

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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City Hall

B E F O R E:  
JAMES SANDERS, JR.  
Chairperson

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Gale Brewer  
Margaret Chin  
Daniel Dromm  
James F. Gennaro  
Daniel J. Halloran, III  
Robert Jackson  
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Ydanis A. Rodriguez  
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Larry B. Seabrook  
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## A P P E A R A N C E S (CONTINUED)

Samira Rajan  
CEO  
Brooklyn Cooperative Federal Credit Union

Quenia Abreu  
President  
New York Women's Chamber of Commerce

Maximino Santos  
Representative  
Make The Road New York

Sherry Leiwant  
Executive Director  
A Better Balance

Carl Hum  
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Brooklyn Chamber of Commerce

Nancy Ploeger  
President  
Manhattan Chamber of Commerce

Linda Baran  
President and CEO  
Staten Island Chamber of Commerce

Jack Friedman  
Executive Director  
Queens Chamber of Commerce

Joseph Spinnato  
President  
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Shira Gans  
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## A P P E A R A N C E S (CONTINUED)

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Andrea Doe  
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Lourdes Espinosa  
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Thomas Ferrugia  
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Patricia Brodhagen  
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Mitch Klein  
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## A P P E A R A N C E S (CONTINUED)

Donna Dolan  
Chair  
New York State Paid Family Leave Coalition

Carol Pittman  
Representative  
New York State Nurses Association

Dr. Victor Sidel  
Former President  
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Danny Latham  
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Sharada Polavarapu  
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Central Labor Council New York City

Sarah Johnson  
Representative  
Service Employees International Union Local 32BJ

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

Patrick Purcell  
Assistant to President  
United Food and Commercial Workers Union Local 1500

Robert Bookman  
Counsel  
New York State Restaurant Assn.  
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Anthony Juliano  
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Unemployed Mother

Rachel Spector  
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MFY Legal Services

Eric Brown  
Representative  
Restaurant Opportunities Center New York

Joseph Peters  
Representative  
Restaurant Opportunities Center New York

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2                   CHAIRPERSON SANDERS: This hearing  
3 will now come to order. I want to start by  
4 thanking everyone for coming out here, you're  
5 certainly showing democracy in action. Good  
6 afternoon, I am Council Member James Sanders, Jr.  
7 and I am the Chair on the Committee on Civil  
8 Service and Labor. Today the Committee will hold  
9 a hearing on Intro #97, a local law to amend the  
10 administrative code of the City of New York in  
11 relation to the provision of paid sick leave, paid  
12 sick time, earned by employees. Thank you for  
13 attending today's hearing on this legislation.  
14 Intro #97 is sponsored by my friend, Council  
15 Member Gale Brewer, the public advocate, of  
16 course, Bill de Blasio, and many other members of  
17 the Council.

18                   Legislators and policy makers are  
19 increasingly exploring the idea of providing paid  
20 sick leave for employees. We haven't gotten up to  
21 employers yet. The subject is currently being  
22 debated at the federal level and many  
23 jurisdictions at the state and local levels as  
24 well. Whether or not to make employers  
25 responsible for providing a minimum amount of paid

1  
2 sick time to their employees has both pros and  
3 cons. The Committee expects to hear from  
4 individuals and organizations with a wide variety  
5 of viewpoints on this legislation. Some have  
6 asserted the need to have this benefit as a right  
7 that must be mandated so that those less able to  
8 negotiate or insist on this provision would be  
9 able to receive that which is taken for granted by  
10 those at other economic scales. On the other  
11 hand, some have asserted that it is not the role  
12 of government to regulate benefits that could  
13 impact how an employer does business, and that  
14 employer's ability to survive in these economic  
15 times. More and more, health professionals are  
16 encouraging those who are ill to stay out from  
17 work or away from school. This legislation, and  
18 other legislation similar to it in other  
19 jurisdictions, have been viewed by some as a means  
20 to better protect their jobs and well-being of  
21 their families. Today we have been joined by  
22 members of the Committee. We have Council Members  
23 and other members who are not members of the  
24 Committee, everybody is interested this one. We  
25 have of course Council Member Brewer, Council

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2 Member Rodriguez, Council Member Chin, Council  
3 Member Nelson and Council Member Lander. Now, I'm  
4 going to perhaps ask the first questions after we  
5 hear from speakers, and notice I'm going to only  
6 ask two questions. Because I want my colleagues  
7 to have a chance to get into this and to speak,  
8 and I'm encouraging everyone else to be succinct,  
9 to really make sure that we hear from every single  
10 person who is here. And we'll never forget that  
11 Council Member Dromm has joined us also,  
12 especially since my friend, Gale Brewer, is kind  
13 enough to make sure of that.

14 COUNCIL MEMBER DROMM: Thank you.

15 CHAIRPERSON SANDERS: I would also  
16 like to thank our Committee staff. We have our  
17 counsel, Matthew Carlin, Shaunequa Owusu, our  
18 policy analyst, Ksenia Koban, our financial  
19 analyst, Kim Tai, our press agent, and from my  
20 office, Marlene Tapper, who many of you have  
21 gotten to know and will know, and Cherise Vaughn,  
22 who the rest of you know. I would like to now  
23 stop and call upon the person who has perhaps best  
24 gotten us to this position, and that of course,  
25 Council Member Gale Brewer of Manhattan, and she

1  
2 has the opportunity to say what brings us all  
3 together today. Thank you for doing all these  
4 things, Gale.

5 COUNCIL MEMBER BREWER: Thank you  
6 very much, Mr. Chair, you and I have known each  
7 other for a long time. So it's a real honor to be  
8 here with you and my colleagues here today. I  
9 have a lot of Ritz crackers for the long hearing,  
10 if anybody wants a Ritz cracker. This is first  
11 and foremost in my mind a bill regarding public  
12 health. Any of us who had our kids sick at school  
13 know that the worst call you can get is that your  
14 child is sick at school, and you have to come pick  
15 them up. And when you can't do that because  
16 you're afraid of losing your job, or losing pay,  
17 and you can't do that because you want to make the  
18 rent, that's a horrible call. And I think when  
19 we'll hear from pediatricians and nurses and some  
20 of our colleagues who are teachers in their  
21 previous employment, you'll understand that the  
22 most important aspect of this bill in my mind is  
23 that it would address the need for better public  
24 health in the City of New York.

25 Number two, the fact of the matter

1  
2 is, is that this is not an expensive bill. The  
3 Bureau of Labor Statistics, and we'll hear more  
4 about this from speakers, feels that it's eight  
5 cents an hour per service worker, or per employee.  
6 That is not a lot when you are thinking about the  
7 fact that many businesses, and this is my third  
8 point, already have paid sick leave. And we are  
9 working with the amazing staff writing this bill,  
10 both from the coalition that supports it, the  
11 coalition that doesn't, and also the amazing staff  
12 of the Speaker, to figure out a way of writing so  
13 that those businesses that already have paid sick  
14 or the equivalent would not be part of this  
15 legislation. I want to add though, that just to  
16 be clear, there are up to, if not over, a million  
17 low-wage New York City workers who do not have  
18 paid sick leave. It is 48% of working New Yorkers  
19 do not have paid sick leave, 54% of all public  
20 school parents do not receive paid sick leave, and  
21 65% of low-income public school parents do not  
22 have paid sick leave. And many of them are  
23 obviously working families, one or two parents  
24 working, and many, many people of color.

25 My fourth point is that this is

1 part of a national effort. Obviously we have  
2 heard about San Francisco at a previous hearing,  
3 via audio-video, first time ever done in the City  
4 Council. We actually heard and saw the people in  
5 San Francisco who are implementing this law.  
6 According to them, and San Francisco is a city,  
7 some people say 'gala' doesn't count, it does  
8 count, it is a city. And in that particular city  
9 there has not been any exit of employees, exit of  
10 business, and there has been growth in San  
11 Francisco proper. So I feel strongly that you'll  
12 hear also that there are some national leaders who  
13 are trying to figure out a way that 40 million  
14 private sector workers in America do not have paid  
15 sick leave, and how could we work together, and  
16 they urge that it start with municipalities.

17  
18 Finally, I want to thank the  
19 Chairman, and Laura Popa, Terzah Nasser, Matt  
20 Carlin, Shauneequa Owusu, and certainly Shula  
21 Warren and Kunal Malhotra from our office, and all  
22 the people, pro and con, who have spent so much  
23 time thinking about what's the best way to address  
24 this challenge. Thank you very much, Mr. Chair.

25 CHAIRPERSON SANDERS: Thank you. I

1  
2 do also want to take this moment and recognize  
3 that arguably Queens best Councilperson has shown  
4 up, Eric Ulrich. And I'm from Queens, to make  
5 matters worse. I will also say that I do want to  
6 thank everyone for coming out here, and taking  
7 your time to come to the people's house and put  
8 your position across. It's highly valued and I  
9 want to encourage everyone that we are going to  
10 have a good, healthy debate here. We're not going  
11 to boo and hiss and all kinds of other good stuff.  
12 We will let logic lead us on this one. And with  
13 that, sir, would you be kind enough to call the  
14 first panel?

15 COMMITTEE COUNSEL: Samira Rajan,  
16 Brooklyn Cooperative Federal Credit Union; Quenia  
17 Abreu, New York Women's Chamber of Commerce,  
18 Maximino Santos, Make the Road New York, and  
19 Sherry Leiwant, A Better Balance.

20 CHAIRPERSON SANDERS: If I could,  
21 even as you come up here, if I can encourage  
22 everybody that one true sign of intelligence is  
23 brevity, to express yourself in a fashion that is  
24 real clear, very quickly, because we want to make  
25 sure everyone hears everyone.

2 COMMITTEE COUNSEL: And if anyone  
3 wants to testify and you haven't filled out one of  
4 these little white cards with the sergeant, please  
5 do so.

6 CHAIRPERSON SANDERS: In the order  
7 that you were called, if you would be kind enough  
8 to introduce yourself and to speak. And if you  
9 speak into the mic as I am doing, we'll all hear  
10 you. Let us begin. What order did you call them?  
11 Not a problem. That's fine, we'll make it work.

12 MS. LEIWANT: Okay. Good  
13 afternoon, I'm Sherry Leiwant, executive director  
14 of A Better Balance, the work and family legal  
15 center, and we've been working on paid sick days  
16 legislation all around the country. And I've been  
17 asked to outline the provisions of Intro 97, the  
18 proposed paid sick time law. I want to start by  
19 thanking the Chairman of the Committee, Council  
20 Member Sanders, the bill sponsor, Gale Brewer, and  
21 all the Council members who have signed on in  
22 support of this bill. As Gale, as Council Member  
23 Brewer said, the purpose of this bill is to insure  
24 the public health of the City of New York, to  
25 insure that when a worker is sick, that worker can

1  
2 take time off without sacrificing a day's pay, or  
3 risking job loss, and insuring that no parent will  
4 ever have to choose between their job and caring  
5 for a sick child. I have a Powerpoint here to  
6 just outline the provisions of the bill, but there  
7 are two critical features that I really want to  
8 emphasize. One is that it has to cover, it does  
9 cover, and it has to cover, all workers, because  
10 all workers need paid sick days. In the Wall  
11 Street Journal this morning, there's a chart from  
12 the CSS Better Balance study of workers in the  
13 City of New York that shows that those without  
14 paid sick days are concentrated in smaller  
15 businesses. And it also shows that low income  
16 workers have been losing ground on this issue, and  
17 fewer and fewer of them every year have paid sick  
18 days.

19 The second thing I really want to  
20 emphasize is that businesses that already provide  
21 paid time off for their workers do not have to add  
22 additional time under this bill. No matter what  
23 they call it, if they call it vacation time or PTO  
24 or personal days, businesses don't need to add  
25 days if the time off they give their workers is

1  
2 the same amount and can be used for sick time.

3 And they don't have to convert vacation days or  
4 personal days. They don't have to ... that time can  
5 be used for something else.

6 So this is the basic outline of the  
7 bill. It's an earned paid sick time bill, so it's  
8 based on the hours that employees work. It's one  
9 hour for each 30 worked. And there's a maximum in  
10 every year, 72 hours is the maximum that has to be  
11 given by bigger businesses, and 40 hours for  
12 smaller businesses. And smaller businesses are  
13 defined as those that employ less than 20 full  
14 time equivalent employees, and that's 88% of the  
15 businesses in New York.

16 Use of this is that days can be  
17 used for an employee's own physical or mental  
18 illness or for preventive care, or to take care of  
19 a close family member. And it also can be used if  
20 there's a public emergency. Notice of foreseeable  
21 leave can be required, documentation can be  
22 required after three days, and discrimination and  
23 retaliation is prohibited. In terms of who is  
24 covered, it covers all private employers and  
25 employees within the city boundaries, and that's

1  
2 all that the City Council can do in fact. They're  
3 covering all the workers they legally can cover.  
4 And in terms of enforcement, there are posting  
5 requirements, and there will be an administrative  
6 remedy. Again, all leave counts and there's  
7 never, it's not up there, but I want people to  
8 understand that there's never a need to pay anyone  
9 for unused paid sick time, and there's never a  
10 need to give more than 72 hours or 40 hours in a  
11 year, so there is a limit. And there were a  
12 number of changes, as Council Member Brewer  
13 alluded to, from last year's bill, and those have  
14 been made in response to a lot of the people that  
15 we've talked to, a lot of the people that all the  
16 Council members here have talked to, who had  
17 objections or had concerns. And those are listed  
18 up there. We raised the number on small  
19 businesses, we've narrowed the number of  
20 relatives, we changed the rehire period, so that  
21 summer workers will not get to carry over their  
22 time from one year to another. And we've made it  
23 clear that businesses do not have to change their  
24 bookkeeping practices. So I thank you, I thank  
25 you again for taking up this bill, and if there

1  
2 are any questions I can answer them.

3 CHAIRPERSON SANDERS: Thank you.

4 Next speaker.

5 MS. RAJAN: Good afternoon, my name  
6 is Samira Rajan. Move it closer? My name is  
7 Samira Rajan, I am the CEO of Brooklyn Cooperative  
8 Federal Credit Union. We are a certified  
9 community development credit union, we opened our  
10 doors in January, 2001. Community development  
11 credit union means that we are a full service  
12 retail institution, similar to a bank. The  
13 difference is that we are a cooperative, meaning  
14 that the shareholders of the cooperative are the  
15 same folks who deposit money and do transactions.  
16 We are community development because we promote  
17 economic development through the provisions of  
18 fair and affordable financial services, such as  
19 savings accounts and small business loans. Today  
20 Brooklyn Cooperative operates two branches,  
21 manages over \$10 million in community assets. We  
22 have 6,500 largely low-income working-class  
23 members throughout central Brooklyn, and we employ  
24 thirteen people. As a small business, we've seen  
25 many ups and downs, including the current tough

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2 economic times, plus we provide financing for many  
3 neighborhood small businesses and we know how hard  
4 it is to stay afloat. We definitely do not take  
5 lightly the need to be cost conscious. At the  
6 same time, there's no doubt in my mind that the  
7 single most important factor in our past and  
8 future success is our staff. No business, no  
9 company, whether for profit or not for profit,  
10 will thrive without a dedicated and competent  
11 workforce. This is why, though the credit union's  
12 budget is often tight, we have never compromised  
13 on fairness to our employees. Every employee,  
14 starting from their first week of employment is  
15 entitled to twelve sick days annually. Allowing  
16 staff to take time when they're sick is a basic  
17 right and expectation. A sick employee resents  
18 being at work, is not thinking, is not performing  
19 their job duties, and depresses overall staff  
20 morale. They may spread sickness to other  
21 employees and further decrease overall  
22 productivity. In addition, given that all credit  
23 union staff must interact with members of the  
24 public daily, there is a potential to spread  
25 sickness to the individuals coming in to do their

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2 banking business. Finally, giving a sick staff  
3 member one or two days to rest will help them get  
4 better faster so they may more quickly return to  
5 full capacity. Forcing staff to work will only  
6 exacerbate their illness, perhaps prevent them  
7 from seeing a physician to obtain proper care, it  
8 creates unpredictability and a definite drag on  
9 productivity. A company's relationship with its  
10 workers ought to be built on mutual respect. The  
11 employee respects the company's policies and  
12 procedures and endeavors to do their job right,  
13 while the employer treats the employee with  
14 respect by providing a safe work place,  
15 transparent decision making and fair treatment.  
16 Everybody gets sick, it's unavoidable; to penalize  
17 the worker for a fact of life denigrates the work  
18 place. Many business owners do try to do right by  
19 their employees, but without a citywide standard  
20 that requires all businesses to provide sick days,  
21 they face being undercut by less scrupulous  
22 competitors. I wish to express support for this  
23 bill in front of you today, and thank you for the  
24 opportunity.

25 CHAIRPERSON SANDERS: Thank you.

Next speaker.

MS. ABREU: Good afternoon, my name is Quenia Abreu, I'm the president of the New York Women's Chamber of Commerce, and I want to thank you for this opportunity to testify in front of you today. I'm here to testify in favor of paid sick time act #97. We are, as I mentioned to you, the New York Women's Chamber of Commerce, with more than fifteen hundred members, the majority of them women-owned businesses. As small business owners, we know how important it is for our workers to be able to take time off when they or a family member is sick, with the peace of mind of knowing they won't lose a day's pay or their jobs. Paid sick days is a matter of basic fairness. No one should have to come to work when they are sick, and no one should risk losing their job or their pay check they need just because they come down with a cold or their sick child needs care. As women business owners, we know it's often the women in the family who are responsible for caring for sick children or parents, but who also have jobs they want to keep. Giving our employees paid sick days means a happier, healthier, more

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2 productive workforce. That's why we are proud to  
3 stand here today in support of the paid sick days  
4 bill. As small business owners who care about our  
5 workers, it is also important that we know that  
6 all businesses will be doing the right thing.  
7 That levels the playing field for all of us, so we  
8 can provide what we know is right for our workers  
9 without putting ourselves at a disadvantage. This  
10 bill has a special provision for small businesses  
11 that will balance our needs with the need to make  
12 sure everyone's health is protected by including  
13 smaller businesses in the bill, but requiring  
14 small businesses to provide a few less days than  
15 big businesses. As everyone knows, the economy  
16 has not been great, and all businesses, especially  
17 small businesses, are struggling. But providing  
18 paid sick time for our workers is not going to  
19 cost us very much. Having a worker stay out when  
20 they are sick is better for any business owner  
21 than having sick workers come in and make other  
22 workers and customers sick. And the small cost of  
23 paid sick days is not a problem for small  
24 businesses. The problem for us is the price of  
25 commercial rents, the property taxes, and the red

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2 tape of regulations that government ... or  
3 unnecessary regulations, unfair taxes by large  
4 corporations and unfair city rules. We have  
5 banded together to support the small business  
6 survivor act. There are a lot of ways the City  
7 Council can help small businesses, but failing to  
8 pass a law that will help so many people by  
9 guaranteeing a small amount of paid sick time is  
10 not one of them. Paid sick days is a good policy  
11 for everyone, workers and businesses alike, and I  
12 hope the Council will pass this law. Thank you.

13 FEMALE VOICE: Maximino is going to  
14 speak in Spanish, and then I'll translate his  
15 testimony into English.

16 MR. SANTOS: Good afternoon, my  
17 name is Maximino Santos and I am a member of Make  
18 the Road New York. Thank you to the members of  
19 this committee for the opportunity to testify. I  
20 worked for five years as a chef at a restaurant  
21 called Viennese Gourmet Deli at 475 Lexington  
22 Avenue in Manhattan. While I was working there, I  
23 got sick many times, but I went to work anyway  
24 because I was afraid of losing my job. First it  
25 was just a cold, but it got worse and worse over

1  
2 time because I kept going to work while I was  
3 sick. My boss would not let me take any time off,  
4 so I would just take some Tylenol or some Advil  
5 and go to work sick, often with a fever. I wanted  
6 to see a doctor, but my boss told me that he could  
7 not run the business by himself, so I had to go to  
8 work. My boss was never concerned about me being  
9 contagious. I bought face masks with my own money  
10 because I did not want anyone else to get sick,  
11 but my boss never bought anything like that.

12 Finally I was so sick that I went to a clinic.

13 The doctor there told me that I was very ill, and  
14 that I could not go back to work. He told me that  
15 my lungs were inflamed, and that if I went back to  
16 work, I was risking my life. I asked him for a  
17 letter to show my boss, and I have the doctor's  
18 letter. I am a 45 year old man now, but two  
19 months ago my lungs were functioning like those of  
20 an 84 year old. In February I went to the clinic,  
21 they did a test and I have the documentation that  
22 shows this. This is the documentation. Then I  
23 went to the hospital, and they told me that I had  
24 to take very good care of myself, because my lungs  
25 were very weak. They told me that I had

1  
2 bronchitis, which had then developed into  
3 pneumonia. The doctor told me that it would not  
4 have gotten so serious if I had been able to see a  
5 doctor earlier. I called my boss and he told me  
6 that I had to come back to work if I wanted to  
7 keep my job. For three weeks I was seriously ill  
8 and had a high fever. After two weeks I was still  
9 sick, but I bundled up and went back to work  
10 because I was afraid of losing my job. When I got  
11 there, my boss told me that he had already hired  
12 somebody else, and that I did not have a job any  
13 more. This happened about two months ago, I have  
14 been unemployed since then because I'm still sick  
15 and have not been able to go back to work. I ask  
16 the City Council to please pass this legislation  
17 as soon as possible, for the health of all workers  
18 like me, and for the well being of all New  
19 Yorkers. Thank you.

20 CHAIRPERSON SANDERS: I'm very  
21 sorry of your illness, your health problems,  
22 [Spanish phrase]. Let's see, let's start. Oh,  
23 glad you looked over here. We've also been joined  
24 by Council Members Mark-Viverito, Rose, Jackson,  
25 Levin, Williams, and James, and I think I ... and

1  
2 Halloran, for balance. That one person will  
3 balance all these points, no doubt. Having said  
4 those things, I'm going to see if my colleague,  
5 Gale Brewer, wants to raise a point.

6 COUNCIL MEMBER BREWER: First of  
7 all, thank you all very for being here. For  
8 Samira Rajan I have a question. You run a  
9 business, and you obviously work with other  
10 businesses and individuals. One of the issues we  
11 hear is that if we provide paid sick leave, and I  
12 think, again, many businesses already do it and  
13 don't know it, and we're trying to work with them,  
14 so that they're not part of this bill, as we  
15 stated earlier. But do business, do workers take  
16 advantage of your twelve days? Do they take every  
17 Monday off, every Friday off? Is this something  
18 that you have to deal with, or do people  
19 understand that they have a job, they want to do  
20 it, and they want to be part of the team?

21 MS. RAJAN: Thanks for your  
22 question. In my experience, I've been running ...  
23 I've been at the credit union for almost ten  
24 years. In my experience we've never had a staff  
25 person take advantage of sick leave in the way

1  
2 you've described. I think that as an organization  
3 we have a pretty strong professional ethic, and  
4 staff who take sick leave generally are sick.

5 COUNCIL MEMBER BREWER: And also,  
6 for Sherry Leiwant, my question is for you Sherry,  
7 is when you were describing the legislation, do  
8 you think there are ways of working so that  
9 businesses that already have paid sick leave would  
10 be able to use that paid sick leave and not be  
11 under the rubrics of our legislation? Are there  
12 some ways of wording that that it would be  
13 appropriate?

14 MS. LEIWANT: I'm not sure, I  
15 think, I mean, obviously the intent of the  
16 legislation is that businesses that already- -

17 CHAIRPERSON SANDERS: (Interposing)  
18 A little closer, bring the mic a little closer.

19 MS. LEIWANT: Okay. The intent of  
20 the legislation, as you know, is that businesses  
21 that already provide paid leave, not just sick  
22 leave, but any leave, shouldn't have to do  
23 anything that's going to change that, as long as  
24 it's the same amount of leave, and their workers  
25 can use it for the purposes that we described.

1  
2 And there are some changes from last year's bill  
3 to make it clearer about the bookkeeping, as I  
4 said. And as clear as that can be, we would want  
5 that to be made clear. I think it is clear in  
6 this bill, but if there are ways to do it better,  
7 sure.

8 COUNCIL MEMBER BREWER: Thank you  
9 very much. Mr. Chair.

10 CHAIRPERSON SANDERS: Thank you. I  
11 have, in order of speaking, I have Council Members  
12 Lander, Jackson, Williams and James. And I just  
13 want to draw your attention that Chair Brewer has  
14 also shown us the way. She put two questions on  
15 the floor, and she stopped, so that everyone can  
16 get out of the way, and I encourage everyone else  
17 to do the same, and that way, after you get your  
18 two and everyone spoke, and if you want to speak  
19 again, not a problem. But at least everybody gets  
20 in here. And to show the way, Council Member  
21 Lander.

22 COUNCIL MEMBER LANDER: Thank you,  
23 Mr. Chairman, for the good guidance. Let me first  
24 say to Ms. Rajan that I appreciate your testimony,  
25 you make me very proud to be a member of the

1  
2 Brooklyn Cooperative Federal Credit Union.

3 MS. RAJAN: Oh, get out, man.

4 COUNCIL MEMBER LANDER: And I think  
5 that shows not only that, you know, it works well  
6 from a worker's point of view, but from a  
7 community point of view, and a customer point of  
8 view as well. You want to do business at a place  
9 where people are taken care of. Council Member  
10 Brewer talked about obviously the obvious public  
11 health issues, but I think the broader issues and  
12 what it means that we're doing as a city are  
13 profound, and I think you for helping me feel that  
14 way today, and for leading us as a city.

15 MS. RAJAN: Thank you for your kind  
16 words.

17 COUNCIL MEMBER LANDER: Ms. Abreu,  
18 I wanted to ask whether you had a chance to look  
19 yet at the fourteen recommendations that came out  
20 of the Small Business Regulatory Review Commission  
21 that Speaker Quinn has taken real leadership on  
22 and worked with the Mayor, and that, you know,  
23 hopefully will be passing the first piece up  
24 tomorrow, the Small Business Bill of Rights, but  
25 that really represents significant steps forward,

1  
2 in my opinion, in making life easier and easing  
3 some of the regulatory burden in helping small  
4 businesses in the city thrive. I think this is an  
5 ideal time to be considering both paid sick time,  
6 which was great to hear you say you think is not a  
7 significant additional burden, while we're also  
8 looking to do things that really help small  
9 businesses move forward at the same time.

