted some of my own policies. I believe that this
11 additional paid leave that small business is being
12 asked to absorb is just a cost that we can't afford.
13 I feel like the city has for a long time seen small
14 business as an ATM that they can just come to and
15 continue to withdraw funds from and I believe that
16 you can be solidly pro small business and pro
17 employee, that those are not two different things
18 because one needs the other, and I think that it
19 would be wonderful for everyone to have their 40
20 hours of paid sick time and their additional 80
21 hours. But, unlike the government, small business
22 doesn't have the luxury of running without making a
23 profit. We have to make a profit to stay in
24 business, and with the increase in labor a lot of us
25 have seen our profits shrink and shrink, and we're

2 getting 10%, some of us less. So if you start to
3 increase what we have to then put out, at a certain
4 point it doesn't become worth it, and I love having a
5 business. I love having employees. My businesses
6 also provide internships to at-risk teens in my
7 community. So it's more than just about the jobs. I
8 think I have about a minute left, and I think
9 everyone else has spoken about the numbers really,
10 really well. So I just also wanted to mention one of
11 the other big threats to our industry, because I know
12 that you're on the immigration chair, is the No Match
13 letters that are being sent out that no one is
14 talking about, and the very employees that we are
15 trying to protect need protection from those letters.
16 If you have a phone in your hand and you have not
17 heard of No Match letters, I implore you to Google
18 it. Because it's a really big threat to workers.
19 SSA is asking us as employers to look at numbers that
20 they're saying are not correct. Now, we all know
21 what the end game is here and it's an attack on our
22 immigrant population and on our workers. And I think
23 New York City needs to lead the charge in protecting
24 our immigrants against No Match letters. Thank you.

2 MATT GRELLER: Good afternoon, Mr.
3 Chairman. My name is Matt Greller and I'm an
4 attorney and lobbyist here on behalf of one of my
5 clients, NATO, ah, Theater Owners of New York State.
6 This is not the NATO in Europe. This is the movie
7 theater trade association here in New York City.
8 They represent 37 movie theaters here in the city,
9 with over 1500 employees. And despite the well-
10 intentioned reasons behind this legislation, we
11 oppose the bill because it provides yet another
12 costly and unfunded mandate upon businesses. The
13 movie theater business model is based on insuring
14 that employees are safe, healthy, and happy because
15 that's good for business. They remain employees.
16 They don't require additional training for new
17 employees. If an employee is sick or fears for their
18 safety they call their manager and they stay home
19 without fear of losing their job. They did that
20 before the mandate of paid sick leave and obviously
21 they comply with paid sick leave. Theaters, our food
22 service establishments and other businesses, they all
23 absorb that additional cost of providing the 40 hours
24 of paid sick leave in 2014. Some chose to freeze
25 hiring. Some, that led to adoption of further

2 automation. Other chose to increase prices. Some
3 chose to cut salaries or other benefits. They did
4 that not because they disagreed with paid sick leave.
5 They did that because they had to figure out how to
6 absorb an additional cost. This is going to have an
7 additional cost of an additional 80 hours on top of
8 the 40 hours of paid sick leave. So, to be clear,
9 we're not opposed to the concept of this additional
10 paid time off, but we're opposed to legislatively
11 mandating that on businesses that already provide
12 some level of paid time off. Why isn't there further
13 emphasis, as others have said, about creating jobs or
14 lessening administrative burdens on businesses? And
15 why aren't there further exemptions in this bill? The
16 original paid sick time bill had many exemptions.
17 Other jurisdictions had many exemptions, for seasonal
18 workers, students, tipped employees, temporary
19 workers. This bill exempts businesses with five or
20 fewer employees. That's a huge disincentive to
21 hiring that sixth employee. I would think we would
22 want to hire more people in the city. And also, if a
23 business gives a standard two-week bucket policy it
24 has to be done in the same accrual and the same
25 reasons and conditions. What if they just have a

2 two-week bucket policy for personal, vacation, or
3 safe or sick time? If it's different, they still have
4 to provide another five paid off days, or, you know,
5 120 hours. If the point is to provide paid vacation
6 days to employees who don't have any, then there
7 should not be interference with employers who provide
8 paid time off, period. This situation is made worse
9 because accrual starts on day one, unlike San
10 Francisco, where it starts on day 90. The original
11 paid sick time started that on 120. That would help
12 exempt seasonal employees. The theaters have very
13 busy employees start on Memorial Day, ending on Labor
14 Day. They have students returning from college who
15 begin in early May and leave in early September.
16 They would then be able to go to college and take
17 vacation time that would be paid. To me, that's not
18 good public policy. We're happy to work with the
19 committee. We're happy to work with you, Mr.
20 Chairman, on finding ways to make this better. But I
21 don't know that taking this concept and applying it
22 to paid sick leave in the existing law is the best
23 approach. Thank you.