10 MS. ABREU: Yes, I have and I  
11 really appreciate that, but as I mentioned in my  
12 speech, one of the major problems that our small  
13 businesses have is with their lease, it really is,  
14 and with the real estate taxes. We have our  
15 beauty salons that are paying thirty, forty  
16 thousand dollars a year in real estate taxes.  
17 When you think about paying a couple of sick days  
18 to, you know, versus, you know, the \$40,000 that  
19 they pay just in real estate taxes on a property  
20 that doesn't ... that they don't really own, and  
21 it's a beauty salon, a woman-owned business  
22 providing also employment to other women, the paid  
23 sick days is really not a lot, and we really need  
24 to take a look at other things, to really help the  
25 small businesses. At least the businesses that we

1  
2 represent, which are really the immigrant business  
3 owners and especially women-owned businesses, and  
4 I just want to add to the first question that Gale  
5 asked about sick days, we are the women's chamber,  
6 we are a small organization, we only have five  
7 employees, and we provide five paid sick days, and  
8 no one has ever abused that. As a matter of fact,  
9 we have one employee that never, ever takes a sick  
10 day, that I have to force him to at least go to  
11 the doctor and, you know, for prevention, because  
12 he doesn't, he never takes a sick day. So I don't  
13 really see the issue here. I'm actually, and I  
14 said this before, I am embarrassed that we have to  
15 come here to even bring this forward, when this  
16 should have been done a long time ago. And when  
17 we talk to our small business owners, a lot of  
18 them, they don't even know that there is not a  
19 mandate. They really think there is, because they  
20 are already providing it. I mean, it is the right  
21 thing to do as a human being.

22 COUNCIL MEMBER LANDER: Thank you  
23 very much.

24 CHAIRPERSON SANDERS: Thank you,  
25 sir, and you certainly have led the way. Council

2 Member Jackson will follow up in the same good  
3 order.

4 COUNCIL MEMBER JACKSON: Well, if I  
5 follow the order that's taken place, Council  
6 Member Brewer asked two questions, Council Member  
7 Lander asked one, so that means I should ask none.

8 CHAIRPERSON SANDERS: No, actually  
9 Council Member Lander did a commercial first.

10 COUNCIL MEMBER JACKSON: Yes,  
11 right.

12 CHAIRPERSON SANDERS: And then  
13 spoke.

14 COUNCIL MEMBER JACKSON: Well,  
15 thank you, Mr. Chair, good afternoon to the panel.  
16 Let me just ask, with respect to the impact of  
17 passing this particular bill into law, do you  
18 have, any one of you have, any idea of how many  
19 more people this would impact, and what, from a  
20 practical point of view, would it have on changing  
21 their lives or their families' lives? That's  
22 what my question is, and if you all can respond,  
23 more than one, but very quickly so that the Chair  
24 won't get on my back.

25 MS. LEIWANT: Okay, we have done,

1  
2 we did a report in conjunction with the Community  
3 Service Society that shows that there are about  
4 1.5 million New Yorkers who do not have paid sick  
5 days. So I think that this bill will have a  
6 significant impact on public health, when so many  
7 of those workers are in restaurant industries,  
8 service industries, industries that meet with the  
9 public. But even more importantly, it will have a  
10 very important impact on the health of individual  
11 workers and their families and children. You  
12 know, as we all know, there are women in the  
13 workforce, now mommy is not at home, and so when  
14 kids need to be picked up at school, their parents  
15 need to have paid sick time to do that.

16 COUNCIL MEMBER JACKSON: More  
17 points? No? Okay. Then my last question - you  
18 said only two questions.

19 CHAIRPERSON SANDERS: For the  
20 moment, sir.

21 COUNCIL MEMBER JACKSON: As a  
22 panel, do all of you support this particular bill  
23 being voted into law? Is that correct?

24 MS. RAJAN: Yes.

25 COUNCIL MEMBER JACKSON: So do you

1  
2 have any idea the cost factor, and as an employer  
3 are you willing to pay the price for the cost  
4 factor in order to implement this bill? Now,  
5 you're the ED, the president and CEO of a small  
6 business, is that correct?

7 MS. ABREU: Yes.

8 COUNCIL MEMBER JACKSON: Non  
9 profit. And the others? You either are the  
10 executive or you own a small business, are you  
11 willing to pay the price?

12 MS. ABREU: We already, as I  
13 mentioned before, Robert, we already pay the sick  
14 days, and it's not a tremendous cost. It's five  
15 days per employee per year. And nobody, as I  
16 mentioned, nobody abuses it, nobody, you know,  
17 some people don't even take it. It's just knowing  
18 that you have that option, that if you're sick you  
19 can do that. And I really think that there are  
20 other things, as I mentioned before, that are  
21 costing a lot more than what the cost of paid sick  
22 days will be.

23 COUNCIL MEMBER JACKSON: Anyone  
24 else?

25 MS. LEIWANT: Yes, I just wanted to

1  
2 mention, Gale alluded to this, but the Bureau of  
3 Labor Statistics study that says that paid sick  
4 days will cost approximately eight cents an hour  
5 for service sector workers, and twenty three cents  
6 an hour for other workers. It's not an expensive  
7 bill.

8 COUNCIL MEMBER JACKSON: Anyone  
9 else?

10 MS. RAJAN: I have a small  
11 business. We currently have thirteen employees.

12 COUNCIL MEMBER JACKSON: What kind  
13 of business, please?

14 MS. RAJAN: It's a small credit  
15 union in Brooklyn.

16 COUNCIL MEMBER JACKSON: Okay. Non  
17 profit?

18 MS. RAJAN: Yes.

19 COUNCIL MEMBER JACKSON: Go ahead.  
20 So are you willing to pay the cost?

21 MS. RAJAN: We already provide up  
22 to twelve sick days per person per year.

23 COUNCIL MEMBER JACKSON: Okay. And  
24 you are a worker, is that correct, sir?  
25 Unemployed worker? Right now you're unemployed,

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is that correct?

CHAIRPERSON SANDERS: Translate for brother Jackson.

MS. SANTOS: Yes.

COUNCIL MEMBER JACKSON: But right now you're an unemployed worker, but if you owned a business, would you be willing to pay the cost in order to provide sick leave for workers, pay the cost?

CHAIRPERSON SANDERS: Speculation, sir.

COUNCIL MEMBER JACKSON: I'm asking the question.

CHAIRPERSON SANDERS: Your question, sir.

COUNCIL MEMBER JACKSON: Now, you know, Mr. Chair, when you translate from one language to the other, it takes twice as much time, so I'm entitled to four questions.

CHAIRPERSON SANDERS: Yes, but no speculations.

COUNCIL MEMBER JACKSON: Okay.

CHAIRPERSON SANDERS: Please let him answer that question, and then let's go on.

2 COUNCIL MEMBER JACKSON: I'm sorry?

3 MR. SANTOS: That's yes, I said  
4 yes.

5 CHAIRPERSON SANDERS: All right.

6 COUNCIL MEMBER JACKSON: Okay,  
7 thank you, Mr. Chair.

8 CHAIRPERSON SANDERS: Yes.

9 COUNCIL MEMBER JACKSON: Thank you.

10 CHAIRPERSON SANDERS: I do want to  
11 point out that we've been joined by, let's see,  
12 certainly Council Member Gennaro has joined us,  
13 and ... oh, I'm sorry, and of course, my long-time  
14 colleague, Council Member Lappin from Manhattan,  
15 one of Manhattan's best. Let's see, let's go now  
16 to ... well, that was before she came in. Let's now  
17 go to Council Member Williams, the new Jack.

18 COUNCIL MEMBER WILLIAMS: Thank  
19 you, Mr. Chair, I appreciate it. Thank you for  
20 the testimony, Ms. Rajan, very nice to see you  
21 again. So like I said outside, I'm actually sick  
22 of having this discussion, because everybody has a  
23 right to be sick, and we all get sick, and that's  
24 just the end to it. And like my colleague, Debbie  
25 Rose, said outside, we gave the horses a couple of

1  
2 weeks vacation a couple of weeks ago, I think we  
3 can give some sick days to the human beings. So  
4 from what I've seen for all the changes that were  
5 made, I think we've addressed all the concerns  
6 that were brought up, any reasonable concerns, and  
7 I really don't see any rational reason why people  
8 would now be opposed. Because we've addressed the  
9 size of the businesses, we've addressed if you  
10 already have time off. We've addressed all of  
11 these issues already. So I'm trying to think of  
12 any rational reason why you may think someone  
13 could oppose. And I was thinking perhaps maybe  
14 the administrative part of putting this into  
15 place. Can you talk about administratively what  
16 would have to change, if you had to implement sick  
17 leave if you didn't have it, which you should have  
18 had already? Because this should have been in  
19 place a long, long time ago.

20 MS. LEIWANT: Do you mean for  
21 individual businesses to put it into place? I  
22 think it's not ... again, I mean, the one city that  
23 has had a lot of experience with it is San  
24 Francisco, and the businesses there that didn't  
25 have it before and put it into place, it wasn't a

1  
2 problem. And that's been, you know, the Golden  
3 Gate Restaurant Association said it wasn't a  
4 problem, the small business association there said  
5 it wasn't a problem. They just had their payroll,  
6 their payroll company assess the paid sick time  
7 and then they paid the paid sick time. It was not  
8 a big deal, and I don't think it would be a big  
9 deal here either.

10 COUNCIL MEMBER WILLIAMS: So, and  
11 we've shown that it doesn't cost that much money.  
12 So is there any other reason that you could think  
13 of? Is it just irrational fear of change? Like  
14 what is it? What is the reason that we can't get  
15 this done?

16 MS. ABREU: I think it's just  
17 irrational fear. I mean, I remember the Mayor  
18 talking about the no smoking in businesses, and  
19 the businesses thought that that was going to put  
20 them out of business, and it didn't. So why not  
21 just, you know, why not just give it a try? Why  
22 not just do it? This is talking about health and  
23 as Council Member Brewer said, it's talking about  
24 public health. And we really just need to do it.  
25 And for instance, working with our small

1  
2 businesses and helping them put together a  
3 personnel manual that would also help them in  
4 terms of implementing the sick days, and it's just  
5 simple. I mean, especially if you're a small  
6 business, how hard can that be? You know, you put  
7 it in place, it's a policy, it goes into your  
8 personnel manual, and whoever is handling your  
9 payroll is in charge of just keeping, you know,  
10 paying the sick days, or keeping count of the time  
11 off, and that's it.

12 COUNCIL MEMBER WILLIAMS: All  
13 right, well I want to say thank you again. Like I  
14 said before, I think there are two people who  
15 should be opposed to this, those who have never  
16 gotten sick, and those who won't get sick in the  
17 future.

18 MS. ABREU: Yes.

19 CHAIRPERSON SANDERS: Thank you  
20 very much, sir. We'll hear from Brooklyn's  
21 fighting Council Member, Council Member James.

22 COUNCIL MEMBER JAMES: First to Ms.  
23 Rajan, I believe the Brooklyn Cooperative Federal  
24 Credit Union is in my district, so it's an honor  
25 and a privilege to meet you. I look forward to

1  
2 working with you in the future. Ms.- -

3 MS. ABREU: We can't hear you.

4 COUNCIL MEMBER JAMES: Okay, it  
5 takes me a while, I get there. I start low and I  
6 go high. So to Ms. Rajan, I wanted to again make  
7 a note that the credit union is in the great  
8 district that I proudly represent. Ms. Abreu,  
9 it's an honor and a privilege to see you again,  
10 thank you for all that you are doing to increase  
11 opportunities to women and businesses of color.  
12 You have been a true visionary in that area. To  
13 Ms. Leiwant, am I pronouncing that correctly? I  
14 want to talk to you a little bit about some  
15 arguments that are being made by businesses and  
16 small businesses. Thank you Council Member  
17 Sanders, you are a true gentleman. So what I've  
18 heard is this law is in San Francisco and in  
19 Milwaukee and in Washington, D.C., and they're not  
20 like us. That New York is unique, and that  
21 therefore applying a law that's in those three  
22 strange jurisdictions would not work here in the  
23 City of New York. Could you speak to that a  
24 little bit?

25 MS. LEIWANT: Okay, you know, New

1  
2 York obviously is the best city in the whole  
3 world, and we all know that. But having said  
4 that, San Francisco is a city that has more  
5 restaurants per capita than any other city in the  
6 United States, and their restaurants were not  
7 providing paid sick days before this bill was  
8 passed. They have done it now, and it has not  
9 been a problem. And speaking to one of the other  
10 questions of Council Member Williams, I think  
11 people are afraid of change. There was a lot of  
12 opposition before it went into effect in D.C. and  
13 in San Francisco, and it's not ... it hasn't  
14 happened now. So I would say, you know, we are a  
15 great city, we are a large city, but these cities  
16 are very large and have a lot of the same kinds of  
17 industries and the same kinds of service sector  
18 jobs that we have here. So I don't really see why  
19 it would be a so much bigger problem here in New  
20 York.

21 COUNCIL MEMBER JAMES: Thank you.

22 The other argument that I hear, particularly from  
23 the chambers of commerce in all five boroughs, is  
24 that this is going to kill jobs, it's going to  
25 destroy the economy. Is that a myth?

1  
2 MS. LEIWANT: It's a myth, and  
3 again, that's the kind of thing that business and,  
4 well, the chambers, in any event, have said when  
5 we've had minimum wage legislation, and any kind  
6 of basic labor benefit legislation. Again, you  
7 know, and I alluded to San Francisco so much  
8 because they have had the experience now for  
9 several years, whereas the others are newer. And  
10 even in the recession, their loss of jobs was ...  
11 they did much better than the surrounding  
12 counties, where there was no such law. So I think  
13 that's a powerful argument that this law is not  
14 going to make the sky fall or jobs go away.

15 COUNCIL MEMBER JAMES: So let me  
16 give you this fact pattern. I'm a business in  
17 Brooklyn, I already provide vacation and time off  
18 and sick leave. Would this law apply to my  
19 business?

20 MS. LEIWANT: Well, every ... it  
21 applies to everybody, because everybody needs paid  
22 sick days, but if you have, if you already provide  
23 the same amount of time, and again, no matter what  
24 you call it, if it's vacation or PTO or personal  
25 days, or sick leave, you don't have to do any

1  
2 more, as long as your employees can use that time  
3 when they're sick. And you don't have to change  
4 vacation to sick, I've heard that a lot.

5 COUNCIL MEMBER JAMES: Yes.

6 MS. LEIWANT: That's very clear in  
7 this law, you do not have to do that.

8 COUNCIL MEMBER BREWER: And my last  
9 question, and I thank the Chairman for his  
10 indulgence, is the argument that small businesses  
11 should be exempt, because of the economy. What is  
12 your counter-argument to that?

13 MS. LEIWANT: Well, I think you  
14 should look at the chart up there, and see that a  
15 lot of our, you know, there's a very heavy  
16 concentration of workers, especially our low-  
17 income workers, in small businesses, and that's  
18 where a lot of the problem is in terms of not  
19 having paid sick days. So the bill, the law,  
20 wouldn't mean very much if it didn't apply to  
21 small businesses.

22 COUNCIL MEMBER JAMES: And would it  
23 be fair to say that most of these employees are  
24 living in poverty?

25 MS. LEIWANT: I think it's fair to

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say, yes.

COUNCIL MEMBER JAMES: Thank you.

CHAIRPERSON SANDERS: Thank you.

It's time to note our attorneys and bring them into this game. I want to note that we have been joined by attorney and Council Member Larry Seabrook, and I want to call on attorney Halloran to speak. Your time, sir.

COUNCIL MEMBER HALLORAN: Thank you, Mr. Chairman. First, with all due respect to Council Member Williams, who says there is absolutely no set of facts or reasons why this could be problematic, I would submit, as someone who has owned two small businesses, I can think of many. And I'm going to ask you about some of them right now. The first, a statement was made that there is an irrational fear here, and I believe the person who said that operates a not-for-profit. Is that correct, that was your statement that this fear is irrational? And there's a huge difference between operating a business that doesn't require a profit and operating a business in which you're required to generate one. I'm wondering if you happen to know what,

1  
2 statistically speaking, the margin, the operating  
3 margin of small, 80% of the small businesses in  
4 New York City is? What the percentage margin of  
5 operation is for those businesses? Do you know?

6 MS. RAJAN: When you said we're a  
7 non-profit, it's true that we're non-profit. But  
8 we still have to rely on our employees to do the  
9 work. So in there it really doesn't make a  
10 difference. We still have to raise, we still have  
11 to get our money to come in, and that's also part  
12 of their job. So it really doesn't make a  
13 difference there. I have owned a business before  
14 as well, and I can tell you this is just a basic  
15 principle. And also one other thing, because I've  
16 got to tell you, when you don't provide paid sick  
17 time to your employees, what ends up happening is  
18 that a lot of times they're going to have to take  
19 paid sick days anyway. Or if they come in, they  
20 make other people sick, and then they're sick and  
21 other people are sick. So they still ... you're  
22 going to lose those employees for that time, and  
23 what ends up happening too, is that there's a high  
24 turnover. When you don't provide benefits to your  
25 employees, it's a high turnover. And that's

1  
2 something that we do, we provide benefits, and we  
3 also work with other small businesses- -

4 COUNCIL MEMBER HALLORAN:

5 (Interposing) And you do this voluntarily, right?  
6 No law required you to do this, you just did this,  
7 right?

8 MS. RAJAN: Yes, I did this, and  
9 our employees, one of the things that I'm very  
10 proud of, is working with the immigrant community  
11 with the small businesses that are immigrant and  
12 teaching them the fair labor practices and making  
13 sure that they also provide benefits to their  
14 employees, so they avoid high turnover of  
15 employees. So that's something that we're very,  
16 very proud of. So it's not that we, you know- -

17 COUNCIL MEMBER HALLORAN:

18 (Interposing) Could you get to my question?

19 MS. RAJAN: Yes.

20 COUNCIL MEMBER HALLORAN: You know,  
21 my district, the 19<sup>th</sup> Council District, has 25%  
22 Asian population. And in fact of that population,  
23 70% of them own small businesses. So it's very  
24 interesting what you were talking about, what the  
25 immigrant community wants in this. And their

1  
2 chamber of commerce came out against this. So it's  
3 interesting that you say that. But my question  
4 was, do you know what the percentage of margin of  
5 operation is for small businesses in the City of  
6 New York? Do you know what it is? You know what,  
7 let me tell you. It's 5%. Okay? So the average  
8 business is not gouging people making huge  
9 profits. The average business, 80% of them, of  
10 the small businesses, small business is defined as  
11 under 25 employees. The average one operates on a  
12 5% margin. Has anybody here done a study to see  
13 with businesses operating on a 5% margin if we  
14 give the sick leave you're talking about, how that  
15 will impact the bottom line? Because you're not  
16 only going to pay someone to sit home, in those  
17 small businesses, you're going to pay somebody to  
18 take their place. So I'd just like to know if any  
19 of you studied that before you made your  
20 tremendous pronouncements about how this is not  
21 going to have an effect on small businesses.

22 MS. LEIWANT: You know, nobody has  
23 said that there is no cost involved here, and I  
24 think there will be people testifying later on who  
25 have more ... you know, have actually done the

1  
2 research. But the Bureau of Labor Statistics,  
3 again, which is a reputable, it's not a partisan  
4 organization, has said eight cents an hour in the  
5 service sector, twenty three cents an hour, and I  
6 understand that's not nothing. But on the other  
7 hand, it's not a lot.

8 COUNCIL MEMBER HALLORAN: And that  
9 is spread out across the entire spectrum of those  
10 businesses and range. We're talking about, and to  
11 address specific objections that have been raised  
12 include exempting businesses under a certain  
13 number of employees. I think that people can  
14 understand why that might be an issue. The  
15 definition of a family, taking leave for a family  
16 person, without a tight definition, we could wind  
17 up with, well, that's Joe, I kind of call him my  
18 uncle, and I'm taking care of him. Which is not  
19 what the intention is. And language is a very  
20 funny thing in the law, you try to be as precise  
21 as possible, so that when it winds up in a  
22 courtroom, you're able to negotiate. And speaking  
23 of courtrooms, it's interesting that this bill  
24 does not include fees for counsel for the business  
25 owner, when they prevail and somebody makes a

1  
2 frivolous claim that they're entitled to sick  
3 leave. So isn't that interesting. You're willing  
4 to pay counsel fees, and this is such a great  
5 bill. You're willing to pay counsel fees for an  
6 individual to sue their employer when they get  
7 fired, but you're not willing to award counsel  
8 fees to the employer who proves the guy was  
9 abusing, the girl was abusing, the person was  
10 abusing, the sick leave policy. I find that to be  
11 disproportionate, how about you?

12 CHAIRPERSON SANDERS: Let me say  
13 that we can't have this, we'll stay in order. I  
14 enjoy the line of reasoning, but we'll stay in  
15 order. And that was your last question.

16 COUNCIL MEMBER HALLORAN: Sure.

17 CHAIRPERSON SANDERS: And I  
18 certainly indulge you, sir.

19 MS. LEIWANT: Can I- -

20 CHAIRPERSON SANDERS: (Interposing)  
21 I'll let you answer it, of course.

22 MS. LEIWANT: Yes. On the family  
23 definition, we have narrowed it. It's children,  
24 parents, domestic partners and spouses. So I'm  
25 not quite sure where ... I don't think it should be

1  
2 any narrower than that. It has been narrowed. I  
3 think you're alluding to former language that was  
4 broader. And I think that the remedies are being  
5 worked out. You know, I think that's going to ...  
6 you know, we need an administrative remedy, we are  
7 working on that. I know that counsel is working  
8 on it, I know that the Speaker's staff is working  
9 on it, so.

10 COUNCIL MEMBER HALLORAN: Do you  
11 think it's fair that only one side gets the remedy  
12 and not the other?

13 MS. LEIWANT: I think that's ...  
14 that's how civil rights laws generally work. But,  
15 you know, I think that as I say, I don't think  
16 that's the one area here that we are not  
17 definitive on, because there is no ... we don't have  
18 an agency yet appointed.

19 CHAIRPERSON SANDERS: Thank you,  
20 sir. Stick around, you can raise another at  
21 another moment. I'm not scared of questions here.  
22 We will now turn to the great island of Staten  
23 Island and hear one of its greatest Council  
24 Members, Council Member Rose.

25 COUNCIL MEMBER ROSE: Thank you,

1  
2 Mr. Chair. I've heard a lot of talk about the  
3 number of sick days granted a larger business that  
4 employs twenty or more staff members, and a  
5 smaller one. And I was wondering if in fact you  
6 have done any research into, you know, if there  
7 would be any significant financial gain for  
8 businesses which currently employ twenty staff  
9 members to reduce their staff to under twenty for  
10 financial gain, and if in fact you feel that that  
11 might be a trend that we might see that would have  
12 an impact on the number of people who were  
13 employed.

14 MS. ABREU: I don't think that would  
15 become a trend. As I mentioned to you before,  
16 there are already businesses that provide sick  
17 days. We at the Women's Chamber, the majority of  
18 our businesses are small businesses, really, but  
19 they already provide sick days, paid sick days.  
20 And I don't see how that would really become a  
21 trend, that they would have to reduce their staff,  
22 because they need a certain amount of employees to  
23 produce a certain amount of goods or services,  
24 they're still going to need them. So that  
25 reducing the labor force is going to affect the

1  
2 productivity, so I don't foresee that becoming a  
3 trend.

4 COUNCIL MEMBER ROSE: So you don't  
5 feel that they would have ... that would give them  
6 incentive to downsize?

7 MS. ABREU: No.

8 COUNCIL MEMBER ROSE: And so I want  
9 to thank you for, you know, for your testimony.  
10 And I have no other questions.

11 MS. ABREU: Okay, thank you.

12 CHAIRPERSON SANDERS: Thank you,  
13 ma'am. May I hear now from back to Queens. Let's  
14 speak to Council Member Levin. Brooklyn,  
15 Brooklyn, of course, the second part of Queens.

16 COUNCIL MEMBER LEVIN: It's King's  
17 County.

18 CHAIRPERSON SANDERS: I stand  
19 corrected.

20 COUNCIL MEMBER LEVIN: Thank you,  
21 Mr. Chairman. And thank you all for your  
22 testimony. I just have a question regarding the  
23 required documentation for folks that are out.  
24 Currently in your businesses, do you require that  
25 there be documentation for folks that are out for

1  
2 a number of consecutive days? Or do you rely on  
3 the honor system?

4 MS. RAJAN: We require  
5 documentation after three days.

6 COUNCIL MEMBER LEVIN: After three  
7 days.

8 MS. ABREU: The same with us.

9 COUNCIL MEMBER LEVIN: And you view  
10 that as an adequate type of enforcement.

11 MS. ABREU: Yes.

12 COUNCIL MEMBER LEVIN: To make sure  
13 that people are not abusing it.

14 MS. ABREU: As I mentioned before,  
15 over and over again, none of our employees abuse  
16 that, we don't have a problem with it. And it's  
17 just the way it is, and I think people are really,  
18 you know, thinking that that's one of the  
19 problems, and I don't see it. I mean, in our five  
20 employees nobody ever abused that, and some people  
21 don't even take the sick time.

22 COUNCIL MEMBER LEVIN: Do you  
23 believe that that should be a requirement within  
24 any proposed bill, that there be a requirement for  
25 documentation?

2 MS. LEIWANT: Can I, I just want to  
3 clarify, what the bill says is that the employer  
4 may require it.

5 COUNCIL MEMBER LEVIN: May, right.

6 MS. LEIWANT: It's not a  
7 requirement, the businesses don't have to require  
8 it.

9 COUNCIL MEMBER LEVIN: Right, do  
10 you believe that it should be like up to the  
11 business owner, and do you think it should be  
12 required within the bill, or do you think that it  
13 should be at their discretion?

14 MS. LEIWANT: I think that it  
15 should be at the discretion of the business owner  
16 after three days, yes.

17 COUNCIL MEMBER LEVIN: Okay, thank  
18 you very much.

19 MS. ABREU: Yes, I believe that  
20 should be the case as well, because I think that  
21 the bill should be in place, but also the business  
22 owner should have, you know, some freedom to enact  
23 their own policy with their own business policies,  
24 their own employees policy within their business.

25 COUNCIL MEMBER LEVIN: Thank you

1  
2 very much. Thank you, Mr. Chairman.

3 CHAIRPERSON SANDERS: Thank you. I  
4 will now see if there is any Council Member who  
5 wants to speak again on this issue, since you were  
6 kind enough to accommodate. Would you care, sir?

7 COUNCIL MEMBER HALLORAN: Yes.

8 CHAIRPERSON SANDERS: Absolutely.

9 COUNCIL MEMBER HALLORAN: You know,  
10 iPhones are a wonderful thing. I just pulled up  
11 the civil rights act, and this question is  
12 directed here. In fact, under section 1983 in  
13 real property discrimination acts, counsel's fees  
14 are awarded both ways. So the prevailing party,  
15 whether it's plaintiff or defendant is in fact ...  
16 so your statement before is inaccurate, isn't it?

17 MS. LEIWANT: Yes it is.

18 COUNCIL MEMBER HALLORAN: It is,  
19 thanks.

20 MS. LEIWANT: It is.

21 COUNCIL MEMBER HALLORAN: I just  
22 wanted to check on it.

23 MS. LEIWANT: Right, the prevailing  
24 party.

25 COUNCIL MEMBER HALLORAN: Yes, it's

1 prevailing party, which could be the bad guys or  
2 the good guys, right? As your way of looking at  
3 it. Another question for you. Several, well in  
4 fact, I think all of the chambers of commerce have  
5 come out against this bill, but they raised six  
6 different objections, the chambers of commerce,  
7 some of which were addressed. And I commend the  
8 Committee for looking at this and making  
9 modifications to the law to attempt to address  
10 some of them. Significant questions they had  
11 regarding carryover provisions, allowing you to  
12 bulk the time and carry it over to another year.  
13 Blackout periods, where especially during, for  
14 example, if you're in the retail business, taking  
15 holiday leave in the middle of the heavy shopping  
16 season, things like that. And I would imagine,  
17 you know, depending on the nature of the work, you  
18 know, maybe the summer, if you're a lifeguard and  
19 it's lifeguard stuff. You know, so insert  
20 business time here. Those are questions which  
21 have been raised by these small businesses. Do  
22 any of these concerns of these small businesses at  
23 all impact your saying maybe we still need to  
24 tweak this a little bit more? Or should we just  
25

1  
2 disregard what every chamber of commerce in all  
3 five boroughs has said, that this needs more work?  
4 Should we just say, "They don't know anything, I  
5 know they represent most of our businesses but  
6 they clearly don't know what they're talking  
7 about, we do"? Do any of you think that that may  
8 be something that should send up an alarm that we  
9 should spend a little more time looking at this?  
10 That all chambers of commerce in all five boroughs  
11 are not supporting this? Is that something that  
12 should impact this, the people who actually run  
13 the businesses?

14 MS. LEIWANT: Are the chambers  
15 really people who actually run ... I mean, the  
16 chambers are against regulation, against mandates,  
17 I mean, that's going to be the case no matter what  
18 we do. This bill, we could tweak it from now  
19 until doomsday, and they'll still be opposed to  
20 it, and that's all.

21 COUNCIL MEMBER HALLORAN: Okay.

22 MS. LEIWANT: I mean, I can't ...  
23 that's all I have to say about that. But, having  
24 said that, we have ... I know that the Council  
25 members here have worked and met and the staff has

1 met with dozens and dozens and dozens of  
2 businesses, and we have changed ... the bill has  
3 been changed, it has been tweaked, it is a little  
4 different than the San Francisco bill, for  
5 example. And, you know, I think that there has  
6 been a lot of responsiveness here, and there's  
7 certainly room for more, but I don't think that no  
8 matter what happens the chambers will support a  
9 mandate on paid sick time.  
10

11 COUNCIL MEMBER HALLORAN: Okay.

12 MS. ABREU: And I do want to say  
13 that our chamber supports it. We are a women's  
14 chamber and the majority of our members are women-  
15 owned businesses and they understand the need for  
16 the paid sick days.

17 COUNCIL MEMBER HALLORAN: How many  
18 members are in your chamber of commerce?

19 MS. ABREU: We have a little more  
20 than fifteen hundred.

21 COUNCIL MEMBER HALLORAN: Fifteen  
22 hundred?

23 MS. ABREU: Uh huh.

24 COUNCIL MEMBER HALLORAN: Fifteen  
25 hundred in New York City?

MS. ABREU: Uh huh, yes.

COUNCIL MEMBER HALLORAN:

Congratulations.

MS. ABREU: Thank you.

COUNCIL MEMBER HALLORAN: That's an impressive number. Just one other question, with regards to--

CHAIRPERSON SANDERS: (Interposing) Just for the sake of the record, that side is out of order also. That ought to balance it.

COUNCIL MEMBER HALLORAN: Thank you, Mr. Chair, I appreciate it.

CHAIRPERSON SANDERS: You're welcome.

COUNCIL MEMBER HALLORAN: Let it not be said you don't have an even hand.

CHAIRPERSON SANDERS: At least one.

COUNCIL MEMBER HALLORAN: Just one question with regards to the health of workers as it relates to restaurants. Clearly there is concern, and much concern has been addressed with regards to food service providers being sick, and that is one of the areas that this bill, you know, would obviously have a positive effect on. Would

1  
2 you not agree that any health concern in that  
3 regard falls more squarely in the Health  
4 Department's venue, in the sense that if a  
5 business is licensed to handle food, there's a  
6 certain set of food handling regulations that are  
7 in place, and it's incumbent on the owner and the  
8 employee to follow those as they exist right now?  
9 So theoretically the straw man argument that has  
10 been made that food service workers are sick and  
11 therefore could potentially get others sick means  
12 they're actually operating in violation of law  
13 right now. So you do realize that the Department  
14 of Health already has regulations prohibiting food  
15 handlers from working while they're sick? And  
16 that to use that as an argument here is simply  
17 saying, "Well, they're not following the law there  
18 anyway, so we're going to hope they're going to  
19 follow the law here"? Do you guys ... you have  
20 banking here, and hair salons there, and nobody's  
21 in the food industry, right? Were you in the food  
22 industry, by any chance?

23 MR. SANTOS: Yes.

24 COUNCIL MEMBER HALLORAN: Yes?

25 MR. SANTOS: 105<sup>th</sup>.

2 CHAIRPERSON SANDERS: Give time for  
3 the translation.

4 COUNCIL MEMBER HALLORAN: Yes.

5 FEMALE VOICE: Do you have a  
6 (inaudible)?

7 COUNCIL MEMBER HALLORAN: Have you  
8 ever worked in the food handling industry?  
9 Restaurants, things like that?

10 CHAIRPERSON SANDERS: He stated he  
11 is a chef.

12 COUNCIL MEMBER HALLORAN: Yes, has  
13 an employer ever told you to go home because  
14 you're sick while you're preparing food?

15 MR. SANTOS: No.

16 COUNCIL MEMBER HALLORAN: No. Have  
17 you ever been sick while you've been preparing  
18 food?

19 MR. SANTOS: Yes, many times.

20 COUNCIL MEMBER HALLORAN: Okay. So  
21 has anyone ever made you aware of the fact that  
22 preparing food while you're sick is actually a  
23 violation of the Department of Health's  
24 regulations for opening and operating a business  
25 that's licensed to handle food?

2 CHAIRPERSON SANDERS: I'm trying to  
3 see where you're going with this line of  
4 questioning, sir?

5 MR. SANTOS: No, the problem is  
6 when I was sick and talked to my boss, I can't  
7 work because I was sick, I'm coughing and I had a  
8 fever, I don't want to get somebody else sick,  
9 like you, like everybody.

10 COUNCIL MEMBER HALLORAN: Sure.

11 MR. SANTOS: Who go and buy the  
12 food. You see in the front everything is clean,  
13 but you don't know.

14 COUNCIL MEMBER HALLORAN: In the  
15 back.

16 MR. SANTOS: In the kitchen how it  
17 is. That's the problem, I wanted you to approve  
18 the law for everybody, for everybody.

19 COUNCIL MEMBER HALLORAN: So it  
20 would be fair to say, and please translate this as  
21 closely as you can, that your boss knew you were  
22 sick and handling food, and he didn't care that  
23 the law was- -

24 MR. SANTOS: (Interposing) I got  
25 sick.

2 CHAIRPERSON SANDERS: He got sick.

3 COUNCIL MEMBER HALLORAN: ... being  
4 broken.

5 CHAIRPERSON SANDERS: Sir, widen  
6 the question, make your last one, but widen it to  
7 everyone, away from just one person.

8 MR. SANTOS: Yeah, exactly, yeah,  
9 that's true.

10 COUNCIL MEMBER HALLORAN: Thank  
11 you, nothing further.

12 CHAIRPERSON SANDERS: Thank you,  
13 and thank you, sir. Council Member Recchia, my  
14 fellow beach colleague, has come in, he also has a  
15 beach community, Staten Island ... which is a great  
16 beach community also, absolutely. Coney Island.  
17 There's absolutely great stuff in Staten Island  
18 and Coney Island. Did you have a question? All  
19 right, then I want to thank this panel for giving  
20 us your comments today. Thank you for informing  
21 us and thank you especially, my friend, for  
22 pushing your point regardless of language. We  
23 heard you.

24 MR. SANTOS: Thank you.

25 CHAIRPERSON SANDERS: We heard you

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all.

MS. RAJAN: Thank you.

CHAIRPERSON SANDERS: Yes.

COMMITTEE COUNSEL: The next panel we have the Five Boro Chamber of Commerce Alliance, although I only have cards for four of them. Carl Hum, Brooklyn, Nancy Ploeger, Manhattan, Linda Baran, Staten Island, and Jack Friedman, Queens. Do we have ... is Lenny Caro here?

CHAIRPERSON SANDERS: No, you got them all. I see that many of you have carried posters in, this is a moment you can put them up, I will allow that, if you wanted to show what your organization. All right, I'll take that, good, good.

MALE VOICE: It said four or five, good.

CHAIRPERSON SANDERS: Thank you, thank you very much. You can put them down now. Yes, we're adding one more person.

COMMITTEE COUNSEL: We're just going to add one other person, Joseph Spinatto from the Hotel Association of New York City.

1  
2                   CHAIRPERSON SANDERS: Even as he  
3 steps up, if you could speak clearly into the  
4 microphone, it would be a shame if I have to tell  
5 you that, Jack or Carl. If you speak clearly into  
6 the microphone, I'd appreciate it, and just as I'm  
7 going to have my colleagues do the same thing, to  
8 only ask two questions, and we're going to take  
9 the list of who wants to speak even before we  
10 start. He was here first. In the order that you  
11 choose, I'll let you guys speak.

12                   MR. FRIEDMAN: Good afternoon  
13 everybody, Councilman Sanders, members of the  
14 Committee, other Council members who are here,  
15 thank you very much. My name is Jack Friedman,  
16 I'm the executive director of the Queens Chamber  
17 of Commerce, and I'm representing today the Five  
18 Boro Chamber Alliance, which as has been  
19 mentioned, represents each of borough's chamber of  
20 commerce, and over 5,000 dues-paying members  
21 across New York City. Since the introduction of  
22 paid sick leave legislation in the City Council  
23 last summer, we have banded together with over 25  
24 other business organizations representing a wide  
25 range of industries and small businesses, some of

1  
2 which you'll be hearing from later on today, in  
3 strident opposition to first Intro 1059 and now  
4 Intro 97. Our fundamental argument remains the  
5 same as when we testified before the Committee in  
6 November. Our business coalition opposes  
7 government deprivation of our ability to determine  
8 the appropriate benefit package for our employees.  
9 Any business person knows that a successful,  
10 profitable organization begins with motivated and  
11 healthy employees. In fact, our coalition  
12 wholeheartedly, and I repeat, wholeheartedly,  
13 supports and agrees with the supporters of Intro  
14 97 that no worker should ever fear retaliation  
15 from his or her employer, or worse, termination,  
16 if they take a sick day. That being said, it is  
17 the government's mandate that these sick days be  
18 compensated solely on the backs of the business  
19 community that we object to. As we reported last  
20 November, two out of three of our collective  
21 chamber members already offer some form of paid  
22 sick leave, and for those businesses that do not  
23 offer paid sick days, it's probably because they  
24 cannot afford it, like Mayor Bloomberg recently  
25 said. If the Council considers paid sick days as

1  
2 a moral imperative, on a par with unemployment  
3 insurance or social security, where everyone pays  
4 into the system, then help our business community  
5 pay for it. Similar legislation in other states,  
6 like New Jersey, have created mechanisms to share  
7 the cost of these socially-motivated initiatives  
8 to ease the burden on the business community,  
9 particularly small businesses. During the past  
10 few weeks our coalition followed this vein and  
11 drafted our own language that could achieve this.  
12 We've even shared it with some Council members in  
13 hopes of creating a basis for a new bill that we  
14 could all support. Unfortunately, Intro 97 is not  
15 that bill. Intro 97 in fact falls miserably short  
16 of addressing many of the concerns that were  
17 voiced in November, and at a time when the Council  
18 is making great strides in addressing small  
19 business concerns through the Regulatory Review  
20 Panel and the Access to Credit summit, Intro 97  
21 will only undo all the good that's been done thus  
22 far. Let me go through just three examples of  
23 many of the bill's shortcomings. The new  
24 definition of small businesses as 20 or less  
25 employees does not comport with any of the

1  
2 legislative definitions of small business. FMLA  
3 and the recently-passed federal health insurance  
4 reform bill define small business as 50 employees  
5 or less. This discrepancy could affect the bottom  
6 lines of thousands of small businesses. The bill  
7 still allocates five sick days per employee for  
8 small businesses and nine sick days for large  
9 businesses. Is there any public policy basis to  
10 require more paid sick days at larger businesses?  
11 Do people who work at larger businesses get sick  
12 more often? Or is this just government aiming at  
13 what is perceived to be deeper pockets? The bill  
14 is still silent as to what regulatory authorities  
15 would be responsible for the enforcement, and most  
16 importantly, the adjudication of any damages and  
17 disputes. The absence of such specifics could  
18 lead to frivolous private actions which would  
19 further add to the court system's backlog. And I  
20 might add, also tremendous amount of cost  
21 administratively, which has not been taken into  
22 consideration by this Council. Once again, Intro  
23 97, like it's forebear, Intro 1059, is a well-  
24 intentioned but overly broad bill that fails to  
25 recognize the diversity of our business community,

1  
2 it's varying needs, and strategies for creating  
3 and maintaining jobs in New York. Thank you.

4 CHAIRPERSON SANDERS: You are the  
5 only speaker on this panel?

6 MR. FRIEDMAN: Yes.

7 CHAIRPERSON SANDERS: Then I will-

8 -

9 MR. SPINNATO: I also have a  
10 statement.

11 CHAIRPERSON SANDERS: Then I stand  
12 corrected, I stand corrected.

13 MR. SPINNATO: Thank you, Mr.  
14 Chairman. My name is Joseph E. Spinnato, I am  
15 President of the Hotel Association of New York  
16 City, and thank you for allowing us to be here  
17 today. Our association opposes City Council Intro  
18 97 in relation to the provision of paid sick time  
19 earned by employees. We too feel that sick leave  
20 is something that is very, very important to  
21 employees, but we feel that this particular bill,  
22 the language in this particular bill, is a bit too  
23 broad, and that we need, we should be exempt from  
24 the bill, and I'll explain why. Our organization  
25 represents 249 of the finest hotels in New York

1  
2 City, with more than 70,000 hotel rooms and over  
3 32,000 employees. A vast majority of the  
4 industry's employees are represented by the New  
5 York Hotel Trades Council, and their terms and  
6 conditions of employment are covered by a New York  
7 City-wide collective bargaining agreement,  
8 commonly referred to as the Industry-wide  
9 Agreement, or IWA. The IWA is a product of over  
10 70 years of collective bargaining with the New  
11 York Hotel Trades Council. It is not hyperbole to  
12 state that the IWA makes our employees the highest  
13 paid in the United States. In addition to their  
14 wages, our association member hotels provide our  
15 employees with, excuse me: family major medical  
16 and hospitalization at no cost to the employee;  
17 family dental care at no cost to the employee;  
18 pension benefits up to fifteen hundred dollars per  
19 month for eligible employees; family  
20 pharmaceutical benefits at no cost to the  
21 employee; optical; life insurance; up to five  
22 weeks of paid vacation; nine paid holidays; three  
23 paid personal days; three paid bereavement days;  
24 and as of July 1, 2010, just coming up in a couple  
25 of months, eight paid sick days, which may be

1 carried over for up to fifteen days from year to  
2 year. So as you can see, we provide as much as 49  
3 paid days off per year, almost ten weeks per year.  
4 In the true spirit of collective bargaining, these  
5 benefits have been negotiated between the  
6 association and the union, and they establish and  
7 reflect an extraordinarily comprehensive wage and  
8 benefit package. In fact, all our employees will  
9 receive a 3.5% wage increase on July 1<sup>st</sup>, at a time  
10 when our industry is still only able to charge  
11 rates we were getting ten years ago. We urge the  
12 City Council to recognize, as has the Supreme  
13 Court of the United States, that a central purpose  
14 of federal labor laws is to protect and encourage  
15 the practice and procedure of collective  
16 bargaining between employers and unions, so that  
17 they themselves may determine the terms and  
18 conditions of the employment of hotel employees.  
19 Our association objects to the section of Intro 97  
20 that contravenes the law governing collective  
21 bargaining by usurping the parties' bargaining  
22 rights and interfering with the bargaining  
23 process. Intro 97 would negate the quid pro quo  
24 which the association received in return for the  
25

1  
2 comprehensive wage and benefit package it  
3 negotiated with the union. We strongly believe  
4 that those employers who provide paid sick leave  
5 and other employee benefits under a bona fide  
6 collective bargaining agreement should simply be  
7 exempt from this legislation. I notice that the  
8 buzzer went off. I will terminate my testimony at  
9 this time in respect to that requirement. Thank  
10 you for the opportunity to testify on this matter.

11 CHAIRPERSON SANDERS: Thank you.

12 It's been a very respectful group, and in that  
13 spirit we're going to hear from Council Members  
14 Brewer, Ulrich, Halloran, Lander, Jackson and  
15 Gennaro, who will take it from here. Council  
16 Member Brewer.

17 COUNCIL MEMBER BREWER: Thank you,  
18 Mr. Chair. First, for the Five Boros, I think one  
19 of the issues that we've been trying to work out  
20 with all of you, and you know that we've met many  
21 times, and I have great respect for you and the  
22 small businesses and larger businesses whom you  
23 represent. But what I want to know is, do you as  
24 associations already offer paid sick time, or the  
25 equivalent, to your employees? And do you, how

1  
2 many of the businesses that you represent do you  
3 think already offer it? Because my guess is,  
4 quite a few. I knew that the guy from Brooklyn  
5 would answer this question, how did I guess?

6 MR. HUM: That's right, because  
7 Brooklyn gets out in front all the time.

8 COUNCIL MEMBER BREWER: Yes.

9 MR. HUM: Council Member Brewer,  
10 probably the Brooklyn Chamber runs the largest  
11 chamber in terms of staff size. We have  
12 approximately 31 staff members, and our personal  
13 leave policy is, yes, we do offer paid sick time.  
14 At this point right now we offer five days sick  
15 and five personal days, and then vacation on top  
16 of that. And then with regards to our membership,  
17 which we are counting at twelve hundred strong, as  
18 Jack Friedman had referred to in his testimony  
19 earlier, between our collective membership, which  
20 is over 5,000 businesses, two out of three of the  
21 businesses are already offering some form of paid  
22 sick leave.

23 COUNCIL MEMBER BREWER: Thank you,  
24 so do you think that the ones that are not would  
25 be able to accommodate some of these issues in the

1  
2 bill? Because what we're trying to say is, we're  
3 working hard to carve out those that do provide,  
4 and to figure out ways of those that don't to be  
5 part of the same group that you just described.  
6 That's the goal of this bill.

7 MR. HUM: Well, you know, it goes  
8 back to what Jack had said, to our collective  
9 statement. And, you know, let us be clear, you  
10 know, the business community that we represent  
11 today, it's not only the five chambers, it is also  
12 other organizations, 25 other business  
13 organizations that we have come together because  
14 of this bill. We are all in basic agreement that  
15 no worker should fear for his or her job for  
16 taking a sick day. I mean, we are all equally  
17 aghast at the testimony given earlier today by the  
18 young gentleman.

19 COUNCIL MEMBER BREWER: Mr. Santos.

20 MR. HUM: Mr. Santos. That's a  
21 horrible, horrible story. And there is a  
22 horrible, horrible employer. And we made this  
23 point before, in our last testimony, was that what  
24 is the intent that the Council is going after  
25 here? Is it to address a health problem, or is it

1  
2 to address bad employers? Because certainly we  
3 all agree that Mr. Santos' employer is a bad  
4 employer and should be dealt with accordingly.

5 CHAIRPERSON SANDERS: An alleged  
6 bad employer.

7 MR. HUM: An alleged bad employer.  
8 Thank you for the clarification, Chair Sanders.  
9 But the point is that our business coalition  
10 realizes that on the very basis, the very  
11 fundamental basis, that no worker should be in  
12 fear of losing their job. The problem that this  
13 bill brings is that it is requiring the business  
14 community to foot the bill for this, particularly  
15 in these bad economic times.

16 COUNCIL MEMBER BREWER: Okay, well  
17 I appreciate that. I think we're never going to  
18 agree that, who should be under the auspices of  
19 this bill, but I appreciate what you say. There's  
20 no way that we're going to agree with that.

21 MR. HUM: Well, and also just to  
22 answer your question in regards to the remainder  
23 of our membership that does not offer sick days,  
24 it's for a combination of factors. I mean, some  
25 of them, it's because their employees may be

1  
2 commissioned employees, so sick days are not  
3 appropriate in that situation. And again it goes  
4 back to, you know, what the Mayor has said with  
5 regards to those businesses that don't offer sick  
6 days, is that they probably can't afford it.

7 COUNCIL MEMBER BREWER: Okay.

8 Again, we will agree to disagree. In terms of the  
9 hotels, it looks to me that many of your hotels  
10 already offer paid sick time. Would you agree  
11 with that? And that they in fact would be exempt  
12 from this bill.

13 MR. SPINNATO: All of our hotels  
14 provide the number of paid sick leaves that I  
15 described in my testimony.

16 COUNCIL MEMBER BREWER: Then why  
17 are you- -

18 MR. SPINNATO: (Interposing) But  
19 they earned those sick, paid sick leave days  
20 through the collective bargaining process.

21 COUNCIL MEMBER BREWER: Right, and  
22 if you note in the bill, and we have the support  
23 of certainly the unions working in the hotels, be  
24 it Local 6, Local 1, other hotel unions, the  
25 Central Labor Council is supporting this

1  
2 legislation, and it's very clear we have an opt-  
3 out for those who already have a contract. So I  
4 just want to be clear that you understand that.

5 MR. SPINNATO: Well I do understand  
6 it, but counsel has advised us, our counsel, that  
7 the language of the bill leaves something to be  
8 desired, and in fact has submitted to the Council  
9 proposed language, which we feel would clear that  
10 up.

11 COUNCIL MEMBER BREWER: Okay, I  
12 see- -

13 MR. SPINNATO: (Interposing) And  
14 you know we don't always agree with the union,  
15 that's why we have negotiations.

16 COUNCIL MEMBER BREWER: Okay, so we  
17 would be glad to work with you on that, but I just  
18 want to be clear that we are very conscious of  
19 trying to work with businesses that are already  
20 trying to do the right thing. Thank you very  
21 much.

22 MR. SPINNATO: Thank you.

23 CHAIRPERSON SANDERS: Council  
24 Member Ulrich.

25 COUNCIL MEMBER ULRICH: Thank you,

1  
2 Mr. Chairman, and I want to thank my colleague,  
3 Council Member Gale Brewer for her leadership on  
4 this issue. My question is for Mr. Friedman. You  
5 said in your testimony that you have ... you and  
6 your coalition, rather, has followed this vein and  
7 drafted bill language that could achieve this,  
8 meaning, you know, address the issue of paid sick  
9 time. You even shared it with some Council  
10 members in the hope of creating a basis for a new  
11 bill that we could all support. Unfortunately  
12 Intro 97 is not that bill. Could you talk about  
13 your alternative bill?

14 MR. FRIEDMAN: Sure.

15 COUNCIL MEMBER ULRICH: Could you  
16 talk about some of the provisions, some of the  
17 ways that, you know, you think that this issue  
18 could be addressed differently?

19 MR. FRIEDMAN: Absolutely. The  
20 language that we drafted and shared with Council  
21 Member Brewer and Speaker Quinn and a few others  
22 is a shared-cost paid sick leave. It addresses  
23 that same issue that all workers should never have  
24 to face the decision of going to work sick, or  
25 face retaliation or retribution. We looked at

1  
2 other models besides San Francisco. A lot's been  
3 said about San Francisco today, and frankly a lot  
4 of inaccurate information was said about San  
5 Francisco. The time it took to implement this in  
6 San Francisco, the results are far from proven to  
7 be positive, but we've looked at other places.  
8 We've looked at Milwaukee, we've looked at New  
9 Jersey, we've looked at Washington, D.C., and part  
10 of our bill, for example, in terms of shared sick  
11 time and shared pay for this, we looked at things  
12 like workers' compensation, disability insurance,  
13 unemployment insurance, all benefits that are  
14 moral obligations, public health issues and other  
15 issues, where the employee as well as the  
16 government, as well as the employer, all  
17 contribute into it. So it's not something that's  
18 solely on the backs of one entity. We don't have  
19 specific numbers yet because frankly, the numbers  
20 that we are hearing today are completely out of  
21 gibe with the numbers that we have. And rather  
22 than us espouse our numbers and get into a he-  
23 said/she-said, we've asked for, and we've spoken  
24 to Council Member Brewer and Speaker Quinn about  
25 getting more time to do our own study, an

1  
2 independent study, to see just how prevalent a  
3 problem this is, and just what the costs are.  
4 Because, I'll tell you, the numbers of eight cents  
5 an hour, twenty three cents an hour, are just way  
6 off base. So our bill focuses on things, you  
7 know, an example, like New Jersey, where their  
8 paid sick leave bill includes an employee  
9 contribution, there's an employer contribution,  
10 and we've mimicked that within our own  
11 legislation. We've also thrown in a component for  
12 New York City to offer an incentive.