24 CHAIRPERSON MILLER: Thank you all, and
25 just note that all of your statements will be taken

2 into consideration. That's why we're here at this
3 hearing, to hear from industry as well as hear from
4 workers and to make sure that we can come to a medium
5 that mitigates the impact on businesses at the same
6 time provides a service and in a very responsible
7 way, having one that was responsible for managing
8 small numbers and large numbers of workers, I know
9 that these provisions can't, this policy can't happen
10 without provisions that govern them, right?

11 Otherwise, it's kind of chaos, right? You can't have,
12 ah, as I said, 75 days if you are a, a business of
13 five and just give people the autonomy to use them
14 any way, any time, and still run a business, right,
15 and as, as with family medical leave act that
16 there's, ah, business a lot of latitude, um, to, to
17 be able to address that. But we need to hear from
18 everybody in order for us to make this successful.
19 So, just, when you're called upon please be willing
20 to come back and be a part of this, so, thank you.

21 Before the next panel I need a two-minute recess,
22 bathroom break. [pause] OK. We can resume now and
23 the next panel, Vladimir Julian, Montero, and Valeta
24 Luis, and there's one more stuff there, Rosa Riveras.

25 UNIDENTIFIED: Thank you, sir.

2 CHAIRPERSON MILLER: Thank you, sir.

3 [pause]

4 UNIDENTIFIED: [whispered] That's on, it's
5 on.

6 JUNIOR MONTOMERY: Good afternoon,
7 everyone. I am Junior Montgomery. I'm appreciative
8 to be able to speak with you this afternoon about a
9 very important issue that affects the quality of life
10 for all New Yorkers, paid time off. For myself,
11 having time off from work without worrying about
12 losing income, which I need to protect me and my
13 family, is a huge deal for working people like myself
14 and other workers in New York City. I have worked at
15 JFK Airport for the past two years as a wheelchair
16 attendant. We do not get paid vacation. This year I
17 had the flu, which caused my absence from work for
18 seven days. I had already exhausted my five paid
19 sick days, so I had to take the financial burden of
20 no paycheck for my family for two weeks. In my time
21 here I have yet been able to disconnect for any
22 restaurant, relaxation, or to meet and hold my new
23 grandchildren in my home country of Jamaica. I ask
24 you, City Council members, to vote yes and pass this

2 legislation. Thank you for your time and for this
3 hearing.

4 VLADIMIR KLAJUN: Good afternoon council
5 member, ah, Chair. Thank you for allowing me to have
6 my testimony today. My name is Vladimir Klajun and
7 I'm happy to be speaking to you today. I've worked
8 at JFK for the past 12 years as a passenger service
9 representative. Today I'm here on behalf of the
10 [inaudible] airport workers who don't have access to
11 adequate time off. You know, airport workers are the
12 ambassadors to the world. We're the first thing that
13 people see when they come to the airports and we
14 don't have the opportunity to go out and see the
15 restaurant of the world. Throughout the years I've
16 seen my fellow colleagues miss out things, such as
17 weddings, forego family celebrations, or just not
18 take the opportunity to take a week off because when
19 you get back you won't, there won't be a paycheck
20 waiting for you. Millions of people travel through
21 the terminals that we work in each year. Ah, I think
22 it'd be nice to see my fellow colleagues to be able
23 to be, my fellow colleagues to get the opportunity to
24 be passengers in the terminals they maintain. City
25 Council members, I'd like to present, ah, the copies

2 of a petition, these copies of a petition that's been
3 circulated throughout JFK and LaGuardia Airport. We
4 have over 2000 airport workers signed it, ah, this
5 petition urging the City Council to pass this paid
6 time off legislation. You know, as we continue to
7 gain more signatures I ask you City Council members
8 to vote yes and give airport workers access to paid
9 time off. Thank you again for your time and this
10 hearing.