13 COUNCIL MEMBER ULRICH: Is it a tax  
14 credit?

15 MR. FRIEDMAN: A tax credit  
16 incentive against New York City taxes for both the  
17 employee and the employer contribution, a portion  
18 of that. We just feel, again, we are not opposed  
19 to the concept of paid sick leave, we're just  
20 opposed to the fact that there's been a lot of  
21 talk that the business community is anti this,  
22 we're not. We're anti paying for it on our backs  
23 alone, and that's totally different than other  
24 types of insurances and benefits. And even when  
25 we talk about numbers of businesses, numbers in

1  
2 business, when we look at 50 in FMLA, 50 in new  
3 insurance act, you've got to remember, under 50,  
4 those businesses are exempt entirely. We're not  
5 sure that any number is really the right number.  
6 There was a question before about incentives and  
7 disincentives when you reach that 20 mark,  
8 wherever you put that mark, that becomes a  
9 disincentive for a business to go from one to the  
10 other. So we address that in our bill, we address  
11 the need not to have necessarily two different  
12 tiers, that people get sick and if you get sick  
13 four days a year, we determine together that we  
14 require five days a year. It shouldn't matter  
15 whether you work for a company with a million  
16 employees or two employees. Just because there's  
17 deeper pockets doesn't mean you need a different  
18 provision for days off. I'm sorry.

19 COUNCIL MEMBER ULRICH: So while  
20 I'm a supporter of the bill, and a supporter of  
21 the idea, because I believe in workers' rights, I  
22 do think you made some very compelling arguments,  
23 particularly with respect to the size of the  
24 business. And I know that I've shared this with  
25 my colleague, Council Member Brewer and others, in

1  
2 terms of not being semantical, in that who's to  
3 say that if I have a business that has 21  
4 employees today, but tomorrow, because of the  
5 economy, I have to lay off three or four, do I now  
6 offer my employees five days or nine days. And if  
7 we're going to offer it, then it has to be one  
8 number and it has to be across the board, in  
9 principle. That's your perspective and your  
10 opinion, and that happens to be mine. I'm not  
11 speaking for my colleagues, and I believe in paid  
12 sick time. I do, I take exception, though, to the  
13 fact when you talk about earned, you know,  
14 benefits for instance, and I know, Mr. Spinnato,  
15 you brought up many of the benefits that hotel  
16 workers enjoy, and that's terrific, because they  
17 also have a collective bargaining agreement, to  
18 many of the employees that this bill would provide  
19 relief to are not members of unions, that work in  
20 very low-wage jobs with no prevailing wage and no  
21 benefits, you know, of these sorts. So I mean, we  
22 really can't, while we're on the topic of  
23 ambiguities and semantics, let's be fair and not  
24 compare apples to oranges. And- -

25 MR. SPINNATO: (Interposing) That's

1  
2 why we feel we should be exempt, sir.

3 COUNCIL MEMBER ULRICH: Right, I  
4 understand. And you are exempt, actually.  
5 Because you actually offer more than the required  
6 days under the bill. On the days that we will  
7 debate, and I'm sure that that discussion will  
8 take place, hopefully with much of your input.  
9 And there was one other point that I had with  
10 respect to your testimony. When you brought up  
11 about moral imperative and the Council considers  
12 paid sick days as a moral imperative on par with  
13 unemployment insurance and social security, where  
14 everybody pays into the system, then help our  
15 business community pay for it. I think that's a  
16 very good point. However, I do want to make the  
17 point that, you know, this is not something for  
18 nothing. It's not as if that, you know, if I own  
19 a small business, I hire somebody and I've got 25  
20 employees, that they could take off for the next  
21 nine days. They actually have to accrue, they  
22 have to earn it through showing up and actually  
23 working. And if they do abuse that system, then  
24 they can be terminated at any point, because  
25 obviously if they are not showing up to work ...

1  
2 well, you know, we can get into that at a later  
3 point. The last thing that I want to say, and  
4 then I'll thank the Chairman for his indulgence,  
5 is that this is a very contentious issue, with  
6 people with very strong feelings and passions on  
7 both sides. However, I think going forward we  
8 should really remember that this is not a battle  
9 between good and evil, or the haves and the have-  
10 nots, that many people have very serious concerns  
11 about people who are employed right now, who do  
12 not have adequate coverage or benefits and do get  
13 sick. Certainly I don't think you want people to  
14 come to work and infect everybody else, and I  
15 think that it's safe to say that the people who  
16 are in favor of paid sick leave don't want small  
17 businesses to close down. So if we can remove  
18 ourselves from the far extremes of both sides of  
19 the argument and work on compromising, come to the  
20 middle, if I can be helpful in that way, I offer  
21 myself and my faculties. Thank you.

22 MR. FRIEDMAN: I would like to say  
23 in particular to Council Member Ulrich, I know  
24 this is a deeply moral issue for you, and I  
25 really, really appreciate your consideration of

1  
2 our issues.

3 CHAIRPERSON SANDERS: Well put. I  
4 do want to draw your attention, right in back of  
5 you is a gentleman who's been standing up all day,  
6 and this is the first time that the City Council,  
7 to my knowledge, and I've been told, is  
8 translating everything into Spanish. And a great  
9 step forward for democracy, and I congratulate the  
10 City Council. Although I have to rule both sides  
11 out of order for clapping. Now we will hear from  
12 Council Member Lander.

13 COUNCIL MEMBER LANDER: Thank you,  
14 Mr. Chairman. I first want to thank Council  
15 Member Ulrich for his extraordinarily reasonable,  
16 thoughtful, bipartisan and depolarizing questions.  
17 Perhaps we could set a better national tone really  
18 to the debate. I want to thank you all for being  
19 here, and for the work you do on behalf of small  
20 businesses, and I was particularly encouraged to  
21 see Mr. Friedman praise the work of the regulatory  
22 review panel. As you know, the Council tomorrow  
23 will be taking up Item #1 on that fourteen point  
24 list, and I know that under the Speaker's  
25 leadership, and working with the Mayor, we're

1  
2 making some real good steps there. I think this  
3 just goes to Council Member Ulrich's point that  
4 the Council, including those of us that are  
5 supporters of this legislation, are very eager to  
6 be working with you and your organizations and  
7 small businesses across the city to strengthen  
8 small businesses in challenging economic times. I  
9 know you said that you wanted to take some time to  
10 do your own research, so I'm not going to refer to  
11 the study that was just released recently. But  
12 some of the numbers we've been talking about here  
13 are now six or even twelve months old. So on the  
14 basic issue of how many workers in the city lack  
15 paid sick days, right, we've heard the sort of  
16 numbers of, you know, I think the estimate in the  
17 Better Balance CSS study was 1.3 million. There's  
18 estimates as high as 1.6 to 1.8 million. The  
19 lowest number I've heard anyone say is 1 million,  
20 and I guess my first question for you is do you  
21 dispute that there are somewhere north of a  
22 million workers in our city who don't have a paid  
23 sick day?

24 MR. HUM: I don't think that we're  
25 equipped to give you an answer in regards to

1  
2 either yes or no, north of one million or not.

3 From my understanding of these findings, in regard

4 to 1.3 to 1.8 million workers who don't have paid

5 sick leave, basically it is based on an

6 extrapolation of a survey of less than 2,000

7 workers. Then basically extrapolated for the rest

8 of the entire workforce of New York City. Keep in

9 the mind that the entire workforce in New York

10 City is four million people. So if you're saying

11 that 1.8 million people are out, who don't have

12 paid sick leave, you're saying that nearly half of

13 the workforce doesn't have paid sick leave.

14 Somewhere that boggles the mind.

15 COUNCIL MEMBER LANDER: It does

16 boggle the mind, which is exactly why we're

17 sitting here. I mean, I've looked at the

18 Community Service Society and heard surveys in the

19 past, that sampling model is sound, they've been

20 doing it for more than a decade. I've never heard

21 anyone question the sampling model or the rational

22 use. No, it's not the census, but it is the

23 approach that we reasonably use to try to

24 understand the conditions, and I mean, its results

25 are really troubling to know the number more than

1  
2 one million, the fact that 72% of low income  
3 Latinos don't have paid sick days, the fact that  
4 68% of people in hospitality and retail and some  
5 service industries don't have paid sick days. And  
6 while it's fine to say, you know, that seems  
7 strange, you know, I think we've heard from an  
8 awful lot of people and an awful lot of examples,  
9 and it is a profound and compelling problem. It's  
10 not just a problem of retaliation, it's a problem  
11 of having a basic right. And it doesn't sound to  
12 me ... you know, I hear you offering opportunities  
13 to address the issue of retaliation, but I don't  
14 hear you offering anything that would address the  
15 more fundamental issue that we really have a  
16 crisis of more than a million workers in our city,  
17 and just extraordinarily high percentages in some  
18 critical industries lacking something that I think  
19 we all absolutely count and rely on.

20 MR. HUM: Well, again, I think that  
21 the coalition that we formed are somewhat  
22 skeptical of those numbers, and we would invite  
23 you, Councilman Brad Lander, with your vast  
24 resources, that perhaps we should study this  
25 problem together and figure out what that number

1  
2 is.

3 COUNCIL MEMBER LANDER: I have a  
4 study that I think adequately reflects what the  
5 number is.

6 MR. FRIEDMAN: I think there's also  
7 some ambiguity, when the questions were asked of  
8 the businesses, do you offer paid sick leave, they  
9 weren't asked whether they offer other types of  
10 PTO which might be compensated as paid sick  
11 leaves. So I think there was some question about  
12 how the question was asked, whether it's a sick  
13 leave, paid sick leave, or whether it's the  
14 overall bucket of personal time off. So that's  
15 one of our questions. The other question gets  
16 back to cost. So we agree that there is an issue,  
17 we just don't know if it's as large as some of the  
18 other people are saying. That's why we really,  
19 really need time to do our own study.

20 COUNCIL MEMBER LANDER: But let me  
21 just pick up on the issue of cost then. My  
22 colleague, Council Member Halloran, had some  
23 questions of the Women's Chamber of Commerce on  
24 the earlier panel about margin, and I guess, you  
25 know, one of the businesses, one of the sets of

1  
2 businesses in the city that seems to me have  
3 almost the lowest margin of anyone are  
4 supermarkets, right, since they are passing along,  
5 I mean, the value added in those supermarkets is  
6 narrow and what they're paying to get their  
7 product in the door, and what they're paying to  
8 get the product out the door, very thin margins,  
9 yes?

10 MR. FRIEDMAN: Pennies.

11 COUNCIL MEMBER LANDER: Okay, but  
12 isn't it true that the majority of supermarkets in  
13 our city offer paid sick days?

14 MR. FRIEDMAN: I don't have the  
15 statistics on that, I just don't.

16 COUNCIL MEMBER LANDER: I think it  
17 is. You know, many, many of them are unionized,  
18 even though they are retail jobs in the outer  
19 boroughs, in places with low margins, and yet they  
20 find those pennies on the dollar, and I'm glad  
21 they do, because they're the ones stacking our  
22 produce, and putting our food on the shelves, and  
23 I'm glad they offer it. I'm glad they'll be  
24 exempted if they're covered by a collective  
25 bargaining agreement from this bill, because

1  
2 they're already exceeding it, but I believe if  
3 they do it, we can find a way to work with all  
4 businesses in the city to do it. Again, I thank  
5 you for being here. I thank you for the spirit in  
6 which you are here, and we look forward to working  
7 with you to achieve a good resolution. Thank you.

8 CHAIRPERSON SANDERS: Thank you,  
9 sir. Council Member Jackson, and then Gennaro.

10 COUNCIL MEMBER JACKSON: Thank you,  
11 Mr. Chair. Good afternoon, panel, how are you?

12 MR. FRIEDMAN: Good afternoon.

13 MR. HUM: Good afternoon.

14 COUNCIL MEMBER JACKSON: And thank  
15 you. You do believe there's two sides to a coin,  
16 is that correct.

17 MR. FRIEDMAN: Absolutely.

18 COUNCIL MEMBER JACKSON: And  
19 they're not the same?

20 MR. FRIEDMAN: Not the same.

21 COUNCIL MEMBER JACKSON: I was  
22 going to say that's yours. But no, I was just  
23 talking to my colleague, and Mr. Chair, please  
24 indulge me, I'm going to time myself. I want to  
25 tell you a story. I had an employee, and that

1  
2 employee's birthday was on a Friday. And Saturday  
3 that employee had a birthday party celebration.  
4 And Monday the employee didn't come to work. As  
5 an employer, and if anyone is an employer here,  
6 what do you think when I said that? Too much  
7 what? You're right, that's what you're thinking  
8 when you're an employer, right? Or a director.  
9 Had a stomach situation. So Tuesday I'm expecting  
10 my employee to be in to work. Tuesday, calls in  
11 sick. And you know I'm not happy. You know I'm  
12 not happy, right? Okay, Wednesday, you expect the  
13 employee. Wednesday, the employee is out sick  
14 again. I'm steaming, let me tell you that. I'm  
15 not happy at all. I call up my chief of staff,  
16 find out what the deal is. They call him up,  
17 what's going on. You know, the boss is steaming.  
18 Do you need any help? Yes, he says, yes. They go  
19 to his house, they take him to the doctor,  
20 upstairs past our office. The doctor says, take  
21 him to the emergency room immediately. For three  
22 days his stomach is killing him, his appendix had  
23 burst, and was bleeding poison into his body. So  
24 in this situation, I'm glad that that employee had  
25 sick leave, because he was hospitalized for about

1  
2 two weeks, and they cut out part of his small  
3 intestine as a result of that. Now, you know when  
4 employees don't have sick leave, you know, and if  
5 you're struggling, struggling to make ends meet,  
6 you're going to try to go to work, even if your  
7 stomach is hurting, if you're coughing, it doesn't  
8 matter. If you have a slight fever, especially  
9 when you don't have sick leave, you're going to go  
10 to work. Because even as a parent, when my kid  
11 said to me, Dad, my stomach is hurting, you know,  
12 I don't want to go to school today, you go to the  
13 bathroom and sit on the toilet for five minutes,  
14 and then you're going to school. And if the kid  
15 didn't have a fever, and I don't care if they were  
16 coughing, they're going to school. The bottom  
17 line is this, I know all of you care about the  
18 workers that you represent. But I know you agree  
19 that everyone should be entitled to sick leave.  
20 Do you agree with that?

21 MR. FRIEDMAN: Absolutely.

22 COUNCIL MEMBER JACKSON: The only  
23 solution is that where do we come to find an  
24 agreement that's workable for everyone, is that  
25 correct?

2 MR. HUM: That's correct.

3 COUNCIL MEMBER JACKSON: So I say  
4 this to you, think of yourself not as an employer,  
5 not as a director. Think of yourself as that  
6 employee that testified earlier, the one that you  
7 say, that my Chair says, allegedly a bad employer.  
8 And if you were in that employee's position, as I  
9 said to him, if you were an employer, would you be  
10 willing to pay for it. And the answer is yes.  
11 And I think my only message is that we,  
12 collectively, must find a way to insure that  
13 employees are covered, and no one wants anyone to  
14 abuse sick leave. And the example that I gave to  
15 you was real, and I was steaming, let me tell you  
16 that. Because I thought that he was like ... but he  
17 was dying and needed help.

18 MR. FRIEDMAN: Councilman Jackson,  
19 you know I love you, I've known you for a long  
20 time, that was a great story. I'm just glad  
21 you're not my boss, because me being a boss, I  
22 would have been concerned about my employee from  
23 day one. And if I found out on Wednesday that my  
24 employee was sick, I wouldn't have been seething,  
25 I would have been upset and concerned, and I think

1  
2 my colleagues agree with that. So, great story,  
3 I'm not sure we get the same moral.

4 CHAIRPERSON SANDERS: Well put. I  
5 will call the next speaker.

6 COUNCIL MEMBER JACKSON: Thank you.

7 CHAIRPERSON SANDERS: Of course,  
8 Jack, you lost a vote, but.

9 MR. FRIEDMAN: I had a good time  
10 doing it.

11 COUNCIL MEMBER JACKSON: So we're  
12 going to put ... Jack, you're going to be a City  
13 Council Member to vote on this bill then.

14 CHAIRPERSON SANDERS: The moral of  
15 that story is, never trump the boss. But that's a  
16 different story for a different day. Or don't get  
17 high (inaudible) Robert. Yes, Council Member  
18 Gennaro, will you bring us back to earth, in your  
19 environmental way.

20 COUNCIL MEMBER GENNARO: Thank you,  
21 Mr. Chairman. I don't think I want to go after  
22 that. Hard to follow that. And I'm going to be  
23 very nice to you, Jack, because I don't want you  
24 coming back at me. And yeah, I'm grateful to have  
25 the chambers so deeply involved. My father was

1  
2 the president of the local chamber of commerce in  
3 a small town outside the city. And he served in  
4 that capacity for many, many years, and so I come  
5 from a small business family. And so we have that  
6 common ground. And people are, you know, starting  
7 to wax a little bit, which is fine. And although,  
8 you know, I'm certainly very sensitive to the  
9 crisis as it has been characterized, of people who  
10 don't have paid sick days, but certainly the  
11 larger crisis is of people who don't have a job.  
12 And so that is ... because we're not even talking  
13 about paid sick days if people don't have jobs.  
14 And I don't know what the numbers are, 10% of the  
15 city doesn't have jobs, or something like that?  
16 Maybe that's under, you know, and maybe it's more  
17 than that. And I'm happy that you put together a  
18 coalition of how many business groups?

19 MR. FRIEDMAN: Over twenty five.

20 COUNCIL MEMBER GENNARO: You've got  
21 to speak right at the microphone jack, you know  
22 that. After having been working for the Council  
23 for so long.

24 MR. FRIEDMAN: Over twenty five  
25 different business organizations.

1  
2 COUNCIL MEMBER GENNARO: And I  
3 really believe that it is the business  
4 organizations that have, you know, really tried to  
5 put forward in a very forthright way the positions  
6 of the people who were in the business of, you  
7 know, making jobs in this city. So you have to  
8 continue to do that, because people who are not in  
9 the business of creating jobs, they don't fully  
10 understand everything that goes into that. And  
11 one of my colleagues just said that the more and  
12 more he speaks to the business community, the more  
13 the details come out, the more he has an  
14 appreciation of, you know, what is on the table  
15 and the harm that we may be doing to certain types  
16 of businesses by moving forward with the bill as  
17 it is. And I just want to state to the business  
18 community, having come from a small business  
19 family, I'm certainly going to be in your corner  
20 to make sure that, you know, your good point of  
21 view is balanced with the other very good and very  
22 legitimate point of view that speaks to the need  
23 for paid sick days. And I wish to thank the  
24 sponsor of the legislation and the Chairman for  
25 the great job that he is doing. And Jack, I'm

1  
2 still, you know, giving very serious consideration  
3 to the package of ideas that you folks have put  
4 together and we'll be talking more about that.

5 And I'm not going to take my time to get into  
6 details and this number and that number, is it  
7 eight cents, is it twenty three cents, is it this,  
8 is it that. I think that those kinds of details  
9 can come out in meetings, but I would urge you to  
10 go forward and, you know, do your study and put  
11 together numbers that we can bring to the table,  
12 and I'm confident that in working with the  
13 Chairman and working with the sponsor and working  
14 with the leadership of the Council, we can do  
15 something which is fair for everyone. But I just  
16 wanted to, you know, state on the record, you  
17 know, coming from a small business background,  
18 I'll do everything in my power to make sure that  
19 the position and the needs of people who are  
20 making jobs in this city are brought to the table.

21 So thank you very much for being here and onward  
22 we go.

23 MR. FRIEDMAN: Thank you very much.

24 COUNCIL MEMBER GENNARO: Thank you,  
25 Mr. Chairman.

2 CHAIRPERSON SANDERS: I want to  
3 thank this panel for putting your positions out  
4 there, and making sure that everyone understands  
5 where you stand. It's been well put. Never  
6 before have 25 business communities come together,  
7 so it must be something that we need to look at.  
8 With that being said, please submit all  
9 information to my office also, please keep us in  
10 the loop, and I look forward to working with you.  
11 It sounds like we have a winner within reach, and  
12 we just need to reach for it, however. If  
13 everyone is saying that the idea is a good idea,  
14 then we will either find God or the devil in the  
15 details. Thank you very much for coming out here.  
16 Please call the next panel.

17 COMMITTEE COUNSEL: We have Shira  
18 Gans on behalf of the Manhattan Borough President,  
19 Scott Stringer.

20 CHAIRPERSON SANDERS: As soon as  
21 you sit down, if you identify yourself and you can  
22 start speaking.

23 MS. GANS: Hello, my name is Shira  
24 Gans and I'm here on behalf of the Manhattan  
25 Borough President, Scott Stringer. Good

1  
2 afternoon, I'd like to thank you, members of the  
3 City Council's Committee on Civil Service and  
4 Labor, for holding this hearing on the important  
5 matter of paid sick leave. I would also like to  
6 thank Council Member Gale Brewer for sponsoring  
7 this vital piece of legislation. I'm here today  
8 to reiterate my support for this measure, because  
9 working New Yorkers should not be put in the  
10 position of having to choose between a pay check  
11 and their health. A long-term study by the  
12 Community Service Society determined that  
13 approximately 1.7 million workers in New York City  
14 receive no paid sick leave. Not surprisingly, the  
15 burden of balancing home and work without paid  
16 leave does not equally across the workforce. To  
17 take just one example, 72% of low income Latino  
18 workers in our city make do without a paid sick  
19 day. I want to commend the drafters of this  
20 legislation who listened to members of the  
21 business community, took their concerns to heart,  
22 and adjusted the language in the bill. The  
23 current version of the bill reflects an  
24 understanding of the unique challenges facing  
25 small businesses. As such a small business is now

1 defined as having twenty rather than ten  
2 employees. With this change, nine out of ten New  
3 York City businesses will fall under the lower  
4 requirement of offering five rather than nine sick  
5 days per year. We have heard, and we will hear  
6 again today, some passionate opponents of this  
7 legislation who say that it imposes too large a  
8 burden on business. Concerns from small and large  
9 businesses about government mandates must always  
10 be seriously weighed when a new program is being  
11 launched, especially during difficult economic  
12 times like the one we are living through. New  
13 York City's economy must keep growing and  
14 diversifying, yet the cost of this paid sick leave  
15 legislation on business are small relative to the  
16 sizeable benefits the new law would provide for  
17 New York City workers, and yes, for employers as  
18 well. My office has explored ways in which our  
19 city and state can make paid leave and paid family  
20 leave an affordable option for workers, their  
21 families, and employers. We hosted focus groups  
22 on the need for this benefit and the obstacles  
23 that prevent employers from offering it. Our  
24 report, called "The Working Balance", found that  
25

2 paid sick leave provides real benefits to business  
3 owners of all sizes. Employers providing paid  
4 sick leave acknowledge that it reduces turnover by  
5 creating a more loyal and stable workforce. That  
6 translates directly into a more profitable bottom  
7 line. For New York City to maintain the nation's  
8 best workforce in a competitive economy, we must  
9 never lag behind the standards set by our  
10 competing cities. If we fail, New York City risks  
11 losing the working people who have built this city  
12 and continue to make it run. Paid sick leave is  
13 an economic issue, one that affects the future and  
14 the vitality of our great city. But more  
15 importantly, it is a human issue. For 1.7 million  
16 people who come to work in New York City, but  
17 cannot take a paid sick day, this is landmark  
18 legislation. Rejecting this bill would, in  
19 effect, be telling them that their health and the  
20 health of their families are unaffordable  
21 luxuries. Let's pass this bill. Thank you.

22 CHAIRPERSON SANDERS: Thank you,  
23 and please give our thanks to the Manhattan  
24 Borough President.

25 MS. GANS: I will.

2 CHAIRPERSON SANDERS: Our next  
3 panel is called.

4 COMMITTEE COUNSEL: We have Kevin  
5 Miller, Institute for Women's Policy Research;  
6 Andrea Doe, A Better Balance; Romulo Favian  
7 Gavilanes, ROC New York; and Lourdes Espinoza,  
8 Make the Road New York.

9 CHAIRPERSON SANDERS: To make sure  
10 everybody stays awake, if you have signs, you can  
11 hold them up again. This is your moment. No, no,  
12 no, I'm doing signs in the audience. If you want  
13 to hold up a sign, this is the moment. Okay, I  
14 will explain this in a moment. All right, thank  
15 you for the signs. We are also putting up a  
16 panel, because we have a worker who is saying that  
17 they fear retaliation, but we have to make sure  
18 that all voices are heard, and get as close to the  
19 situation as we can, while protecting everyone's  
20 job and wellbeing. Let's see. In the order that  
21 you called, we will speak. And if I can remind  
22 you to pull the mic as close to you as we can. We  
23 may begin.