11 VIOLETA LUIS: Mi nombre es Violeta Luis
12 [speaking in Spanish]

13 UNIDENTIFIED: [Translating] My name is
14 Violeta and I am 62 years old.

15 VIOLETA LUIS: [speaking in Spanish]

16 UNIDENTIFIED: [Translating] I am a fast
17 food worker.

18 VIOLETA LUIS: [speaking in Spanish]

19 UNIDENTIFIED: [Translating] I would like
20 to thank the mayor and the City Council and the
21 public advocate.

22 VIOLETA LUIS: [speaking in Spanish]

23 UNIDENTIFIED: [Translating] For thinking
24 about us and writing a law such as this one.

25 VIOLETA LUIS: [speaking in Spanish]

2 UNIDENTIFIED: [Translating] For me this
3 law will benefit me, for my family and myself.

4 VIOLETA LUIS: [speaking in Spanish]

5 UNIDENTIFIED: [Translating] Because I
6 will be able to visit my family members in the
7 Dominican Republic.

8 VIOLETA LUIS: [speaking in Spanish]

9 UNIDENTIFIED: [Translating] Because I
10 will know that I will have a secure back when I come
11 home and I will know that I will be able to pay my
12 bills when I come back from spending time with my
13 family after long days and months from working in
14 this corporation.

15 VIOLETA LUIS: [speaking in Spanish]

16 UNIDENTIFIED: [Translating] Thank you
17 very much for listening to me.

18 ROSA RIVERA: Mi nombre Rosa Rivera
19 [speaking in Spanish]

20 UNIDENTIFIED: [Translating] My name is
21 Rosa River and I also work in a fast food restaurant.

22 ROSA RIVERA: [speaking in Spanish]

23 UNIDENTIFIED: [Translating] I thank all
24 the council members and I'm thanking the mayor, Bill

2 de Blasio, for thinking about us and trying to create
3 this law and trying to pass it.

4 ROSA RIVERA: [speaking in Spanish]

5 UNIDENTIFIED: [Translating] It's been
6 five years since I haven't been to El Salvador to see
7 my mom and my family relatives.

8 ROSA RIVERA: [speaking in Spanish]

9 UNIDENTIFIED: [Translating] In this city
10 you have to pay your bills on time and having to
11 worry about that is a burden. But allowing us to
12 give us a two weeks' paid vacation will be a relief
13 from stressing ourselves out, especially if we want
14 to go see our relatives that we haven't seen in a
15 long time.

16 ROSA RIVERA: [speaking in Spanish]

17 UNIDENTIFIED: [Translating] Thank you
18 very much, and I appreciate everyone else who has
19 been advocating for this law to pass, and we
20 appreciate your time.

21 CHAIRPERSON MILLER: And thank you for
22 your testimony. I do have one question for the
23 airport workers, actually for each. Do you know the
24 percentage or number of full-time workers and how
25

2 much paid time the folks are currently receiving, if
3 any?

4 UNIDENTIFIED: Ah, the accrual time is, as
5 stated, one hour for every thirty hours worked.
6 However, until you have worked two years, after two
7 years, that's when you start getting one more week
8 vacation. So within the first two weeks, the first
9 two years that you work you do not get anything but
10 the five paid...

11 CHAIRPERSON MILLER: Sick days.

12 UNIDENTIFIED: ...sick days.

13 CHAIRPERSON MILLER: OK, thank you. And
14 in your company, do you know the percentage of
15 workers full time versus part time?

16 UNIDENTIFIED: Ah, pretty much everybody
17 is supposedly full time and there are probably about
18 500 employees. But as the company acquire, the
19 owners acquire other companies they've been able to
20 get probably about 50 other part-time workers.

21 CHAIRPERSON MILLER: OK. And the fast
22 food, in the fast food industry that you're working
23 in, specifically in the business that you're working
24 with, are they part time or full-time employees?

25 UNIDENTIFIED: [speaking in Spanish]

2 UNIDENTIFIED: [speaking in Spanish]

3 UNIDENTIFIED: [Translating] It's mostly
4 full time.

5 CHAIRPERSON MILLER: OK, gracias.

6 UNIDENTIFIED: [Translating] Five percent.

7 CHAIRPERSON MILLER: OK, thank you very
8 much.

9 UNIDENTIFIED: Thank you.

10 CHAIRPERSON MILLER: Final panel. Paul
11 Song. Rosa Sequelcotay. Maryanne Tienes. Gianone.
12 Tatiana Bear. And I think there's one more. Jonas
13 Schneg. OK, thank you.

14 TATIANA BEJAR: Good afternoon. My name
15 is Tatiana Bejar. I am the New York organizer at
16 Hand in Hand, a domestic employers network. We are a
17 national nonprofit organization and I'm here on
18 behalf of two of our members who are employers of
19 nannies and house cleaners. So I will proceed to
20 read one of their testimonies. Good afternoon. My
21 name is Rosa Esquillacote and I am currently a
22 domestic employer. I'm here to share my enthusiastic
23 support for the paid personal time legislation being
24 proposed. I especially want to share how important
25 it is that domestic workers are extended this

2 benefit. I have employed Luisa, a member of the
3 worker-owned and nanny [inaudible] care cooperative
4 to care for my twin babies since September 2018.
5 Luisa provides calm to the chaos. As a working
6 mother this is invaluable to me. I'm also a member
7 of Hand in Hand, a domestic employers' network and
8 it's a national network of employers of nannies,
9 house cleaners, and home attendants, our families
10 [inaudible] as well. We believe that dignified and
11 respectful working conditions benefit worker and
12 employer alike. We envision a future where people
13 live in caring communities that recognize all of our
14 interdependence. To get there, we support employers
15 to improve their employment practices and to
16 collaborate with workers to change [inaudible] and
17 public policies. My wife and I gave birth to our
18 babies very close in time. We were very lucky to
19 take six months of maternity leave between both of
20 our jobs. But once we have to go back to work we
21 were faced with deciding what type of child care
22 would work best for our family. Regular daycare for
23 two babies at the same time was simply unaffordable
24 and we found hiring a part-time nanny for 20 hours a
25 week made much more sense for our needs. Um, Luisa

2 is [inaudible] where babies are cared for physically
3 and emotionally. Her work entails feeding them,
4 putting them down for naps, watching them, and
5 interacting with them to promote their development.
6 Luisa has been an excellent employee and has
7 developed a very caring relationship with our
8 children. As a mom, I don't understand why anyone
9 will want to mistreat, underpay, or not extend
10 benefits to someone caring for their children. In
11 fact, nannies should be afforded a level of pay and
12 benefits that ensure they can take care of themselves
13 and their loved ones, which in turn means they are
14 able to bring their best to caring for our children.
15 When it came to paid time off, Luisa and our family
16 agreed on a set of federal holidays, one week of
17 vacation, and dialogue as needed about negotiating
18 time off between [inaudible] when our family is on
19 vacation and when Luisa prefers her vacation. It
20 feels powerful to me that we are able to have these
21 conversations where the nanny is more equalized. I
22 don't feel I am forcing Luisa and she is empowered to
23 make decisions that work for her. I believe Luisa's
24 membership in Nanny [inaudible] participation in
25 domestic worker movement makes this possible. If

2 paid time, if paid personal time were to become law,
3 more domestic workers and employers could count to
4 these conversations granted in a fair standard,
5 backed up by the city. Fairness and dignity means
6 that conditions [timer], OK, thank you.

7 PAUL SONG: Hello? Thank you. Thank
8 you, Chairman Miller. My name is Paul Song. I'm with
9 the National Employment Law Project. We're a
10 national research and advocacy organization
11 headquartered in New York City that works with
12 federal, state and local policymakers on a variety of
13 work force issues. We've been pleased to work with
14 the council on a number of important pieces
15 legislation in recent years. We applaud you, the
16 Public Advocate, and the mayor and testify in support
17 of Intro 800-A. I've submitted detailed written
18 testimony. I'll just hit a few of the top points
19 during my three minutes. On the important, the need
20 for this legislation, you know, US workers are more
21 productive than ever but aren't seeing the benefits.
22 Instead, they're working longer hours and just too
23 many can't afford to take time off for basic life and
24 family needs. Among comparable industrialized
25 countries the US is basically alone in not providing