24 MS. ESPINOZA: (testifies in  
25 Spanish).

FEMALE VOICE: I'll be translating for Lourdes Espinoza. My name is Lourdes Espinoza and for five years I worked in a restaurant, both as a waitress and as a cook to support myself and my family. I have never had paid sick days at any of my jobs. At my most recent job, a few times when I was really sick, they let me go home, but they always took the money out of my paycheck. I am a single mother, supporting four children. I was working thirteen hours a day, six days a week, at that restaurant. There were many times that I went to work anyway, even though I was really ill, with a fever, with a runny nose, cough and headache, because I couldn't afford to lose that money out of my pay check. Three years ago, while I was working as a cook at a restaurant on Junction Blvd. in Queens, I had an accident on the job. I was cooking when a pan of hot oil fell on me, burning my shoulders, armpit, and wrists. The managers did not want me to call an ambulance, so I had to go to the hospital alone. The next day I returned to work. The managers gave me \$40.00 and told me not to return to work, because they did not want any problems. I felt desperate, due to

1  
2 the burns on my skin, and I also no longer had a  
3 job. I soon began to receive threats from the  
4 managers, because they did not want me to sue. I  
5 was seriously injured while working, and not only  
6 did they not pay me for the time I spent in the  
7 hospital and at home recovering, but I also lost  
8 my job, I had to recover. That accident was not  
9 my fault, yet I was fully responsible for the  
10 consequences. Please pass the Paid Sick Time Act  
11 so that people like me who get sick or hurt can  
12 take the time to recover without fear that they  
13 will lose their jobs. Thank you.

14 CHAIRPERSON SANDERS: The next  
15 speaker.

16 MS. DOE: My name is Andrea Doe,  
17 and I'm here to testify in favor of the paid sick  
18 time before the City Council. I was a bank teller  
19 and I was fired because I took two days off from  
20 work to be with my three year old daughter when  
21 she was in the hospital and unable to breathe. I  
22 want to share my story with you. On Saturday,  
23 March 27<sup>th</sup> of this year, I worked at the bank, a  
24 job I had for about six months until 3:30 p.m. and  
25 then I went to attend my class, as I am also going

1  
2 to school. When I picked up my daughter at her  
3 babysitter she was having trouble breathing. She  
4 had a cold and a fever, and I was very worried  
5 about her. My daughter was born premature and  
6 spent a month in the hospital after her birth, and  
7 has a number of medical problems. So I knew I had  
8 to make sure the doctor saw her when she was so  
9 sick. I took her to the hospital emergency room,  
10 where they told me that her oxygen intake was  
11 blocked and dangerously low, and they would have  
12 to admit her in order to be able to clear her  
13 airway and allow her to breathe again. They  
14 admitted her to the hospital and gave her a lot of  
15 medication to help her breathe. When it became  
16 clear to me on Sunday night that my daughter would  
17 still be in the hospital on Monday when I was due  
18 at work, I tried to call in and let the bank know.  
19 Unfortunately the service was not working, so I  
20 was unable to leave a message. But at 6:30 a.m.  
21 on Monday I again called, and this time spoke to a  
22 supervisor, explaining the seriousness of my  
23 daughter's condition and that I had to be with  
24 her. My supervisor said that was fine and I  
25 should just bring in documentation of the

1  
2 hospitalization when I returned to work. I told  
3 her I didn't know exactly when I'd be back, and  
4 she said that it was okay. My daughter was  
5 released from the hospital at 6:30 in the evening  
6 on Monday, March 29<sup>th</sup>. The next two days were my  
7 days off from the bank. No one from the bank  
8 called me during my two days off to let me know  
9 there was any problem. When I returned to work on  
10 Thursday morning, after my daughter was out of  
11 danger, however, I was told that I was being fired  
12 for taking the time off to be with my daughter,  
13 even though I had proof that she had to be in the  
14 hospital. No mother should ever have to choose  
15 between being with her little girl, who can't  
16 breathe, in the hospital, and losing her job. I  
17 hope that the City Council will pass this Paid  
18 Sick Time bill so that all workers in New York  
19 City know they will never have to make such a  
20 choice. Thank you.

21 CHAIRPERSON SANDERS: Thank you.  
22 Your next speaker, and if I could encourage you  
23 just not to clap. Sir.

24 MR. GAVILANES: Good afternoon,  
25 City Council members, my name is Romulo Gavilanes,

1  
2 and I'm a restaurant worker and a member of ROC  
3 New York. I'm 25 years old now and I've been  
4 working in the restaurant industry for about ten  
5 years or so, on and off. The first restaurant I  
6 ever had was a really good place, you know, they  
7 treated me good. They gave me sick days whenever  
8 I needed because I got sick, or whenever I needed  
9 a day off to take care of myself. But lately on  
10 my last job, this is last year, I worked in a  
11 restaurant here in New York City where it was  
12 understaffed, and I was working from doing server,  
13 runner, busboy, even being a floor manager,  
14 booking parties for them and everything. And  
15 pretty much it came down to I was exhausted from  
16 working this many hours, I was working 80 hours a  
17 week. When I requested time off from my boss,  
18 because obviously I was getting sick, I had  
19 started showing up to work, you know, with the  
20 flu, and it came up to the point that I lost my  
21 voice during my working hours. I couldn't ask for  
22 an order to the customer, because they wouldn't be  
23 able to hear my voice. And when I asked for a day  
24 off to my boss, he had said the only way I can  
25 take a day is if I was dead, like if I was to show

1  
2 up in a casket, and you know, I can't work no  
3 more. And if I didn't show up to work, he told me  
4 that, in order for me, if I don't come to work, I  
5 would be deducted in my week's pay for the days I  
6 didn't show up to work, because I was sick. So  
7 basically if I didn't show up to work, I was  
8 making their business lose money, they didn't care  
9 about my health or my money and person, you know.  
10 That's what I have to say.

11 CHAIRPERSON SANDERS: The next  
12 speaker.

13 DR. MILLER: Hi, my name is Kevin  
14 Miller, I'm from the Institute for Women's Policy  
15 Research in Washington, D.C. We've been doing  
16 analysis on paid leave and paid sick leave for  
17 almost a decade, since the issue first drew the  
18 attention of policy makers. I personally  
19 presented our research in several states as well  
20 as previously in this chamber, so thank you for  
21 having me back. We released our report in October  
22 of last year, detailing our estimate of the costs  
23 and benefits of the proposed bill at that time.  
24 And I've resubmitted our report to you. So what I  
25 would like to talk to you both about our estimate

1  
2 of last year as well as the estimates of several  
3 other organizations. So our estimate last year  
4 was conducted using publicly available data from  
5 the Bureau of Labor Statistics, as well as the New  
6 York State Department of Labor, and other sources  
7 detailed in our report. We estimate, to answer  
8 another question, or to give another piece of  
9 data, as to how many New Yorkers lack paid sick  
10 leave, our estimate is 1.2 million. The average  
11 cost to New York employers implementing the policy  
12 in our analysis is about \$7.50 a week, or about  
13 twenty one cents per hour worked. The cost would  
14 be lower, about fifteen cents per hour worked, at  
15 small businesses, due to the lower number of days  
16 requirement in the bill, and the lower average  
17 wages paid at small businesses. Encouragingly,  
18 from my point of view, in March of this year, the  
19 Federal Bureau of Labor Statistics for the first  
20 time released their own estimate of the cost of  
21 providing paid sick leave to employees. They  
22 estimated the average cost is twenty three cents  
23 an hour, but that costs are lower in some  
24 occupational categories, eighteen cents among  
25 sales and office workers, or eight cents in the

1  
2 service industry. So these numbers are very much  
3 in line with IWPR's independent estimate of twenty  
4 one cents an hour. I'd also intended to speak at  
5 some length about the five borough chamber  
6 alliance's estimate of last year on the total cost  
7 to the city of passing the law, but since they  
8 seemed to no longer have confidence in their own  
9 estimate, I will just skip that and allow them to  
10 come up with another estimate when they've had  
11 time to do so. But I would like to say briefly  
12 that, although all of these organizations,  
13 including mine, have come up with estimates of the  
14 costs of this bill, we are the only one that made  
15 a serious attempt to measure the benefits of the  
16 bill, by estimating the amount of money employers  
17 will save through reduced turnover, through  
18 reduced contagion of seasonal flu, and through  
19 reduced contagion of other sorts. All these  
20 costs, or these benefits to employers are  
21 estimated in the millions of dollars, in fact are  
22 anticipated to completely defray the cost of  
23 implementing the bill. In addition, since I have  
24 fifteen whole seconds, since I last spoke here,  
25 we've released several more analyses, including an

2 analysis suggesting that paid sick days, being  
3 more common in the public sector, actually reduce  
4 the extent of the H1N1 pandemic in the public  
5 sector. It seems to have gone on in the private  
6 sector as a result of the less frequent access to  
7 paid sick days. Thanks.

8 CHAIRPERSON SANDERS: First I will  
9 speak to you, Mr. Romulo. In your testimony I saw  
10 some very disturbing things, in your written  
11 testimony, sir. I saw some very disturbing things  
12 in where a worker was calling you names that- -

13 MR. GAVILANES: (Interposing)  
14 Absolutely.

15 CHAIRPERSON SANDERS: That we don't  
16 tolerate in New York City.

17 MR. GAVILANES: We don't, and you  
18 know, my coworkers there, when I tried talking to  
19 them, I said, why don't we do something, they were  
20 afraid.

21 CHAIRPERSON SANDERS: Of course.

22 MR. GAVILANES: They were afraid  
23 first of all because they're immigrants, and they  
24 need money to provide for their families, so they  
25 were afraid. I wasn't personally, I quit from my

2 job, because obviously I got sick and I couldn't  
3 take it no more, obviously. And I went to the  
4 Health Department, you know, to complain about  
5 them, and everything. I still haven't heard from  
6 them.

7 CHAIRPERSON SANDERS: Well, can I ...  
8 my office will refer you to the Human Rights,  
9 there's an office we have of Human Rights, and the  
10 people are creating, in one sense, an unsafe  
11 working conditions, and certainly an unfair one.  
12 Folks have rights, period.

13 MR. GAVILANES: Yes.

14 CHAIRPERSON SANDERS: And we can  
15 talk of that later, because this is- -

16 MR. GAVILANES: (Interposing)  
17 Absolutely.

18 CHAIRPERSON SANDERS: Simply, New  
19 York City is going to be New York City for  
20 everybody.

21 MR. GAVILANES: Exactly, and I like  
22 New York, you know.

23 CHAIRPERSON SANDERS: We can do  
24 that. We love New York, I love New York.

25 MR. GAVILANES: We all do.

2 CHAIRPERSON SANDERS: And we're  
3 going to love it the way it should be, so my  
4 office will get in touch with you. Mr. Miller,  
5 Dr. Miller, I was looking at your report and as a  
6 historian by training, it really looks, it looks  
7 impressive on first glance.

8 DR. MILLER: Well, thank you.

9 CHAIRPERSON SANDERS: I want to  
10 study it, to see what's really in here, but it  
11 certainly looks impressive on first glance. You  
12 said that you studied not only the impact, but the  
13 benefits, both.

14 DR. MILLER: Right, both cost and  
15 benefits.

16 CHAIRPERSON SANDERS: That you  
17 studied. Okay, did you study it in relationship  
18 to New York City, or in general?

19 DR. MILLER: In this report that  
20 I've submitted, it's calculated for New York City  
21 in particular.

22 CHAIRPERSON SANDERS: For New York  
23 City?

24 DR. MILLER: Yes, with ... our  
25 analyses were ... utilized employment figures by

2 industry within New York City.

3 CHAIRPERSON SANDERS: Thank you, I  
4 certainly will study it. To the young ladies,  
5 especially those who have fear of being fired, we  
6 certainly have heard your testimony. We look  
7 forward to the day when nobody in New York needs  
8 to stand behind a barricade, stand behind a  
9 shield. The City Council certainly will be the  
10 shield of the people in this condition. Again, I  
11 have ... it sounds like there is no one who is in  
12 favor of not having a sick, a paid sick day. What  
13 I'm hearing is differences of what this means, and  
14 how to go about it. So that means that I'm  
15 assuming there's goodwill and therefore we can  
16 reach something. I will see if my colleagues have  
17 any statement or question. Council Member Brewer.

18 COUNCIL MEMBER BREWER: Thank you  
19 very much, and thank you everybody who has  
20 testified, it's very powerful, very honest and I  
21 appreciate it. Dr. Miller, my question is, when  
22 you look at these numbers, and you were certainly  
23 very close and the Bureau of Labor statistics were  
24 very close to you, in terms of the numbers, do you  
25 think that the information was gathered in a way

1  
2 that does relate to the number of one million or  
3 1.8 million? Because we heard testimony earlier  
4 from the chambers stating that they didn't think  
5 there was enough of a sample. I was just  
6 wondering if you could comment on that. I think  
7 you were here when that was testimony was  
8 produced.

9 DR. MILLER: Yes. Well, the  
10 Community Service Society's unheard third survey,  
11 which they were referencing with the sample, I  
12 believe has a sample of around fifteen hundred.  
13 And while I can't comment directly on the adequacy  
14 of that for the sort of estimates that I utilize  
15 or that I create, our estimates utilize an  
16 entirely different data source. So our methods  
17 use Bureau of Labor statistics, estimates, which  
18 are based on interviews with employers in which  
19 they ask employers whether or not particular  
20 categories of employees at their business receive  
21 certain benefits, including paid time off,  
22 although their reporting leaves something to be  
23 desired as a researcher. They do actually ask  
24 about paid time off and recorded as sick leave, if  
25 that is offered. So at least in our estimate of

2 1.2 million workers without sick leave that would  
3 include ... or that would not include workers who  
4 have paid time off.

5 COUNCIL MEMBER BREWER: So that's  
6 really important, because again we heard testimony  
7 that maybe that large number did include people  
8 with paid time off, and what you're stating is  
9 that it doesn't, and I really appreciate that  
10 clarification.

11 DR. MILLER: Thanks.

12 COUNCIL MEMBER BREWER: Thank you.

13 CHAIRPERSON SANDERS: Let me also  
14 say, sir, can I suggest that you submit a copy of  
15 this report to the chambers, to aid in their  
16 study?

17 DR. MILLER: I would be happy to.  
18 And I know that there are other organizations that  
19 are working on this sort of work as well. And I'm  
20 sure that they would be happy to share their  
21 information with the chambers as well.

22 CHAIRPERSON SANDERS: It would be  
23 good if we could all submit ... and the chambers,  
24 too, if you have a counter concerns and questions,  
25 submit it to Mr. Miller also, to Dr. Miller also,

2 so that in the interests of time and saving and  
3 money - time is money - that we can do a  
4 reasonable study and come close, if not reach the  
5 same conclusions, we can both accept that the  
6 finding is valid. Council Member Brewer.

7 COUNCIL MEMBER BREWER: I'm sorry,  
8 one more question for Dr. Miller. I know New  
9 Jersey was mentioned, and I don't know if that  
10 particular type of benefit, is that paid family  
11 leave insurance and not sick days, or maybe you're  
12 not aware of what New Jersey is doing? Because  
13 I'm quite familiar with Cincinnati and Washington,  
14 D.C. and San Francisco, but not with New Jersey.

15 DR. MILLER: Sorry, I believe you  
16 meant Milwaukee from the Midwest.

17 COUNCIL MEMBER BREWER: Milwaukee,  
18 I'm sorry, I apologize. But what's the story, do  
19 you know what's going on ... I'm sorry.

20 DR. MILLER: In- -

21 COUNCIL MEMBER BREWER:  
22 (Interposing) I really apologize.

23 DR. MILLER: That's okay. New  
24 Jersey has a paid, I believe they have a paid sick  
25 leave bill that's been proposed, though it's not,

2 it hasn't passed. The law that's in force there  
3 is their family leave insurance and temporary  
4 disability insurance programs, which do have an  
5 employee contribution, but rather than being a set  
6 benefit that employees can use on a regular basis,  
7 or a certain number of days per year, it's  
8 designed as insurance, in case of emergency, major  
9 medical issues, and so forth. And so I think in  
10 terms of comparing it directly to sick leave,  
11 there are some difficulties with comparing it  
12 directly in that way.

13 COUNCIL MEMBER BREWER: Thank you,  
14 and I won't mix up Midwestern cities again.

15 DR. MILLER: Okay.

16 CHAIRPERSON SANDERS: As a New  
17 Yorker, I won't comment, I would only make things  
18 worse. I want to thank this panel for being here,  
19 and thank you very much for your testimony. It  
20 has aided the process, and I look forward to a day  
21 when New York will be New York for everyone. My  
22 person is coming to hand you a card. Thank you  
23 very much, we'll call our next panel.

24 COMMITTEE COUNSEL: Edward  
25 O'Reilly, Cybersearch Global; Thomas Ferrugia, The

2 Broadway League; Nora Nealis, National Cleaners  
3 Association; Patricia Brodhagen, Food Industry  
4 Alliance of New York State; excuse me, Mitch  
5 Klein, Krasdale Foods; and Henry Kita from the  
6 Building Trades Employers Association. Let's keep  
7 it down please, take any conversations outside.  
8 Take any conversations outside, the meeting is not  
9 over yet. Thank you. Anybody else has any copies  
10 that I haven't collected?

11 FEMALE VOICE: Oh, I do.

12 CHAIRPERSON SANDERS: In the order  
13 that you were called. Thank you for coming up in  
14 the order that you were called, please begin.

15 MR. FERRUGIA: I believe I was  
16 called second.

17 CHAIRPERSON SANDERS: I will let  
18 you begin in the order that you feel is right.

19 MS. NEALIS: Good afternoon, my  
20 name is Nora Nealis, and I'm with the National  
21 Cleaners Association, and I thank you for this  
22 opportunity to present comments. I'm here today  
23 representing hundreds of NCA members citywide who  
24 could not leave their businesses to be here  
25 themselves and provide you with comments. I'm

1 talking about the mom and pop dry cleaners who  
2 cannot get away from their businesses. Here's  
3 their situation and their problem. This cleaner  
4 optimistically is grossing about \$300,000 a year  
5 in sales. It's usually a husband and wife team,  
6 working anywhere from 66 to 70 hours a week in the  
7 store, that's 7:00 in the morning till 6:00 at  
8 night, six days a week. Their rent is between six  
9 and eight thousand dollars a month, their  
10 utilities twenty five hundred to three thousand,  
11 their supplies another two or three thousand. Two  
12 thirds of their sales are on credit cards, which  
13 costs them another \$6,000 a year. 1% of their  
14 orders aren't picked up, which is sales down  
15 another \$3,000. You've got insurance, water  
16 costs, permits, fees, hazardous waste disposal,  
17 phone, postage, repairs and maintenance, and at  
18 the end of the day, you're looking at another 50  
19 or 60 thousand dollars there. A low-side estimate  
20 of his costs of doing business are about \$187,000  
21 a year. So at the end of the day, when folks say,  
22 why does small business oppose this, this man has  
23 \$113,000 available to provide payroll for four  
24 people, including himself. His presser is going  
25

1  
2 to make about \$35,000 a year, his marking bagger-  
3 assembler is going to make about another \$25,000,  
4 which leaves for the owner and his wife, who are  
5 working between 66 and 70 hours a week, the  
6 handsome sum of \$53,000. Now when the presser  
7 goes out for a week because he's sick, and believe  
8 me, I feel the presser's pain, as does he, but  
9 he's going to need to get those pants and dresses  
10 and shirts out, because nobody wants to wait an  
11 extra week for their dry cleaning because the  
12 presser isn't available. Which means he pulls in  
13 temp help for \$700 a week. Now he has to pay the  
14 presser, who's out sick, \$673 a week, and where  
15 does this \$700 come from? So that week, with his  
16 66 to 70 hours, he makes nothing, and his wife  
17 gives up \$192 of her pay. And that's why small  
18 business in New York City can't afford this. Keep  
19 in mind that even if the economy bounces back,  
20 it's not going to help the cleaner. Because if  
21 his volume goes up another \$50,000, he's going to  
22 pay another \$35,000 for another presser, he's  
23 going to have a commensurate increase in most of  
24 his costs, maybe not rent, maybe not the  
25 utilities, but everything else is going to go up.

1  
2 And he's going to wind up with maybe out of that  
3 an extra \$50 a week. Nobody is saying that these  
4 people shouldn't be paid, the question is who is  
5 going to pay them. And right now, he's probably  
6 the lowest paid person in his operation. So I  
7 don't think that's what you're proposing here. I  
8 don't think you want to take a business owner  
9 who's barely making ends meet himself, and ask him  
10 to work a week for nothing, in order to pay  
11 somebody else who also isn't able to work. So I  
12 think what we need to find is a way to be fair  
13 about this. I don't think you envisioned  
14 penalizing the business owner. And the fact of  
15 the matter is, when you look at statistics and you  
16 say, will it cost jobs, this cleaner will not lay  
17 that presser off. He can't afford to, he needs  
18 him to get the work out. The same thing with the  
19 marker and assembler. So if you look at it  
20 statistically, you're not going to have a job lost  
21 because the cleaner has to pay him, but you  
22 certainly are not going to have the situation  
23 that's fair, in that you have somebody who can ill  
24 afford to pay, paying for something. So that's  
25 our story, we think we need to find some kind of

2 an exemption or other arrangement for small  
3 business, and we're happy to work with it, but the  
4 way Intro 97 is presently constituted, our  
5 association and its members have to oppose. Thank  
6 you for your time.

7 CHAIRPERSON SANDERS: Thank you.  
8 I'll speak at the end. The next speaker.

9 MR. FERRUGIA: Thank you, I'm Tom  
10 Ferrugia, I'm the director of government relations  
11 for The Broadway League, we're the principal trade  
12 association for the commercial Broadway theater  
13 industry. I'll go through the highlights of my  
14 testimony. Last year Broadway - and again, I want  
15 to thank the Chair, Chairman Sanders, and the  
16 Committee members for holding this hearing - we  
17 definitely support the intent of the proposal,  
18 however our concern is that the legislation does  
19 impose unnecessary burdens on industries like the  
20 arts, that have always respected their employees  
21 and understood that a content staff member is a  
22 productive worker. Now there are three portions  
23 of the bill that I would like to address:  
24 collective bargaining agreements, part-time  
25 employment and the lack of distinction between

1  
2 small, mid-size and large offices. Last year  
3 Broadway employed ten thousand people, over ten  
4 thousand people in New York City, the large  
5 majority of those employees were unionized  
6 workers. Now, when it comes to collective  
7 bargaining agreements, every word of the contract  
8 agreement, including hours, salaries, health  
9 benefits, pension contributions and paid leave  
10 days, are painstakingly negotiated over the course  
11 of several months. In the majority of instances,  
12 all parties have long-standing relationships and  
13 well-established methods for reaching agreements.  
14 Employees are vigorously represented by advocates  
15 elected to act in the union's best interests, and  
16 ultimately the membership votes to ratify the  
17 negotiated terms. And incidentally, Broadway's  
18 union workers are highly compensated, and except  
19 for matinee days, generally work just three or  
20 four hours a day. We don't think there's any  
21 justifiable rationale for requiring parties to  
22 affirmatively waive provisions of the local law,  
23 and then go on to require them to impose those  
24 minimum requirements. At best, the language could  
25 stall negotiations while employers and union

1  
2 representatives deliberate the application of the  
3 legislation to the collective bargaining process,  
4 at worst it might result in unnecessary  
5 litigation, if there's a disagreement between the  
6 parties on the terms of implementation, or how a  
7 municipal law incorporates into the National Labor  
8 Relations Act. You have to remember, we're  
9 already constrained by the rules of federal and  
10 state law when it comes to collective bargaining  
11 relationships and the proposal creates  
12 difficulties for union members, because it imposes  
13 the City Council's judgment on union leaders,  
14 directing their priorities during negotiations.  
15 We don't believe union leaders would want their  
16 hands tied by parties who have no relationship to  
17 the bargaining process, because every union has  
18 unique issues and depending upon countless other  
19 factors, paid sick time may not be the most  
20 important thing that the membership is considering  
21 at that time. They may have an interest in  
22 pension contributions or some other form of  
23 compensation which could be negotiated against  
24 paid sick time. These exchanges do not take place  
25 in a vacuum. Every new term in a collective

1  
2 bargaining agreement requires a re-examination of  
3 the document, with a determination of the value of  
4 that new term and an appropriate consideration the  
5 other side must offer. Employers and union  
6 representatives need flexibility when negotiating  
7 these contracts and all parties to the discussion  
8 must be on equal footing. We respectfully submit  
9 that this legislation, no matter how well  
10 intended, would disrupt the careful balance unions  
11 and employers have worked to create over the  
12 decades to accommodate the unique environment we  
13 live in. We strongly urge the Committee to revise  
14 the proposal and provide a clear, unambiguous  
15 exemption for all employees working pursuant to a  
16 bona fide collective bargaining agreement, not  
17 just the construction industry. Okay, I'm out of  
18 time, I'll just briefly touch on my other points.  
19 I'll just be a moment. The other issue that we  
20 had I'll paraphrase. We have a concern that the  
21 exact nature of part time employees who already  
22 work, generally work fewer than 35 hours a week,  
23 and generally have plenty of flexibility within  
24 their schedules, should not be eligible for paid  
25 sick time. We also feel that if they are eligible

1  
2 for sick time, the far fewer hours a week that  
3 they work should be reflected in the accrual rate  
4 and in the maximum hours per year that a part time  
5 employee may be eligible for. Finally, we ask the  
6 Council to take a look at the D.C. law on paid  
7 sick leave that has a third tier in distinguishing  
8 between small, mid-size and large businesses,  
9 which not only adjusts for the maximum hours that  
10 an employee can accumulate, but also adjusts the  
11 amount of hours that they have to work in order to  
12 accrue a paid sick leave hour, because we think  
13 that more accurately reflects the myriad of  
14 businesses that you have in New York City. So,  
15 again, thank you for your time and we again  
16 support the proposition, but we think that the  
17 bill might be over-broad and might impact  
18 businesses that already have good employee-  
19 employer relationships and are doing the best that  
20 they can for their employees. And we have some  
21 specific language that we propose to your Council,  
22 and we would be happy to have meetings with you  
23 and discuss it further. Thank you.