2 a paid leave standard. This is disproportionately a
3 problem for low-wage and part-time workers, but not
4 exclusively. Today's, this morning's *New York Times*
5 notes that Google's, ah, contracted temp and staffing
6 employees that make up 40% of the work force don't,
7 don't receive paid vacation. So it's a problem
8 among, you know, segments of full-time and even
9 highly paid employees. The, you heard this morning
10 from segments of the employer community arguing that
11 it's just too much, ah, to do this at this time and
12 there's no question that small businesses and
13 employers in New York, you know, it's not an easy
14 thing. You know, the commercial rent squeeze is very
15 significant for businesses. The online competition
16 is significant for retail. But the reality is that
17 providing 10 paid days off a year is a very modest,
18 reasonable standard and the fact that businesses
19 representing 80, employing 81% of full-time workers
20 in the city find a way to do it, and even those
21 representing one-third of part-time workers do it.
22 If they can do it, really it's evidence that it's
23 manageable across the board and the formula that's
24 been used successfully by the council and the state
25 for other labor standards are phasing it in

2 gradually, having extensive employer education
3 outreach and addressing the practical question in the
4 regulations process. For example, you know,
5 coordination to ensure that all the employees in a
6 firm don't take vacation at once. There are a lot of
7 practical nuts-and-bolts questions that can be
8 addressed. In my testimony I flag, um, you know,
9 four, ah, issues in the bill that we would
10 respectfully urge the council to address. I'm just
11 go into more detail on one of them, which is the
12 omission of a private right of action. The reason
13 there isn't one is because there wasn't one in the
14 paid sick law, and this builds off of that law. But
15 the problem with it is it means that the only way to
16 enforce it is through the Department of Consumer and
17 Worker Protection, and as capable and competent as
18 they are, they simply don't have the bandwidth to
19 police labor standards across the city's whole work
20 force. That's why our labor standards system at the
21 federal, state, and local levels has always depended
22 on a private-public partnership. In fact, more
23 enforcement is pursued by workers of private right of
24 action than by government enforcement agencies, so,
25 in fact the omission of the private right of action

2 really is out of step with what most other cities do
3 and what the council has done in other recent laws
4 and it's, it's really a vestige of a more
5 conservative time in New York City politics. I don't
6 know if you recall, you know, Mayor Blumberg vetoed
7 the paid sick days law and Speaker Quinn insisted on
8 taking out the private right of action as a condition
9 of passing it. I think if it were being considered
10 again today by you all, I'm pretty confident it would
11 include a private right of action. So now really is
12 the time to fix that omission as part of this
13 measure. Thank you very much, Chairman Miller.

14 Good morning, or good afternoon, I should
15 say. I am Maryanne Giannone and my husband, Paul and
16 I, are owners of two restaurants in Green Point. We
17 both grew up in Brooklyn and moved to New Jersey a
18 number of years ago, but we decided to come to back
19 to the city to open our first place, Paula G's. Last
20 year through much perseverance and determination we
21 were able to Paula G's Slice Shop. I'm here as a
22 business and restaurant owner who is concerned about
23 all the laws that are being passed, which do nothing
24 to help small business owners in the city. At this
25 point it is incredibly difficult to operate a small

2 business due to skyrocketing rents, high labor costs,
3 costly permit and licensing processes, etc., etc.

4 Many businesses are still reeling from the high labor
5 costs and now we are expected to give two weeks paid
6 leave without any type of notice from the employee.

7 Do you have any idea what havoc this will wreck for
8 the restaurant industry? If one pizza maker calls

9 out and we don't have a replacement on a Saturday

10 night at the last minute it is challenge at best to

11 keep with our orders. We do not operate in a typical

12 9 to 5 environment. Schedules change weekly. It is

13 hard enough to manage all the scheduling as it is

14 currently done. This amendment is going to force us

15 to raise prices in order for us to not sustain

16 operating losses. So ultimately it is the people

17 that vote for you that will be paying for the price

18 for this policy. No one opens a business to lose

19 money and business owners will have to take

20 necessary steps to ensure that they don't. The only

21 way to do that is to employ fewer people, thus

22 eliminating jobs and putting more of the burden on

23 the remaining employees. So both the people who will

24 have to pay higher prices and the people who will be

25 losing jobs will be considering your decision when

2 they enter the voting booth. Every time we turn
3 around there is another costly law or regulation that
4 we have to adhere to in order to operate. The
5 problem is most small businesses are going to be
6 leaving New York City. Ultimately, since we opened
7 almost nine-and-a-half years we have seen so many
8 traditional mom and pop businesses closing up.
9 Growing up in this great city that was always the
10 backbone of who we were. The way things are going
11 only large corporate restaurants and chains are going
12 to be able to operate. I'm going to assume that all
13 of you that are going to vote on this proposal have
14 never run a small business, let alone a food
15 establishment. It is a daunting task. Just to
16 remind you, we employ many employees, pay a lot in
17 taxes, and support the tourism industry in this city,
18 as most people who come into our place are from all
19 over the world, thereby adding to the unique
20 experience that is New York City. I would really
21 hate to see more small businesses close, but if they
22 keep getting hit so hard it will inevitably happen.
23 Thank you.