24 MS. BRODHAGEN: Okay, good  
25 afternoon. My name is Pat Brodhagen, and I'm the

1  
2 vice president of public affairs for the Food  
3 Industry Alliance, which is the trade association  
4 that represents grocery stores. So whatever  
5 conventional grocery store, hopefully the ones  
6 that you shop in, are members of mine. Thank you  
7 as well for this opportunity to speak, and let me  
8 say at the outset that we appreciate that the new  
9 bill, Intro #97, does a couple of ... has made a  
10 couple of changes that we found beneficial, one  
11 limiting the purposes for which sick leave may be  
12 taken, and also proposing a more specific  
13 definition of family members, as compared to the  
14 predecessor bill. Those are two positive changes.  
15 But we, as some of the other groups that you've  
16 heard from, have some very specific issues that  
17 are still out there that really must be addressed  
18 from our perspective. And piggybacking on what  
19 Tom said, and what you also heard from the hotel  
20 association, it's the same issue with union  
21 contracts, and the collective bargaining  
22 agreements. Many of our members are in fact union  
23 employers, with collective bargaining agreements  
24 that do include paid sick leave as part of a  
25 comprehensive benefit package. So to require sick

1  
2 leave benefits comparable, and that's the word in  
3 the bill, to those specified ... comparable to those  
4 in the bill in a one-size-fits-all formula, will  
5 disrupt comprehensive benefit and compensation  
6 packages that have been specifically negotiated  
7 with, and agreed to, by union associates.

8 Moreover we would add that in the language who or  
9 by what process will compliance with those terms  
10 be determined, and at what cost. So our  
11 recommendation is that the language in the bill  
12 relating to collective bargaining agreements  
13 should be, again, extremely clear cut, and should  
14 read "the provisions of this section shall not  
15 apply to any employee covered by a bona fide  
16 collective bargaining agreement". That would be  
17 our recommendation, to clarify that point.

18 Secondly, the other really pressing issue for us  
19 is the issue of part time workers, because we are  
20 an industry that is heavily part time. As I think  
21 you know, we're the source of a lot of entry-level  
22 jobs and a lot of supplemental-income kinds of  
23 jobs. We employ students, we employ kids, high  
24 school kids after school, summer workers, senior  
25 citizens who still would like to make a little

1  
2 supplemental income, parents who are trying to  
3 fill in their schedule around their kids'  
4 schedules. And these are folks whose schedules  
5 are extremely flexible, and in our business those  
6 schedules are worked out every week. And our  
7 employers are pretty willing to work around the  
8 individual's schedule to give them enough hours,  
9 so we're looking at ten to 30 hours a week, and  
10 our recommendation would be that paid sick leave  
11 should be limited to full time employees. That's  
12 really where we're coming from on that. And then  
13 let me just quickly add our perspective on some of  
14 the other, mostly the points having to do with  
15 accrual. And let me just state in the positive,  
16 I'm not going to critique what's in there, let me  
17 just say where we're coming from. And it's that  
18 sick days should be available to employees only  
19 after a waiting period of a year, or at the very  
20 least, six months. That to us more resembles what  
21 actually goes on in the real world. Sick leave  
22 should be accrued in days, not hour by hour,  
23 increasing with the number of years of employment,  
24 up to a maximum to be determined, based on the  
25 overall level of benefits available to employees.

1  
2 After the waiting period, available sick days for  
3 calendar year may be taken as needed. You can  
4 take them all in January, if they're sick in  
5 January. Sick days may be taken in no less than  
6 half day segments, and sick time does not carry  
7 over year to year. So that's the summary of where  
8 we're coming from, and my colleague, Mitch, I  
9 think who knows a lot more about supermarket  
10 operations, can fill in some of the blanks. So  
11 I'll pass the mic to him and thank you very much  
12 for your attention.

13 MR. KLEIN: Good afternoon, Council  
14 members, my name is Mitch Klein, and I'm vice  
15 president of government relations from Krasdale  
16 Foods, we operate out of the south Bronx. We've  
17 been there for a hundred years. In the  
18 supermarket industry we really recognize that a  
19 sick employee on the floor does not do much for  
20 our business whatsoever. Usually it kills the  
21 business faster than anything else we can do.  
22 Most of our employees, especially all of our full  
23 time employees, do receive sick time compensation,  
24 and we've recognized that for many, many years.  
25 We do have two basic issues that I think we need

1  
2 to clarify. Where we have a union contract in  
3 place, the union contract should absolutely  
4 supersede, especially when it does indicate that  
5 there's sick leave, over the sick leave bill of  
6 the city. If you're going to have two that are  
7 going to come into play, where they're going to  
8 constantly, someone's going to have to decide  
9 which one is more advantageous over the other,  
10 there is going to be constant interpretation,  
11 constant bickering, and if there is a union  
12 contract, and I think you've heard it from a few  
13 other people before, the union contract should  
14 take precedence over that, especially when it has  
15 sick leave already in the bill. A lot of our part  
16 time workers, which is our other issue, a lot of  
17 our part time work is really supplemental income.  
18 A lot of our part time people have full time jobs  
19 elsewhere. They come to us because they want a  
20 job for an afternoon or a Saturday, to supplement  
21 their income. A lot of our part time people work  
22 eight hours a week, nine hours a week, ten hours a  
23 week. The difference that they make in our stores  
24 is that keeps one extra checkout lane open, so  
25 that the lanes don't back up because no one wants

1  
2 to stand in line in a supermarket. People will  
3 wait all night in an electronics store to buy the  
4 best thing and sleep in the street in the winter,  
5 but if there's more than three on line in a  
6 supermarket, people are leaving disgruntled. We  
7 recognize that. That extra person helps us keep  
8 one line open. This is not the person, though,  
9 that necessarily does not have money to stay home  
10 or take care of their child. We work very readily  
11 with even the part time people that work eight or  
12 nine hours for whatever they need, that's why they  
13 have a nine hour a week job with us. We're very  
14 willing to work with the City Council, as we have  
15 in the past, but we would like to see some fine  
16 tuning to this, so that it is fair for all sides.  
17 Thank you.

18 MR. KITA: Chairman Sanders and  
19 members of the Committee, my name is Henry Kita,  
20 I'm senior vice president for Building Trades  
21 Employers Association of New York City. We're an  
22 organization that represents 28 union contractor  
23 associations in the construction industry, and our  
24 umbrella organization is comprised of over  
25 seventeen hundred construction managers, general

1  
2 contractors and specialty trade subcontractors  
3 doing business here in New York City. The BTEA is  
4 in a unique position today. We have a strong  
5 partnership with Building Construction Trades  
6 Council, which is the umbrella union organization  
7 on the other side of the bargaining table, and  
8 regularly appear together before the City Council  
9 to support or oppose legislation that affects our  
10 industry, together with the Building Construction  
11 Trades Council. However, when it comes to the  
12 current legislation proposed in Intro 97 regarding  
13 paid sick leave for employees, the BTEA and the  
14 BCTC must agree to disagree, in this particular  
15 instance. Echoing what several members of the  
16 panel said here, as well as Mr. Spinnato from the  
17 earlier panel with the Hotel Association, the  
18 basis of our disagreement here with the  
19 legislation has to do with collective bargaining  
20 agreements. Although this legislation  
21 specifically provides an exception for the  
22 construction industry, through a provision it  
23 allows a waiver to be granted in including the  
24 collective bargaining agreements, the BTEA cannot  
25 support this bill because the inclusion of this

1  
2 waiver in effect gives labor an unfair advantage  
3 at the negotiating table. When we negotiate  
4 collective bargaining agreements in the  
5 construction industry here in New York City, we  
6 sign agreements with labor based on an overall  
7 economic package. In other words, it's the  
8 responsibility of the labor union to allocate  
9 spending however they choose, whether it is to  
10 increase wages, benefits, etc. If BTEA members  
11 sit at the collective bargaining table with labor  
12 and need to request that a specific waiver be  
13 placed in agreements in order to receive an  
14 exemption from this proposed legislation, then we  
15 will be, as the employer, as the contractor, at a  
16 major disadvantage in the collective bargaining  
17 process. This legislation will eliminate the  
18 equal footing that our members and labor start  
19 with when they begin the negotiating process. We  
20 have seen recently in a current round of  
21 negotiations that are taking place between several  
22 of our member associations and several of the  
23 unions this issue come up already, and before this  
24 legislation has been approved. So the seed has  
25 been planted already at this particular point.

2 I'd like to thank the City Council for allowing me  
3 to present these comments on Intro 97. The BTEA  
4 believes that this bill has good intentions, and  
5 you've heard that from the other employer  
6 associations here. But we cannot support this  
7 legislation due to the waiver that must be  
8 provided in our collective bargaining agreements.  
9 Before you further consider this bill, I hope that  
10 you will seriously consider the negative effect  
11 that this legislation will have on the fairness of  
12 the collective bargaining process in the New York  
13 City construction industry. Thank you.

14 CHAIRPERSON SANDERS: Now that's  
15 timing. I may just want to refer everybody that  
16 the other side, if you wish, is saying that many  
17 of your ... if you're providing these services, if  
18 you're providing anything comparable to paid sick  
19 leave, anything comparable or better, that you are  
20 excluded. I just want to remind you of that, and  
21 I also want to take your cards. I'm going to have  
22 a person take your cards, so I can find out where  
23 we differ. If you're saying that that is not the  
24 case, then I need to understand that. On a  
25 personal note, I just want to say that I haven't

2 seen in a while, Mr. Klein, nor Ms. Brodhagen,  
3 it's been many moons, we have to stop meeting like  
4 this. We'll find some other excuse to come  
5 together. Are there any questions from Council  
6 Member Gennaro?

7 COUNCIL MEMBER GENNARO: Thank you,  
8 Mr. Chairman. And I certainly want to thank this  
9 panel for being here. And Mr. Chairman, I'd just  
10 like to state for the record that I'm kind of in  
11 the same orbit as you, that I was under some  
12 impression that if these benefits were provided,  
13 then groups would be exempted, and there really  
14 wasn't a big issue with regard to collective  
15 bargaining, and this bill having an impact on  
16 that. Most of the groups, however, that choose to  
17 see me regarding this bill are talking about  
18 precisely that issue. And I know that they know  
19 very much what they're talking about and have  
20 certainly done everything they could to get a full  
21 grasp on what the bill does. So I just want to  
22 state that there are many folks that, you know,  
23 deal with collective bargaining, who have very  
24 serious issues with this bill. So I guess that  
25 means that you and I have more work to do. That's

2 okay. We can do that. And so I want to take this  
3 time for me ... well, it's not for me to thank, I'm  
4 not acting as Chairman, but I just wanted to thank  
5 the many folks here for coming to see me and  
6 talking to me and for being here today. Thank  
7 you, Mr. Chairman.

8 CHAIRPERSON SANDERS: Thank you.  
9 Brother Jackson.

10 COUNCIL MEMBER JACKSON: Good  
11 afternoon, panel, and thank you for coming and  
12 listening and staying. And Mr. Chair, I don't  
13 really have, I guess, a question at this point in  
14 time, but I do appreciate this woman here who  
15 represents, for example, I think the dry cleaning  
16 association, the way you laid it out, as far as  
17 the situation. And you know, I can truly  
18 understand how difficult it is to do business in  
19 New York City. But also I do understand though,  
20 that I know that as someone who hires people, and  
21 I supervised people in my previous role, as a  
22 director of a staff, how important it is that you  
23 have people to come to work, come to work healthy.  
24 And not to come to work sick and make other people  
25 sick, that's not good for business. So I am

1  
2 hoping, I am hoping, that through open dialogue  
3 and communication, that some agreement can be  
4 reached where we can provide those employees that  
5 don't have sick leave the opportunity to have sick  
6 leave, to be used when they're sick. I'm the  
7 first one to say that sick leave is only supposed  
8 to used when you or your family members are sick,  
9 period. Not when you need a half a day off,  
10 you're not, you know, it's sunny outside or  
11 whatever the situation is. That's not sick leave.  
12 That's more vacation time, or personal leave days,  
13 that's not sick leave. And as someone, you may  
14 have been here when I told a little story about my  
15 staff member. I have another story.

16 MR. NEALIS: I've got one too, you  
17 go first.

18 COUNCIL MEMBER JACKSON: One  
19 minute.

20 CHAIRPERSON SANDERS: May I remind  
21 you, may I remind both of you of the time.

22 COUNCIL MEMBER JACKSON: One  
23 minute, one minute, Mr. Chair.

24 CHAIRPERSON SANDERS: I will give  
25 one minute.

2 COUNCIL MEMBER JACKSON: I worked  
3 for the Department of Labor from 1975 to 1980, and  
4 this oldtimer, his name was Bill, and that time  
5 you could smoke at the workplace, he used to smoke  
6 all the time. And he used to every two weeks add  
7 up his time, and he had so many hours, maybe  
8 thirteen hundred hours of sick leave, because it  
9 was by the hour, the State of New York. And he  
10 told me a story about one time that he used to use  
11 leave nilly-willy, you know, and then he got sick  
12 and he was hospitalized for about three months,  
13 and he used all of his time, and he was on leave  
14 without pay. And since that time, he said he  
15 never, you know, he always used sick leave only  
16 when he was sick. And when I left state service  
17 and I was only in state service for about five  
18 years, I had over three hundred and something  
19 hours that went back to the employer because I  
20 wasn't sick. And then I worked after that twenty  
21 two years for a labor union, before I was elected  
22 to the City Council. Do you know I had so much  
23 sick time, that basically I went off the chart and  
24 I was losing sick time, because sick leave is only  
25 supposed to be used when you are sick, and not for

1  
2 anything else. So it's an insurance factor for  
3 employees when you are sick. And Mr. Chair,  
4 that's my whistle. My wife injured herself and  
5 she was out three days, because she tripped and  
6 fell and she broke her wrist and cut her chin and  
7 scarred her face and had head trauma, but luckily  
8 she had sick leave, or else she would have been on  
9 leave without pay for those three days. Thank  
10 you. And I truly understand what you're saying.

11 CHAIRPERSON SANDERS: Thank you,  
12 sir. I too was ... your story was very sobering and  
13 gives pause for looking at this seriously. I  
14 thank you kindly for this panel coming and  
15 presenting. My person will get your cards at the  
16 back of the room. I look forward to working with  
17 you for the best New York. Thank you.

18 MR. KITA: Thank you.

19 CHAIRPERSON SANDERS: The next  
20 panel will be called.

21 COMMITTEE COUNSEL: Emily Sanders,  
22 ROC New York; Donna Dolan, New York State Paid  
23 Family Leave Coalition; Carol Pittman, New York  
24 State Nurses Association and Dr. Victor Sidel,  
25 Public Health Association of New York.

2 CHAIRPERSON SANDERS: Wait a  
3 minute, I like this, I heard a Sanders, and you  
4 know the Sanders has to go first. A distant  
5 relative? You've got that right. At the risk of  
6 being biased in favor of Sanders', I'm going to  
7 let Ms. Emily go first.

8 MS. SANDERS: All right, thank you.  
9 My name is Emily Sanders, I've been in restaurants  
10 for probably the last nine years. My last  
11 restaurant I was a bartender and generally  
12 speaking, there's always fewer bartenders than  
13 there are servers in restaurants, so that creates  
14 a problem immediately. I often went to work sick  
15 regularly, and I actually at one point went to  
16 work with food poisoning. This was, I don't know  
17 who's had food poisoning, you can imagine, etc.

18 MALE VOICE: I had food poisoning.

19 MS. SANDERS: I actually tried to  
20 get the shift covered and I could never find  
21 people to work for me at this restaurant.

22 MALE VOICE: I had food poisoning.

23 MS. SANDERS: I was at home before  
24 work and was feeling nauseous, and I knew it  
25 wasn't a good idea, but I went in anyway. And

1  
2 when I was setting up, I told the manager that I  
3 wasn't feeling well, that I shouldn't be there.  
4 And he shrugged and walked away, because that's  
5 not his problem. We opened for dinner, and as I  
6 was bartending, I ... again, anyone who has had food  
7 poisoning, it got instantly worse, anything that  
8 happens in a bathroom, you can go on with the  
9 details on that, that was happening to me. The  
10 bar service was horrendous, servers were not  
11 getting their drinks. The owners were at their  
12 computers downstairs, so they were unaware. One  
13 of my regular customers told me I looked  
14 disgusting, shouldn't be there. I went downstairs  
15 where the owners were sitting with the manager,  
16 and I said, "I'm not feeling good. I called  
17 everyone I know at this restaurant, no one can  
18 come in to work for me, I need to go home." The  
19 two owners turned around and looked at their  
20 computers and went back to the work, and the  
21 manager told me to stick it out. I went home  
22 because that's what any person in their right mind  
23 would have done, regardless of what was going to  
24 happen to my job. That's that one. And  
25 additionally I often get bronchitis, like our

1  
2 friend earlier this afternoon. I have had two  
3 different incidents at various restaurants, two  
4 restaurants, where I went into work coughing,  
5 sneezing, blowing my nose, etc., because no one  
6 would work for me. As I have never had health  
7 insurance with the restaurants, I don't go to the  
8 doctor as such, I just wait it out with  
9 bronchitis. The one time I was sent home was  
10 because a regular customer again complained that  
11 they shouldn't have me working like that, and the  
12 owner who was sitting next to her became  
13 embarrassed and sent me home. As a bartender my  
14 hands are always wet, we touch fruit, we touch  
15 bottle tops, we touch glasses, we squeeze limes,  
16 lemons, we muddle your mint for your mojitos. Why  
17 anyone who does that for their work should come in  
18 sick is unclear to me. I think something like  
19 paid sick days would change that attitude that  
20 restaurant workers' work is not important, because  
21 it would give restaurant workers an important  
22 right. The structure and reality of restaurant  
23 work currently, especially in New York City, is  
24 that I expect nothing from my owner, my boss,  
25 which isn't right. I feel like I'm on my own,

2 that there's a constant fear of getting fired, and  
3 there's no one watching out for you. In addition,  
4 to highlight this point, and to address Councilman  
5 Halloran's earlier comments regarding whether  
6 employers tell employees not to touch food when  
7 they're sick, I would like to comment, especially  
8 as someone who has been friends with many cooks in  
9 my life, that they're never told that, and they're  
10 told they may not have a job the next day if they  
11 refused him. We need to change that. I as a  
12 restaurant worker can't say that enough, and I  
13 encourage City Council to pass sick days  
14 immediately, paid sick days, and I thank you very  
15 much for your time and attention to this really  
16 important matter.

17 CHAIRPERSON SANDERS: If I may  
18 remind everyone, we're not clapping. Our next  
19 person.

20 MS. DOLAN: Thank you, Council  
21 Member Sanders, and the Committee, for being given  
22 an opportunity to address you this afternoon. My  
23 task here today is I have been asked by the United  
24 States Senator from the great adjoining state of  
25 Connecticut, Senator Chris Dodd, who is the

1  
2 sponsor of the Federal Paid Sick Days Bill, which  
3 is the Healthy Families Act, and I received a copy  
4 of this letter, Council Member Sanders, that is  
5 addressed to you and Speaker Quinn, and as Chair  
6 of the Paid Family Leave Coalition, I am cc'd, as  
7 well as Council Member Brewer. So he asked me, we  
8 were in D.C. two weeks ago at a conference and he  
9 was very interested in the fact that there is a  
10 bill in the New York City Council on paid sick  
11 days, and he stressed the importance of sending a  
12 message to all of you. And I would like to read  
13 this for the record. "I write in deep  
14 appreciation for, and in strong support of, New  
15 York City's paid sick days legislation. As you  
16 know, nearly 40 million private sector workers in  
17 America, including more than a million in New York  
18 City, have no paid sick leave. When they get sick  
19 they have a choice: go to work sick, put off going  
20 to see your doctor, and risk infecting your co-  
21 workers, or stay home and lose a day's pay. One  
22 in six Americans say they have lost a job or been  
23 threatened with termination if they took time off  
24 because they, or someone in their family, became  
25 sick. This is deeply unfair to workers, but it's

1  
2 a public health issue for everyone. When Mayor  
3 Bloomberg urged New Yorkers to stay home from work  
4 and keep their kids home from school should flu  
5 symptoms arise, he was offering commonsense advice  
6 in light of the outbreak of the H1V1 virus, but  
7 that advice loses its value when following ... when  
8 it puts an even greater economic strain on working  
9 families. This burden disproportionately falls on  
10 low and middle income minorities, and ironically  
11 those workers who have the most contact with the  
12 public, such as food service, retail and  
13 hospitality workers. Far from harming businesses'  
14 bottom lines, paid sick leave would benefit  
15 employers through lower health care costs, a  
16 healthier workplace, higher rates of employee  
17 recruitment and retention, and a more productive  
18 workforce overall. One estimate that we've heard,  
19 referred to earlier today, puts the cost at twenty  
20 three cents per hour for high wage employees,  
21 eight cents per hour for workers in the service  
22 sector. New York's legislation is carefully  
23 written to insure that employers benefit. It's  
24 incredible to think that in a world where 137  
25 countries guarantee paid sick leave, America still

1  
2 lags behind. That's why I fought so hard for the  
3 Healthy Families Act, which would implement paid  
4 sick leave nationwide. But in the meantime, New  
5 York City has the opportunity to lead the nation  
6 by standing up for its workers and guaranteeing  
7 them paid sick leave. No one should have to  
8 choose between their job and their health, and so  
9 I urge the Council to approve this legislation.  
10 Sincerely, Christopher J. Dodd, United States  
11 Senator." Thank you.

12 MS. PITTMAN: Good afternoon, can  
13 you hear me? [pause] Okay, how's that? Is that  
14 better? So good afternoon, Chairman Sanders and  
15 members of the committee. My name is Carol  
16 Pittman, I'm here to testify on behalf of the New  
17 York State Nurses Association. The Nurses  
18 Association represents 36,000 registered nurses  
19 statewide, including 26,000 in the five boroughs  
20 who work in both public and private health care  
21 facilities. NYSNA is the oldest and largest  
22 professional association and union for registered  
23 nurses in the state. We strongly support the paid  
24 sick time act, Intro 97, recently introduced in  
25 the City Council. Two million workers, nearly

1  
2 half of working New Yorkers, do not receive paid  
3 sick time on their jobs. This is a shocking  
4 statistic when you consider the density of our  
5 population and the speed with which influenza, or  
6 other potentially deadly diseases, can spread.  
7 And let me just reiterate that influenza and other  
8 diseases that spread so quickly can, are  
9 potentially deadly. And you can get those stats  
10 from the Health Department or if you'd like I'll  
11 get them for you. Without paid sick leave, the  
12 goal of preventive care, so much the buzz word as  
13 a means to better health in reducing health care  
14 costs, is very much undermined when people can't  
15 see their doctor for disease control and  
16 management for lack of paid sick time. The lack  
17 of paid sick days by such a large portion of the  
18 New York City workforce has serious implications  
19 for public health. Without paid sick time, sick  
20 workers spread illnesses to coworkers and the  
21 public, especially in New York City's congested  
22 worksites, subways and food service  
23 establishments. When people become ill and can't  
24 take time away from work to visit a doctor or  
25 recover, they become sicker and are forced to

1  
2 visit emergency rooms, adding to the already  
3 overcrowded conditions facing New Yorkers in our  
4 ERs at this time, which are complicated, even  
5 intensified, by the fact that we keep having  
6 hospital closings. Sick children get sicker and  
7 infect their peers in schools and playgrounds when  
8 parents can't take time off work to take children  
9 to the doctor or stay home with them while they  
10 get better. And people are aging, they need extra  
11 care after hospitalization, and help getting to  
12 medical appointments. Most hospital discharges  
13 and doctor appointments happen during working  
14 hours. One should not have to choose between  
15 helping a loved one and one's job. NYSNA stands  
16 ready to help make the paid sick time act law. We  
17 thank Council Member Gale Brewer on this issue,  
18 and we thank you for this opportunity to testify.

19 DR. SIDEL: My name is Victor  
20 Sidel, I'm former Chair of the Department of  
21 Social Medicine, Montefiore Medical Center, and  
22 I'm currently Distinguished University Professor  
23 of Public Health at Albert Einstein College of  
24 Medicine and Montefiore Medical Center. I've been  
25 president of the American Public Health

1  
2 Association and President of the Public Health  
3 Association of New York City. I'm not going to  
4 take much of your time. Every single person I  
5 heard from this platform agrees that paid sick  
6 leave for every worker in New York City is  
7 required. If you read my testimony, you'll see  
8 all the public health reasons for that. The one  
9 point I want to make is that justice delayed is  
10 justice denied. I testified here six months ago  
11 in November, I gave essentially the same  
12 testimony, and at that point Council had this in  
13 front of them, it's moved forward since, but it's  
14 not yet been passed. I urge you to take action, I  
15 urge you to resolve the differences that we've  
16 heard about here today, and take action so that  
17 every person in New York City can get sick leave.  
18 I thank you very much for the opportunity for  
19 testifying.

20 CHAIRPERSON SANDERS: I thank you  
21 all for that, let me respond that I am the new  
22 Chair of Civil Service and Labor, but I'm also a  
23 man of action. We're not going to go another six  
24 months studying this issue, so I'm encouraging  
25 everyone to let's take this one serious, let's ...

1  
2 if we think that there are ways that we need to  
3 tailor this better, then we need to do that. We  
4 need to be serious about tailoring it to make sure  
5 that it fits. As a worker and a child of workers,  
6 I am very concerned about this. As the former  
7 Chair of Economic Development and the Chair of the  
8 Civil Service and Labor, I want to make sure that  
9 what we do is good for New York. I want to make  
10 sure that our precarious position of our great  
11 city does not slip. But I believe that there's a  
12 way of doing both of these things. I believe that  
13 there's a way of doing this one right, that this  
14 is something that we are heading towards, that as  
15 long as I pick up goodwill, we should have  
16 dialogue. As long as I'm picking up goodwill,  
17 that people are serious, the moment that I see  
18 that people aren't serious, I'm through with the  
19 conversation. So we won't ... as much as we are  
20 enjoying you, sir, we won't have you back six  
21 months from now on this issue. Perhaps you'll be  
22 at a victory celebration or some other type.  
23 Besides, I have to do that, I have a distant  
24 cousin on your panel speaking, so I have to make  
25 sure that Ms. Sanders does not come here on this

2 issue again. Having said those things, I want to  
3 thank this panel for coming out here. Thank you  
4 for your time and energy, and thank you for your  
5 devotion to this issue. Thank you. Call your  
6 next panel.

7 COMMITTEE COUNSEL: Scott Buchanan,  
8 Scott J. Salons and Spa; Richard Aviles, Bridge  
9 Cleaners and Tailors; Annamarie Gentile, Angiuli,  
10 Katkin & Gentile LLP; Debra Kravet, Apthorp  
11 Cleaners, and K. Y. Chow, GM Painting.

12 CHAIRPERSON SANDERS: In the order  
13 that you were ... you know, if you come to the mic,  
14 I'm going to ... I'll do something different, please  
15 come to the mic and make your statement. And  
16 identify yourself, please.

17 MS. PLOEGER: Thank you, I'm Nancy  
18 Ploeger from the Manhattan Chamber of Commerce,  
19 and one of our businesses that was going to  
20 testify is Mr. K. Y. Chow from GM Printing, Long  
21 Island City. But unfortunately, due to the time  
22 he had to leave. And there's another business  
23 owner here we would like to have testify in his  
24 place.

25 CHAIRPERSON SANDERS: I'll do it,

2 provided that it's a quick testimony, provided  
3 everyone is brief.

4 MS. PLOEGER: Thank you.

5 CHAIRPERSON SANDERS: All right.  
6 In the order that you were called, please testify.

7 MR. BUCHANAN: Hi, yes, my name is  
8 Scott Buchanan from Scott J. Salons and Spas,  
9 thank you, guys, for staying. It's a dwindling  
10 crowd. I'm happy you guys are still here.

11 CHAIRPERSON SANDERS: I'll be here.

12 MR. BUCHANAN: I've been in  
13 business in New York for twenty years, I have  
14 three salons on the upper West Side, one on 72<sup>nd</sup>  
15 and Columbus, one's on the upper East Side, 86<sup>th</sup>,  
16 between 2<sup>nd</sup> and 3<sup>rd</sup>, and one's up by Columbia  
17 University. And I employ approximately about 190  
18 people. Some of my people get paid sick leave and  
19 the service providers that are on a commission  
20 basis do not. They all get vacation time, I've  
21 given you a sheet here that shows you all the  
22 different benefits, current benefits offered for  
23 commissioned and non-commissioned employees. And  
24 I already pay sick time to them, my service  
25 providers and commissioned employees receive two

1  
2 to three weeks vacation pay, but this bill would  
3 make it impossible for me to continue to offer  
4 that kind of vacation pay, because when my  
5 commissioned people are off, they are my product  
6 that produce money, so when they are off, I lose  
7 their revenue. And when I lose their revenue, in  
8 order for me to then pay on top of the lost  
9 revenue will definitely devastate my bottom line.  
10 And I've given you on the back of the next two  
11 pages the annual cost of nine sick days per  
12 employee, so you can see that total for all three,  
13 for one of my companies on 72<sup>nd</sup> Street and  
14 Columbus, if I gave everybody nine sick days, it  
15 would cost me \$114,000 a year extra income that I  
16 don't know where I'm going to find it in my bottom  
17 line. Because if you see the impact on my small  
18 business, I'm already paying more in property  
19 taxes, my water tax went up, I have the new MTA  
20 tax, I've had increases in my rent per square  
21 foot, my health insurance is up 20%, my business  
22 insurance is up 10% to 15%, my electricity, Con  
23 Ed, is now talking about a 30% mandatory increase.  
24 I have to spend more money on marketing. I've  
25 done business in the last two years, it's

1 completely different than I've ever done business  
2 before. I've really had to get people in, people  
3 are stretching out appointments. I have to spend  
4 more money on marketing than I ever had to. It is  
5 a completely different animal. I am totally for  
6 people getting paid when they're off sick, I just  
7 think we have to find a way that is better for  
8 everybody. And I think what's happening is we're  
9 putting it all on the small business, which I  
10 don't think, you know, my business can't afford.  
11 I can't afford to grow. This proposed bill is not  
12 very supportive of small businesses like mine,  
13 which is the core of the neighborhoods of New York  
14 City. I'm looking for ways to grow my business,  
15 so that I can continue to offer services to the  
16 community and contribute to the economy, by  
17 opening more stores and employing more people.  
18 When I open a store, it employs 25 people on  
19 minimum. I feel penalized because that what's the  
20 difference because I'm a bigger business means I  
21 have a deeper pocket, so I should pay more than a  
22 small business, that really irks me. I really  
23 hope the city finds a way to help small business  
24 flourish, and one of the things I just really  
25

1  
2 quickly find hard about the bill that I read was,  
3 in San Francisco they are shrinking, people are  
4 not hiring in order to stay in. I was at a  
5 meeting where I was listening to Procter and  
6 Gamble talk about salon industries and businesses  
7 in San Francisco shrinking drastically in the last  
8 year and a half, and I wonder how much of that is  
9 due to this whole mandatory sick leave adding an  
10 extra burden solely on small business. I love  
11 what I heard earlier about sharing it along the  
12 way, like you do disability and everything else,  
13 on more of a federal level. And the sick time  
14 increments, the thing in the bill that popped out  
15 to me was that an employee can call in sick, or be  
16 late, an hour a day, to start accumulating that  
17 sick time. And I have no recourse about that, and  
18 that scares me. And the fact that an employee can  
19 bring me to court and I get tied up in legal fees  
20 to prove that he really should have been fired for  
21 something else, that scares me. I don't have time  
22 for that, I'm a working hairdresser behind a  
23 chair. I might have 190 employees, but I still  
24 work behind a chair, and I still cut hair and do  
25 what I started. And I just ... I really wrote

1  
2 everything down about my feelings here. I'm  
3 totally for the health and not to have people  
4 sick. Those other stories I heard were  
5 heartbreaking, but some of that is a civil  
6 liberties union, civil liberties act, not a sick  
7 act, and so let's not confuse the two things. You  
8 know, I just think the full burden on small  
9 business is really, you know, on me right now,  
10 would be devastating. And I don't really know how  
11 I could handle it. And I definitely think it  
12 would prevent me from growing and possibly doing  
13 any more business in New York. Thank you very  
14 much.

15 CHAIRPERSON SANDERS: Thank you,  
16 sir. Next person, I'll speak at the end. Next  
17 person.

18 MR. AVILES: Good afternoon, my  
19 name is Richard Aviles, and I'm the co-owner of  
20 Bridge Cleaners and Tailors of downtown Brooklyn.  
21 I'm here to give my testimony in opposition of the  
22 paid sick time legislation. Small business owners  
23 in New York City know that our businesses cannot  
24 run without a caring and graceful approach to  
25 managing our employees. We take very good care of

1  
2 them, and they take very good care of us. The  
3 truth is, they are more like family than  
4 employees. We love them. We have given them paid  
5 sick time before, and while it might not have been  
6 part of our formal policy, we always did. My  
7 feeling is that nine days is too many, five is  
8 more than adequate, and it's not that we're not  
9 compassionate. If we're forced to pay the 72  
10 hours you're asking for, the city unfortunately  
11 puts us in a position to create ill will for our  
12 employees. We would have to stop paying them for  
13 Christmas, New Year's, Labor Day, Memorial Day, 4<sup>th</sup>  
14 of July, Thanksgiving. We know they wouldn't like  
15 that. Please keep in mind that many businesses in  
16 New York City, such as a drycleaning business,  
17 have tight production setups and commitments made  
18 to clients. We do not have the luxury of the  
19 garments waiting until the employee gets back to  
20 complete their job. I can't tell my client,  
21 "Sorry, Miss Jones, your suit is not ready as  
22 promised, because our presser had to go pick up  
23 his child from school today". Now we have to try  
24 to hire a temp, pay to replace the worker, and pay  
25 the worker for not being there. If you don't hire

1  
2 the temp, and the other workers prosper from the  
3 additional work that they've taken on, the  
4 business is still paying double. This is already  
5 a business that doesn't show a profit. This is a  
6 business that provides an income for my employees  
7 and I. There are only so many dollars available  
8 to small businesses and business doesn't seem to  
9 be getting any better. Another issue with the  
10 legislation is once a small business hits the 20<sup>th</sup>  
11 employee, their overhead increases significantly.  
12 This would ... we would all be very reluctant to  
13 hire the 20<sup>th</sup> employee. We'd all be less inclined  
14 to bend our rules for them. This policy would now  
15 be open for abuse by our employees, and all those  
16 whose nature it is to take advantage, will take  
17 advantage. I currently employ 24 people. If this  
18 legislation were to pass, I would unfortunately  
19 look to let a couple of people go to stay below  
20 the number of twenty. Also, I've heard many  
21 people in favor of this bill use San Francisco as  
22 an example of how great adopting this policy would  
23 be. There is no real data showing that this  
24 legislation has a positive impact on employment  
25 for small retail businesses. In fact, the data

1 shows that the only industry that has benefited  
2 from this has been the hospitality industry, and  
3 that's only because of the increase in tourism to  
4 California from 2006 to 2008. Small retail  
5 businesses have shown a decrease in employment of  
6 over 3%. People have lost out in San Francisco,  
7 there is an impact. And if we take a closer look,  
8 we may see that their expenses are not quite in  
9 line with those of New York City. New York City  
10 is one of a kind. And when I contact the  
11 commercial real estate brokers in San Francisco,  
12 inquiring about what space costs, I was shocked.  
13 The highest I found was space in Pacific Heights,  
14 by the marina, \$45 a square foot. In the  
15 financial district, they were offering spaces for  
16 \$30 a square foot. I don't know about you, but I  
17 would love to open up a drycleaning business on  
18 the corner of Broadway and Wall Street for \$30 a  
19 square foot. My rent in downtown Brooklyn is \$100  
20 a square foot. San Francisco isn't looking so bad  
21 after all, I'm all for San Francisco, but can they  
22 adopt ... can we adopt their rent? The bottom line  
23 is, government cannot dictate to us how to run our  
24 businesses. Small business is the engine that  
25

1  
2 runs this city. We are over-regulated, and we do  
3 not need more and more and more mandates from the  
4 city. Thank you.

5 CHAIRPERSON SANDERS: Next speaker.

6 MS. GENTILE: Thank you.

7 CHAIRPERSON SANDERS: Yes, ma'am.

8 MS. GENTILE: Good afternoon, my  
9 name is Annamarie Gentile, and I'm a partner in  
10 the Staten Island law firm of Angiuli, Katkin &  
11 Gentile. On behalf of my firm and the many  
12 business clients, small businesses that we  
13 represent, I thank you for allowing us the  
14 opportunity to share our concerns about the  
15 reintroduction the paid sick days bill. In  
16 speaking with our clients about this bill, they  
17 had, as pretty much everyone who has been here  
18 today, echoed the sentiments that they do believe  
19 that an employee has the right to stay at home if  
20 he or her is sick. In fact, almost every small  
21 business who I've spoken with has verified that  
22 there's already in place at their business a paid  
23 sick leave policy. But at the same time, every  
24 small business client, be it the contractor, the  
25 restaurant, the clothing business, the physician

1  
2 or the pharmacy, has also professed genuine  
3 concern of how and whether they will be able to  
4 continue operating should this bill pass. With  
5 regard to some of the comments that businesses who  
6 already provide paid leave will not be subject to  
7 this bill, one of the issues that we have seen  
8 that will become debatable is going to be whether  
9 the particular type of leave that you provide will  
10 meet the level of what's required under this bill.  
11 And I believe that that's something very important  
12 that needs to be addressed in these Committee  
13 discussions. With the economic downturn facing  
14 our entire country, small business has clearly  
15 claimed its place as the future employer for a  
16 healthy America. Instead of receiving tax cuts  
17 and other incentives to help them hire more  
18 people, a true economy stimulator, the passage of  
19 this bill may well force these small businesses to  
20 slash their payrolls by letting people go, or by  
21 decreasing hours. My clients have sadly admitted  
22 that because of this bill, they will have to cut  
23 back elsewhere if they are even to maintain the  
24 status quo. Whether the cuts are financial or  
25 operational, they are sure to decrease morale

1 among employees, and what is sad is that this will  
2 take place throughout businesses that are already  
3 providing paid sick time, paid vacation, and/or  
4 paid personal days. On the other hand, this  
5 legislation will not affect the employers who are  
6 paying their workers off the books, precisely  
7 those workers who needed protection against  
8 employer retaliation when they take a sick day.

9 Additionally, the one-size-fits-all nature of the  
10 bill makes it unrealistic in a diverse environment  
11 constituting the business community in New York  
12 City. For example, this bill will be very  
13 expensive for people who employ seasonal workers  
14 if during the season that they're hired they'll be  
15 able to take advantage of the paid sick time.

16 Businesses such as hairdressing salons and nail  
17 salons will lose business when operators call in  
18 sick, which will cost them, as my colleague here  
19 said, not only to pay for the sick time, but also  
20 in the loss of business. And looking at what has  
21 happened in D.C., there are many exceptions to the  
22 bill that was passed in D.C. For example, it  
23 excludes applicability to independent contractors,  
24 tipped employees, seasonal workers, temporary  
25

1  
2 workers, students, certain health care workers,  
3 and commissioned workers, none of which is being  
4 addressed in this bill that's before us. From a  
5 legal perspective, the vagueness of many of the  
6 definitions and principles of the bill will, I  
7 believe, leave it open to constant litigation.  
8 For example, what constitutes a serious illness,  
9 and who falls under the definition of child and  
10 parent, are legal disputes waiting to happen.  
11 Additionally, I am particularly concerned that the  
12 private right of action accorded to employees  
13 under the bill will lead to a barrage of frivolous  
14 lawsuits, and it's not every day that you have a  
15 lawyer arguing against legislation that would  
16 allow us to do more billing. What is more, the  
17 fact that there are no exemptions for businesses  
18 falling within the federal law definition of small  
19 businesses raises the question of whether the bill  
20 is vulnerable to legal challenge based upon a  
21 conflict of laws. And finally, the New York City  
22 Paid Sick Leave bill imposes a burden of paying  
23 sick or vacation days on employers, which is  
24 something so onerous that neither the federal  
25 government, nor any other state government, has to

1  
2 date enacted a similar law. On the contrary, due  
3 to the dire state of the economy, in an  
4 unprecedented move, the New York State legislature  
5 has just passed a law requiring state workers to  
6 take one day furlough without pay, which will save  
7 the state \$30 million. Clearly, this is not the  
8 time to pass a paid sick time legislation bill  
9 that falls squarely on the shoulders of small  
10 business. Small business is the backbone of  
11 Staten Island's good health. Without it our  
12 borough cannot thrive. The added financial burden  
13 that will come from the imposition of this bill  
14 will, without question, force an increase in  
15 unemployment, thereby decreasing the quality of  
16 life for Staten Island residents. At a minimum,  
17 modification to the proposed law needs to be made  
18 to keep small business in business, something that  
19 will benefits employers and employees alike.  
20 Thank you.

21 MR. LATHAM: Good afternoon, Danny  
22 Latham, Latham's Communication, Brooklyn. Good  
23 evening, Councilwoman Brewer, Councilman Sanders.  
24 I don't know if Councilwoman Brewer remembers me  
25 from November. I had left here saying that I

1  
2 would be going and taking away the vacation pay  
3 and converting it to coincide with the sick leave  
4 bill and I have done that. You can call my  
5 employees to verify that. You did take it back  
6 and you reworked it, but still no consideration  
7 has been taken for any type of an emergency or  
8 critical type businesses. Boiler repairmen,  
9 myself, an answering service, a hospital. As  
10 Councilman Halloran said, there are no blackout  
11 dates set. I still would like to require if an  
12 operator calls out sick on one day, I can ask her  
13 for a note, if I should so choose. Three days is  
14 out of the line. The one hour lateness that they  
15 can accrue for sick pay, New York State Department  
16 of Labor has that as grounds for dismissal if  
17 they're late. Which law is going to supersede  
18 which? And as I said in November, I testified I  
19 would remove vacation pay, I have. I kept that  
20 promise, my new promise is Sunday I am leaving for  
21 Phoenix, Arizona to secure an office to relocate.  
22 You will now have eight unemployed women in New  
23 York City, because I cannot go on with this bill  
24 any more, because you cannot work it out right.  
25 Thank you.

2 CHAIRPERSON SANDERS: Thank you.

3 MS. KRAVET: Good evening, Council.

4 My name is Debra Kravet, I'm a business owner on  
5 the upper West Side in Councilwoman Gale Brewer's  
6 district, and I am also a resident of the upper  
7 West Side. My business and my residence has been  
8 there for 27 years. I also operate a drycleaning  
9 plant in the south Bronx, and was forced to move  
10 there three years ago when my property where I was  
11 renting in Harlem was taken away from me. So I've  
12 undergone numerous disadvantages in operating a  
13 business, including my lease in the historic  
14 Apthorp Building on the upper West Side, which as  
15 of June 30<sup>th</sup> will be sitting empty for two years.  
16 So no one can deny the social need for down time.  
17 However, the economic cost of providing this to  
18 small business is unaffordable in this economy. I  
19 ask you to walk up and down the streets of the  
20 upper West Side, to see how many businesses have  
21 gone out of business over the years, the past two  
22 years, and the ones that are there, most I would  
23 say are barely holding on. The MTA has imposed a  
24 tax on us, Con Edison is increasing their rates,  
25 water rates have gone up. Fees, licenses, that we

1  
2 pay in New York City to operate our businesses  
3 have all gone up. To impose this on small  
4 business at this time, and make it the  
5 responsibility of the employer only, I think is  
6 going in the wrong direction. You know, as my  
7 neighbor has said, if we could work something out  
8 where it's like a disability insurance, where  
9 everybody participates and pays into it, I can see  
10 it working. But the way it is now, I really can't  
11 imagine that it could work for small business.  
12 The lost production, paying overtime to other  
13 employees, or bringing in temps, and paying your  
14 employee at the same time, is just not a  
15 possibility. You know, we pay two weeks paid  
16 vacation, we give nine paid holidays. You know,  
17 these are things that we'll have to take away from  
18 our employees if we're required to meet these  
19 regulations. So I thank you for listening.

20 COUNCIL MEMBER BREWER: Debra, I  
21 have just one question, because it seems to me  
22 because you are very generous, would not your  
23 benefits allow you to be exempt from this  
24 legislation? I mean, I understand your colleagues  
25 talking about how would you define it, and is it

2 the same, and all of that. But if we could define  
3 a bill that stated if Apthorp Cleaners or whatever  
4 provides so and so, which you provide much more  
5 than what the bill does, then wouldn't that be  
6 sufficient for you to say, okay? As long as it  
7 doesn't include me? Because I am a good employer  
8 and I already provide. Now, not everybody on the  
9 panel will have the same situation, but in your  
10 case, you do.

11 MS. KRAVET: Well, I do provide the  
12 time, and I think it needs to be clearly written  
13 in the bill that, if we are providing time off,  
14 you know, for paid holidays, for vacation, if it's  
15 clearly written and there's no discussion that I  
16 don't need to call it paid sick time off. I mean,  
17 I presently have an employee in the hospital, he's  
18 been out of work now for five days. He is being  
19 paid, he's being paid because he deserves to be  
20 paid.

21 COUNCIL MEMBER BREWER: Okay, fine.

22 MS. KRAVET: And he is being paid.  
23 And that has nothing to do with the other pay that  
24 he gets for his paid holidays or anything else. I  
25 mean, I'm a person with a heart.

2 COUNCIL MEMBER BREWER: I know  
3 that, that's why- -

4 MS. KRAVET: (Interposing) You  
5 know.

6 COUNCIL MEMBER BREWER: I know you  
7 well, I know you are.

8 MS. KRAVET: And I think that the  
9 way it is, and I think other people have stated  
10 this also, you know, that those who will take  
11 advantage will take advantage. And I think that  
12 asking somebody three days to bring in written  
13 notes.

14 COUNCIL MEMBER BREWER: I wrote  
15 that down.

16 MS. KRAVET: And in this day and  
17 age, where everybody's on the computer and can  
18 create their own document, you know, there needs  
19 to be a more- -

20 COUNCIL MEMBER BREWER:  
21 (Interposing) Rigorous is what you're looking for,  
22 okay.

23 MS. KRAVET: Yes, rigorous way to  
24 confirm that these people are really out because  
25 they're sick.

2 COUNCIL MEMBER BREWER: Okay.

3 MS. KRAVET: If somebody's sick, I  
4 have no problem, trust me.

5 COUNCIL MEMBER BREWER: Right.

6 MS. KRAVET: If I'm sick, I don't  
7 want to go to work either, but unfortunately, you  
8 know, I do have to.

9 COUNCIL MEMBER BREWER: Right.

10 MS. KRAVET: Because I do have a  
11 business to run.

12 COUNCIL MEMBER BREWER: Okay. All  
13 right, that's helpful, thank you very much.

14 MS. KRAVET: Thank you.

15 COUNCIL MEMBER BREWER: Next panel?  
16 Thank you all very much.

17 COMMITTEE COUNSEL: Next up we have  
18 Pat Purcell, UFCW Local 1500; Sarah Johnson, 32BJ  
19 SEIU; and Sharada Polavarapu, CLC, Central Labor  
20 Council.

21 COUNCIL MEMBER BREWER: Whoever  
22 would like to begin should begin.

23 MS. POLAVARAPU: Good afternoon,  
24 thank you- -

25 COUNCIL MEMBER BREWER: You've got

1  
2 to push the button.

3 MS. POLAVARAPU: Good afternoon,  
4 thank you Chairman Sanders and the other members  
5 of the Committee for the opportunity to testify  
6 today on Intro 97, the paid sick time act. My  
7 name is Sharada Polavarapu, I'm the political  
8 director of the New York City Central Labor  
9 Council, a federation of 300 affiliated local  
10 unions representing 1.3 million working men and  
11 women in New York City. I'm here to testify on  
12 behalf of our president, Jack Ahern in support of  
13 Intro 97. The ability of a worker to earn a  
14 minimum amount of paid time off so that they can  
15 care for themselves or a family member when sick  
16 is an issue of fundamental fairness, and a basic  
17 right that should be applied to all workers.  
18 Everyone gets sick, that's a fact. Yet nearly two  
19 million workers do not have a single day of paid  
20 sick leave where they work, including nearly two  
21 thirds of low-wage workers. Many workers are  
22 forced to work sick or to send a child to school  
23 sick because they cannot afford to lose a day's  
24 pay, or risk losing their jobs. Working mothers  
25 are disproportionately impacted by a lack of paid

1  
2 sick days, since they are often the primary  
3 caregivers and responsible for taking care of a  
4 child when it is sick. They suffer the most  
5 stress in trying to balance the needs of their  
6 families and the demands of their jobs. When  
7 workers go to work sick, or send a child to school  
8 sick, they risk increasing the spread of  
9 contagious illness to co-workers, classmates and  
10 the general public. The public health risk is  
11 heightened in New York City by several hundreds of  
12 thousands of workers who lack paid sick leave in  
13 industries that have high levels of interactions  
14 with the public, especially those employed in food  
15 service and retail. From the employer's point of  
16 view, you don't want people to come into work  
17 sick. When someone comes in sick, they make other  
18 people sick. A minimum sick leave policy would  
19 allow employers to protect the workforce.  
20 Providing workers with the benefit of paid sick  
21 days is also good for business. When workers are  
22 provided paid sick leave, they demonstrate  
23 increased job satisfaction, commitment and morale,  
24 and their employees reap the benefits of high  
25 performance and productivity. This bill makes

1  
2 complete economic and common sense, and the  
3 Central Labor Council urges the City Council to  
4 pass the paid sick time act, to set a minimum  
5 standard for paid sick days and establish  
6 guaranteed protection for all workers.

7 MS. JOHNSON: Is it on now? Oh it  
8 is, okay. Thank you, Chair Sanders and to the  
9 Committee, and to Council Member Brewer for  
10 hearing my testimony. I'm here ... well, first my  
11 name is Sarah Johnson, I'm with SEIU 32BJ, I'm  
12 here to read testimony on behalf of Hector  
13 Figueroa, our secretary-treasurer. Our union  
14 represents over 65,000 janitors, doormen,  
15 custodial workers, porters and security officers  
16 working in New York City. I'm here today to  
17 testify regarding the paid sick leave bill. This  
18 bill would take a leap forward in the ongoing  
19 fight to insure basic rights for all workers by  
20 allowing them to take days off work to care for  
21 their health without fear of losing their job.  
22 SEIU 32BJ fully supports its passage. We fight  
23 hard to win this basic workplace right for our  
24 members, however, nearly half of all New York City  
25 workers lack paid sick time. 32BJ represents

2 3,000 city-contracted security officers. These  
3 men and women provide the first line of defense in  
4 municipal buildings and other city facilities, and  
5 until May of last year, just one year ago, they  
6 did not have the ability to take days when they or  
7 their families were sick. This is unacceptable.  
8 We believe paid sick leave is a basic workplace  
9 right, one that our members and all hardworking  
10 New Yorkers should have. The gap in paid sick  
11 leave in New York City provides yet another  
12 setback to already vulnerable workers,  
13 disproportionately high numbers of low income  
14 workers, immigrants and women lack paid sick  
15 leave. However, this is not just a workers-rights  
16 issue, it's a family issue for those who are  
17 unable to take time off to care for a sick child,  
18 and a public health issue for co-workers and  
19 customers endangered by people coming to work  
20 sick, an issue for all New Yorkers, and one we  
21 need to act on now. We strongly encourage the  
22 Council to extend this basic right.

23 MR. PURCELL: Thank you, Chairman  
24 Sanders, Council Member Brewer, thank you. I'm,  
25 instead of reading I'm just going to simply

1  
2 comment, because I have been able to listen to a  
3 lot of testimony today. So let me just say that  
4 this has been very enlightening. I'm thrilled to  
5 hear that I think a lot of groups have come here  
6 today, saying we can do this. I was very happy to  
7 hear folks from the Food Industry Alliance, people  
8 that we very often partner with, come with some  
9 suggestions. And we think that's great, because  
10 we think there are people who, you know, belonging  
11 to a union, we know and understand what good-faith  
12 bargaining is. And I believe that there is an  
13 attempt here at good-faith bargaining to get  
14 together with the right bill. We strongly do  
15 support this bill, though, and say very clearly,  
16 though, the clock cannot go on forever. We need  
17 to get to the point where those that want to sit  
18 down and bargain in good faith, get in a room and  
19 do so. We will, though, always have businesses  
20 that are going to oppose this. And you know, with  
21 all due respect, those are the same businesses  
22 that would oppose minimum wage increases, overtime  
23 after 40 hours, workers comp, blah, blah, blah.  
24 That's where this is ultimately going to come down  
25 to. We need to get into a room, we need to pass

1  
2 this, though, and we need to pass this quickly.  
3 So, again, being a union, we feel very strongly  
4 that, let's get in the room, let's set the clock,  
5 let's get it moving, and let's get this passed.  
6 Our union strongly supports passage, let's hear  
7 some of the concerns and address them. But at the  
8 end of the day, we need to move on this, and we  
9 need to move on it as quickly as possible.