24 JONAS SCHEIND: Good afternoon. My name
25 is Jonas Scheind. I'm the chief economist of the

2 Fiscal Policy Institute, that is a nonpartisan,
3 nonprofit think tank that produces research on New
4 York economic, tax, budget, migration, and other
5 policy issue. The Fiscal Policy Institute views the
6 Initiative 800-A as a meaningful step in the
7 direction of developing a comprehensive leave policy
8 framework for New York City workers. I would, of
9 course, I would refer you to my testimony which I
10 submitted for details, but just to think about how
11 much it's going to cost to provide, you know, the
12 leave to the workers. It is, well, a lot of people
13 say it is going to cost a lot and how can we afford
14 this? The real question is how can we afford not to?
15 Anybody knows, anybody who works very hard,
16 especially the people who have less education and the
17 people who have fewer opportunities, they work very
18 hard and they miss on a lot of live events and they
19 cannot really skip work because they fear to lose
20 their work. And to boost worker productivity workers
21 need to be well rested. They need to be engaged.
22 They need to be enthusiastic, and that is very
23 difficult to achieve when workers feel like they have
24 to show up, otherwise they will be in trouble.
25 Everybody is getting squeezed by rents, not only the

2 businesses, but also the workers themselves. Can you
3 imagine what it is like to know that one week that
4 you miss is going to mean that you cannot make the
5 rents, and rents are very high in this city.

6 Businesses usually are very challenge to run. One of
7 the challenges, and the main challenge of running a
8 business is adapting to change. I think it is the
9 function of this body to make sure that the change
10 that the businesses will have to go through as they
11 accommodate new labor standards that are appropriate
12 for the changing workplace of the 21st century that
13 that change is manageable. We've heard a lot of
14 negativity when the minimum wage was being increased
15 to the \$15 an hour. Businesses would leave, they
16 would shut down, and there would be no jobs. It only
17 takes sticking your head out of the window to see
18 that the city economy is prospering. There are more
19 jobs. There is economy growth and the opportunities
20 are abound. This is a good move. Do it. Thank you.

21 CHAIRPERSON MILLER: Thank you, and once
22 again certainly we'll be calling Fiscal Policy as we
23 have clearly done in the past when creating and
24 debating policy, such important policy in the City of
25 New York, [inaudible] certainly hearing the voices of

2 small businesses, important that you are here today
3 to speak your truth and that we hear that and that we
4 are able to kind of disseminate from those industry
5 that really need and could use the support and those
6 industry that have taken advantage of workers and
7 current laws or a lack thereof in not providing these
8 benefits, and even though they employ hundreds of
9 workers, we've heard that testimony as well. So
10 we're going to take all this into consideration and
11 we are right now kind of working on the small
12 business round table and we'll ask that many of the
13 folks that have come to testify today they come back
14 to lend their voice, certainly the voice of workers,
15 we want to appreciate you ladies to the end, and
16 those of you who have testified today and not just
17 today but the work that you've done on behalf of
18 domestic workers and workers throughout the city and
19 the country is greatly, greatly appreciated. I
20 certainly appreciate it, the quality of life that
21 you've been able to create for women in this industry
22 in a very short period of time, even though it
23 appears that way I know the struggle has been ongoing
24 and continues to happen, but you have changed lives,
25 so continue to do what you do. And we will look

2 forward to hearing from everyone and bringing folks
3 back before anything else is, we move further with
4 the legislation. I think the purpose here is to hear
5 the voices of every and every one of you that are
6 involved and make sure that your voice is being heard
7 so that we can move forward with this important
8 legislation. So I want to thank everyone for coming
9 out. It's been a bit of a long day, and thank you so
10 very much, as again I reiterate the great Dr. King in
11 that all labor that uplifts humanity has dignity and
12 you've demonstrated that today. So thank you all for
13 coming out. This hearing is adjourned.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 29, 2019