10 CHAIRPERSON SANDERS: Well, well  
11 put, and you did that without notes.

12 MR. PURCELL: Yeah, my notes  
13 usually are worse.

14 CHAIRPERSON SANDERS: Not bad, a  
15 panel like so many people I respect. I agree with  
16 you on that it need not go on forever. I'm  
17 committed to that. I do believe that we have a  
18 goodwill, and call me naïve, but I think that  
19 people of goodwill can get into a room, or several  
20 rooms, for that matter, as we are working. I  
21 commend the business community for coming up with  
22 written ideas that they believe would make it  
23 better. So I think progress is being made, and  
24 we're getting closer. And your efforts in that  
25 sense are not in vain.

2 MR. PURCELL: Thank you.

3 CHAIRPERSON SANDERS: If there are  
4 no questions from the- -

5 COUNCIL MEMBER BREWER:

6 (Interposing) I just wanted to say thank you to  
7 all three of you, as leaders in all senses of the  
8 best sense of the word, figuring out, always  
9 trying to see how we can work together as the  
10 great Pat Purcell has always stated, and to help  
11 guide us, because you have experience with workers  
12 every single day, figuring out what's good for  
13 their families, figuring out what is a good  
14 agreement, and we've been taking your lead in  
15 trying to make this bill work. So in all senses  
16 of the word, thank you.

17 MR. PURCELL: Council Member, let  
18 me say this. And I've had the privilege of  
19 working with all the Council members on so many  
20 different things. And I think everyone needs to  
21 recognize that you have gone above and beyond to  
22 hear the concerns. We've worked on a lot of  
23 legislation, but you have gone just so far above  
24 and beyond to really address the concerns of all  
25 the partners and the people affected by that, and

1  
2 we commend you for that. And I just think, again,  
3 we're going to be at that point where we're all  
4 going to either agree to disagree, or we're going  
5 to come up with a real good compromise, and that's  
6 a testament to your leadership on this issue.

7 COUNCIL MEMBER BREWER: I learned  
8 from the past from the Food Industry Alliance and  
9 from Local 1500. Thank you.

10 CHAIRPERSON SANDERS: Let's try  
11 that again. I've been around for nine years'ish,  
12 and I've seen a lot of issues that have brought  
13 out some passion, living wage was an historic  
14 fight, and it brought out a lot of passion. The  
15 predatory lending law brought out a lot of  
16 passion. This one has, I would argue it would  
17 equal that, wouldn't you say that? It has equaled  
18 those in terms of passion. And the passion must  
19 be recognized, passion on both sides. That the  
20 people feel this strongly about something, that  
21 there's something there that needs to be looked at  
22 diligently, and the City Council is committed to  
23 doing that. But we are not simply a talking shop,  
24 we are not the simply the debating society. We  
25 will come up with legislation, and with the help

2 of both sides, it will be legislation that will be  
3 good for New York. I want to thank you for your  
4 efforts and I want to call the next panel.

5 COMMITTEE COUNSEL: Robert Bookman,  
6 New York State Restaurant and New York Nightlife  
7 Association; Anthony Juliano, XES Lounge and the  
8 Greenwich Village Chelsea Chamber of Commerce;  
9 Robert Sunshine, NATO of New York State; Kate  
10 Post, New York Staffing Association, and we'll  
11 also hear from David Jay-Louie, Chinese Chamber of  
12 Commerce of New York, if he's here. I guess he's  
13 not here. Then instead we'll hear from Carmen Lee  
14 Shue, it doesn't say the name of the company.

15 CHAIRPERSON SANDERS: Then, since  
16 you're closest to the mic, I'll let you go first.

17 MR. BOOKMAN: And I was called  
18 first, so that's all right. Chairman Sanders,  
19 Council Member Brewer, my name is Robert Bookman,  
20 I'm New York City legal counsel to the New York  
21 State Restaurant Association, and to its New York  
22 Nightlife Association chapters. On behalf of the  
23 thousands of eating and drinking establishments in  
24 New York City, establishments that provide over  
25 200,000 jobs to New Yorkers, we urge the Council

1 not to pass this well-intentioned legislation.

2 Rather than read my testimony, I've been sitting  
3 here for about, as you have, for about five hours  
4 now, so let me, rather than trying to read my  
5 testimony, respond to some of the points that I've  
6 heard, that seems to be where we are heading, you  
7 know, in this issue. First, and foremost, well,  
8 first, not foremost. First is the issue of  
9 whether or not this legislation, its former  
10 version or the exact same language in this  
11 version, exempts businesses that provide days off  
12 in a number in excess of what is required in this  
13 bill. And unfortunately it clearly does not. If  
14 that's its intent, great, let's work on it. It's  
15 only one paragraph in a thirteen page bill, so I  
16 will read it, so we all be clear on why it does  
17 not. It's sub blah, blah, blah, sub nine. "Any  
18 employer with a paid leave policy, such as a paid  
19 time off policy, who provides an employee with an  
20 amount of paid leave sufficient to meet the  
21 accrual requirements of this section", okay, so  
22 that's the numbers, "and who allows for such paid  
23 leave to be used for the same purposes, and under  
24 the same conditions as this section, is not  
25

1 required to provide any further paid sick time."

2 So in other words, it's not enough that I may  
3 offer two weeks vacation per year, which could be

4 used for paid sick, it has to be allowed in the  
5 same manner of this bill, and under the same

6 conditions as this bill. Two examples of why,

7 therefore, I would not be exempted in my law firm

8 business. One, I don't allow people to use paid

9 sick time if they're late. I'm going to take an

10 hour of my paid sick time that I have accrued, I'm

11 not late now. It doesn't that way in my office,

12 it doesn't work that way in most businesses. And

13 under this bill, I would not be exempt. Second,

14 I'm a restaurant owner. I require my employees,

15 when they call in sick, to document their illness,

16 because I'm in the food industry. I need to know

17 why they were sick, and I need to make sure it's

18 okay for them to come back, before they start

19 preparing your food. Well, if I require

20 documentation, and I can require ... I can allow

21 thirty sick days per year, not five, not nine, if

22 I require documentation from day one, then I don't

23 meet the qualifications of this law, and therefore

24 it doesn't count. I've got to provide an  
25

1 additional nine "don't ask/don't tell" days off.

2 So let's set that lie aside, this legislation does

3 not exempt the tens of thousands of businesses

4 that we've heard today that they do exempt,

5 because we provide lots of vacation or personal

6 time. Second, the cost factor. That is second

7 and foremost. We've heard that we are not opposed

8 to the concept as a business community of

9 strengthening the laws in the City of New York if

10 they need strengthening, our human rights laws,

11 Health Department laws, what have you, to protect

12 a worker's right from taking a day off, or more,

13 if they are sick, or need to care for a loved one

14 because they are sick, without any fear whatsoever

15 of losing their job or retribution. We are down

16 with that, no problem. Let's take that off the

17 table. All that then leaves is, the demand here

18 that they not only be able to take time off if

19 they're sick, without fear of retribution, but

20 that they get paid for it. Well, that's the cost

21 factor, and that's where we are coming to

22 disagreement. The first witness that testified

23 here today, testified that the lack of paid sick

24 leave is concentrated in small businesses. That's

1  
2 what she said. Well then I'm sitting here and I'm  
3 saying, well, we have to ask why. Why is that the  
4 case? And to me we either have to conclude as, I  
5 guess she has, that the thousands of mom and pop  
6 businesses in the City of New York are just money-  
7 grubbing business owners. Or you have to  
8 conclude, as I have, is they can't afford to do  
9 it. You've heard from many small businesses here  
10 today. They seem to be pretty caring people to  
11 me. They seem to care about their business and  
12 about their employees. I know I do in my law  
13 practice, and I'm a small business owner. If I  
14 don't provide a benefit, it's because the margins  
15 are so thin I can't afford it. There is nothing  
16 in this legislation which is waving a wand and  
17 coming up with the money to help pay for this new  
18 moral issue that the advocates say paid sick leave  
19 is. And you know what? I have no problem with  
20 agreeing that it's a new moral issue. But then it  
21 should be handled like all government mandated  
22 social issues, such as unemployment insurance and  
23 workers compensation and disability. None of  
24 those are 100% employer funded. But all the  
25 parties pay their fair share. When an employee

1  
2 gets hurt and cannot work, I don't pay their  
3 salary. A government insurance policy does. If I  
4 have to lay somebody off because the economy is  
5 bad, I'm not paying them \$400 bucks a week  
6 unemployment, an insurance policy does. And those  
7 insurance policies are paid for, partly by  
8 government, partly by the employee, and partly by  
9 the employer. That's what we're proposing. This  
10 bill is very cavalier with the limited funds of  
11 mom and pop business owners today, because it  
12 doesn't have any shared requirement, or any shared  
13 expense. Our legislation that we are proposing,  
14 our compromise does require some sort of shared  
15 expense, and that we believe is where the solution  
16 here could ultimately lie. The rest of my ... you  
17 know, there are a number of specific issues about  
18 the number of days which is arbitrarily chosen  
19 here, the national ... one of the groups who  
20 testified here, when they testified before  
21 Congress on the national proposed legislation,  
22 they testified that on average nationally, the  
23 number of days people take off sick per year when  
24 they have paid sick leave, is four days per year.  
25 The number of days people take off per year sick

1  
2 when they don't have paid sick leave is three days  
3 per year. Where we come up with nine, it seems  
4 like a figure, you know, pulled out of you know  
5 where. It's not based on any data anywhere. But  
6 we're being told, don't worry, the employees won't  
7 abuse it. Well, then let's bring it down to the  
8 number of days that their own national data says  
9 people really need for paid sick leave. Those are  
10 some of the, you know, and we talk about the San  
11 Francisco bill, but they always don't talk about  
12 the Washington D.C. bill, and why is that? First  
13 of all, that's the only bill in the country that  
14 actually went through a legislative process such  
15 as this. All the others were done by, you know,  
16 putting it out for a public referendum. You know,  
17 in San Francisco you could put out a public  
18 referendum that employers should provide everybody  
19 with a car, and that would pass. So, you know,  
20 let's not really look towards that. The  
21 Washington D.C. bill, you heard, is much more  
22 balanced, has fewer days, has many exemptions. If  
23 you want to look to legislation for a compromise,  
24 let's get in that room and let's start with the  
25 Washington D.C. bill. I've taken up too much

1  
2 time, thank you.

3 MR. JULIANO: I agree with  
4 everything he said. First of all, my name is Tony  
5 Juliano, and I'm the general manager of a small  
6 bar in Chelsea called XES Lounge. I'm also the  
7 chairperson of the Greenwich Village Chelsea  
8 Chamber of Commerce. And I want to thank you,  
9 Chairman Sanders, and thank you, Council Member  
10 Brewer, warmly for respecting me enough, and  
11 respecting the hundreds of businesses I represent  
12 by sticking around and hearing my testimony today.  
13 Let me begin by saying that Intro 097 has laudable  
14 goals. You've heard that over and over today.  
15 However, I believe that this bill would impose a  
16 new local mandate of sweeping scope on businesses,  
17 including the very smallest businesses that I  
18 represent, at a time of economic distress, and in  
19 a place, New York City, where high rents, high  
20 taxes, high insurance, high fees, and a complex  
21 regulatory process, have made it difficult for a  
22 small independent business to survive, much less  
23 thrive. In Manhattan in particular, in the  
24 community served by our chamber of commerce, and  
25 that's Canal Street to the south, 34<sup>th</sup>, all the way

1  
2 up to 34<sup>th</sup> Street, these small independent  
3 businesses are vanishing. The lead sponsor of  
4 this bill, Council Member Brewer, whom I have a  
5 deep admiration for, and you know that, she,  
6 Manhattan borough president Scott Stringer, and  
7 many other public officials explored this  
8 phenomenon. Speaker Quinn, in her State of the  
9 City address, introduced some important  
10 initiatives aimed at least in part in addressing  
11 this problem. The very need for such attention by  
12 public officials should inform this Committee of  
13 the need for support and relief for these  
14 struggling entrepreneurs, not new and expensive  
15 mandates that might well be the tipping point in  
16 difficult economic times. Let me speak for a  
17 moment about my company, XES Lounge. XES employs  
18 ten people. All but three are minimum wage tipped  
19 employees. As such, the overwhelming majority of  
20 their income is derived from tips. This bar, like  
21 most in this industry, allows its employees to  
22 swap shifts when illness strikes. Generally  
23 speaking, the employee loses no work time, and no  
24 employee income is lost. And no one works while  
25 they are sick. Without an exemption for tipped

1 employees, like Washington D.C.'s law has, the  
2 industry will be forced to change its policy. For  
3 this industry the new law will likely have the  
4 opposite effect of what was intended. Employees  
5 will not call in sick, lest they lose the bulk of  
6 their income. We are talking about bartenders and  
7 waiters. These are the very people that you do  
8 not want coming into work sick. Members of our  
9 chamber have similar stories. Most are small  
10 businesses with fewer than 25 employees, and  
11 expect the cost of the bill to range between  
12 \$5,000 and \$20,000 annually. Some estimate the  
13 cost to be much higher. Almost 40% said that they  
14 would eliminate jobs to offset the cost of this  
15 bill. Business owners understand the value of  
16 their employees, and many offer a balanced suite  
17 of benefits to their workers, including sick time,  
18 vacation, health care, and more. This bill,  
19 however, reaches down to the smallest business and  
20 mandates changes and imposes regulations that  
21 might well kill some businesses, eliminate jobs,  
22 stifle entrepreneurship, suppress growth and  
23 discourage new investment in our city. I urge you  
24 to support small business in New York and reject  
25

1  
2 this bill in its current form. Thank you.

3 MR. SUNSHINE: Chairman Sanders,  
4 Council Member Brewer, I would like to just echo  
5 Tony's comments in just saying thank you to the  
6 two of you for staying here, and the staying power  
7 that you have with all the testimony that has been  
8 given today. In deference to you, and everyone in  
9 the room, I think I will also deviate from my  
10 script today because I think my counsel has done a  
11 terrific job in presenting this to you at various  
12 meetings that he's had. I just do want to say  
13 that we represent the National Association of  
14 Theatre Owners of New York State, we represent all  
15 the major theaters in the city, AMC and Loews,  
16 which have merged; Regal and United Artists, that  
17 have merged; Clearview Cinemas and also National  
18 Amusements. We represent about 48 movie theaters  
19 in the city, that represents 312 screens and  
20 approximately eighteen hundred employees. The  
21 major point that I want to make is that our  
22 standard industry practice is, we do not fire an  
23 employee for being sick. Our theaters have a  
24 tremendous amount of flexible hours. Because of  
25 that, 80% of the people that work in our theaters

1  
2 are either retirees, seasonal employees, or  
3 students. And because of that, they have the  
4 opportunity to work the hours they want. If an  
5 employee cannot work, he simply calls the theater,  
6 he talks to the manager, he says, "I can't come in  
7 today". The manager gets someone else to fill in,  
8 and that person has the opportunity to make up  
9 that time and not lose any pay. So although we  
10 feel that the intent of the bill is good, we think  
11 the way it is written is not. The one point I do  
12 want to make with regard to the law, specifically  
13 if you're going to follow some of the laws in  
14 either Washington or in San Francisco, is  
15 specifically on the accrual. We truly believe  
16 that it should not begin to accrue until after 90  
17 days, and then we also believe that payment should  
18 be made until 90 days after, or 180 days. I just  
19 want to comment on one or two comments that were  
20 made by other people that were here today. Their  
21 comments were that this is not an expensive bill.  
22 Well, I can tell you we made a major study of this  
23 with our trade organization with the theaters that  
24 are operating in the city, and specifically one  
25 example, one of our members operates three movie

1  
2 theaters in the City of New York. He has  
3 approximately 90 employees in those three, 70 of  
4 them are either part time or retirees. They  
5 calculated that it would cost close to \$50,000 for  
6 those three theaters and for those 70 employees.  
7 This is a tax on business, this is a very  
8 expensive proposition. So just basically in  
9 closing, you'd have to be a heartless SOB to sit  
10 in this room and listen to some of the stories  
11 that were told and not feel bad for these people.  
12 So I think, being in the movie business, our  
13 terminology is, this bill needs a rewrite. And  
14 although we feel the intent is good, please  
15 rewrite it, take into consideration what many of  
16 us are saying. Thank you.

17 MS. POST: Well, I guess it's good  
18 evening at this point, and I must say, as my other  
19 panel members, thank you very much, Chairman, for  
20 staying so late and being so patient in really  
21 hearing both sides of this obviously very  
22 important issue. And the remaining Council  
23 people, thank you again. My name is Kate Post,  
24 and I am actually here on behalf of the New York  
25 Staffing Association. New York Staffing

1  
2 Association actually represents temporary staffing  
3 firms here in New York City, and we are really  
4 responsible for about 120,000 employees annually  
5 here in the city, with an estimated impact on the  
6 city of \$1.6 billion every year. Our employees  
7 are really treated as employees, they are given  
8 very fair and competitive salaries, they're given  
9 benefits, they're given training. In addition to  
10 health care and anything mandatory, all provided  
11 for by each organization. But more importantly,  
12 we also provide a bridge between unemployment and  
13 full time employment, and we therefore help keep  
14 people off of the city's unemployment rolls, which  
15 is obviously something we think is very important,  
16 not only to the health of the city, but overall  
17 the state. 70% of our employees ultimately get  
18 full time work because of the temporary positions  
19 that they've been in. It provides them with  
20 additional skills, or they might get hired by the  
21 employer that has actually contracted us to temp  
22 them. Our industry, however, traditionally  
23 operates at a very low margin, approximately 3%,  
24 and that's impacted by many things, but in part  
25 because of the competitive pay, the benefits that

1  
2 we do provide to our field employees. This bill,  
3 from our calculations, will cost the staffing  
4 industry about \$60 million annually in additional  
5 costs, which, frankly, at a 3% margin is  
6 tremendously impactful. That will make us do one  
7 of several things. Number one, we'd have to pass  
8 that cost on to our clients. Well, that seems  
9 logical, but that could definitely impact their  
10 willingness to actually come to a temporary  
11 staffing firm for temp help. We can certainly  
12 lower the rates of our employees. To us that  
13 doesn't seem like that's really a good option.  
14 The third option would literally force some of us  
15 to actually close our doors, which in a time of  
16 high unemployment in New York City, at 10.2%, we  
17 certainly don't think that that's what is meant to  
18 do by this bill. We actually agree that there  
19 should be, like everybody else has agreed, there  
20 should be a law passed, and a bill passed, that  
21 would actually make sure that individuals have  
22 some kind of sick pay. We would like, as an  
23 industry, a carve-out from this because of the  
24 unusual type of work that we do do, and the fact  
25 that we are really creating jobs and it could be

1  
2 uniquely harmful to an industry where people are  
3 not necessarily working 50 weeks a year through  
4 us. They may be going other places, and not  
5 through a temporary staffing firm to actually get  
6 a job at times. So, if we are not able to get a  
7 carve-out, what we would like to do is recommend  
8 some changes, and I'm not going to go through all  
9 of them, you've got them in the written testimony.  
10 But we do also believe that accrual should start  
11 at 90 days and that it's a pretty common waiting  
12 period for most benefits. So we don't think that  
13 would be unusual. Also, we believe that paid sick  
14 time should be utilized for absences from  
15 scheduled work. Last, we believe that the average  
16 hourly rate really should be used for paid sick  
17 time compensation, our employees may get varying  
18 rates, depending on the assignment that they're  
19 on. So there are several notices and posting  
20 requirements that are also very, very burdensome  
21 for our type of business, that is in the written  
22 testimony. I'm happy to answer any questions, but  
23 I wanted to keep it short and sweet. Thank you  
24 very much.

25 CHAIRPERSON SANDERS: Last but

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never least.

MS. SHUE: Good evening everyone, my name is Carmen Lee Shue, and I am the owner of a small real estate company located here in Manhattan, and I'm here to speak on Intro 97. Since I've never testified before, I'd like the opportunity to read my speech, which I'll make sure, thank you.

CHAIRPERSON SANDERS: You're doing fine, just pull the mic a little closer. You're doing fine.

MS. SHUE: Thank you. However, before I begin with my tirade about Intro 97, I want to take the opportunity to thank Ms. Quinn for extending an invitation to me to speak at this hearing regarding Intro 97, and I do hope that after I have spoken, it will not be an effort in futility, and that Council members are taking notes about what I have to say. Having said that, I originally heard about the paid sick time bill about a month ago through an email I received from Ms. Quinn, informing me of the proposed bill regarding paid sick leave, and as a small business owner, I was incensed and shot off an angry email

1  
2 to her. However, since I did not hear from her  
3 immediately, I thought that the next time I would  
4 have heard about the bill was after it was passed  
5 and published in the papers. But last week I  
6 received an email from her suggesting that I  
7 testify at this hearing. I have read Intro 97,  
8 and while I'm in favor of the spirit of the law, I  
9 respectfully believe that it should be modified to  
10 protect small businesses, especially the owners of  
11 mom and pop businesses. I'm talking about the  
12 true meaning of a small business, and not the  
13 meaning that the IRS has imposed upon us. The  
14 IRS's definition of a small business is a business  
15 that has a yearly income of \$10 million or less,  
16 and I can tell you that none of the small  
17 businesses that I know, including my company, has  
18 never made \$10 million, or even made close to \$10  
19 million in any one year, and for that reason I  
20 believe that Intro 97 should not be passed as it  
21 is drafted, because it will be burdensome to many  
22 small businesses, especially the owners of mom and  
23 pop businesses, who are struggling to make ends  
24 meet, and are struggling to put food on their  
25 table to feed their families and themselves. The

1  
2 worst scenario if the bill is passed as drafted,  
3 it will invariably put many of us out of business.  
4 I can tell you this much, that if this law is  
5 passed where it compels small businesses,  
6 especially the owners of mom and pop businesses,  
7 to pay sick leave, I will shut down my business, a  
8 business that I love and have struggled to keep  
9 going for 19 years. I can tell you that it is  
10 very difficult to do business in this city,  
11 because every governmental agency is looking over  
12 your shoulder, and every governmental agency has  
13 their hands in your pocket, and I say, rather than  
14 giving them the fancy name, just call them the  
15 mob. I see that the bill includes everyone, and  
16 I'm including everyone and their families,  
17 including part time workers. But you fail to  
18 include the dog, and I'm not being facetious,  
19 since most people would argue that their dog is  
20 part of their family. My prediction is that if  
21 this bill is passed is that you will have both  
22 employers and employees getting very creative, by  
23 one, you will have employees seeking out  
24 unscrupulous doctors who will be handing out sick  
25 notes like candy, stating that they are sick, when

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2 in fact they are lying on a sunny beach somewhere,  
3 two, more small employers will hire people on a  
4 part time basis, thus cutting down on their hours,  
5 three, employers will pay off the books, and d, in  
6 the extreme, some businesses will just close up  
7 shop, so there will be less revenues coming into  
8 the city. Therefore, if this bill is passed as  
9 drafted, it will end up being a lose-lose  
10 situation for all. And I'm finishing up.

11 Therefore, if this bill becomes a law, it will  
12 become burdensome to many small businesses,  
13 especially the owners of mom and pop businesses.  
14 My proposal is for the bill to exclude any company  
15 that makes \$500,000 or less per year, and that  
16 sick time should not be carried over from year to  
17 year. Therefore, I urge all City Council members  
18 to give this bill careful consideration before  
19 passing this bill, because, remember that many of  
20 you will be out of a job in four years, and some  
21 of you will be running for higher offices where  
22 you will need our votes, and some of you might  
23 just end up being a small business owner. So  
24 remember that the decision you make in 2010 might  
25 just come back to bite you in 2014. Thank you for

2 your time and your consideration. Thank you so  
3 much. As a side note, please, I just want to say  
4 that I disagree with the woman from the Women's  
5 Chamber of Commerce, when she said that she had  
6 fifteen hundred members, because I've known other  
7 chambers, larger chambers, who do not have half of  
8 that membership. So I just want to say that I  
9 disagree with her. Thank you so much.

10 CHAIRPERSON SANDERS: I thank you  
11 for ... I thank the whole panel for doing well, and  
12 I especially thank you for ... you did well at your  
13 maiden voyage at the City Council. It wasn't that  
14 difficult, was it?

15 MS. SHUE: I'm a speaker.

16 CHAIRPERSON SANDERS: You did well.

17 MS. SHUE: Thank you.

18 CHAIRPERSON SANDERS: Of course I  
19 was tempted to say we must include the dog, but I  
20 did not. And I thank you, and I think that you  
21 did well, Ms. Brewer, Council Member Brewer wants  
22 to say something also. Thank you all.

23 COUNCIL MEMBER BREWER: I too want  
24 to thank you all and I know some of you, but I  
25 don't know you, Ms. Post, and I want to thank you

1  
2 for the extra work you put into this. What  
3 happens now, I have many friends, thank goodness,  
4 with the temp agencies who are between jobs, and I  
5 have many friends in the restaurant industry, sou  
6 chefs and chefs and many, many times they are  
7 participating and get jobs. But what happens, I  
8 guess what happens, now my friends, desperate for  
9 the income, they wait in the morning and get the  
10 call, or the night before, and then they go to the  
11 restaurant, and sometimes corporate kitchens, and  
12 sometimes, you know, whatever. And they work  
13 there for like a week, a few days, and then, you  
14 know, they go back to looking for a full time job,  
15 as you suggest. But I think what would happen is,  
16 if they're ill, they would just say, they might  
17 say, "I need to go anyway", only because they're  
18 nervous about not working, because money is so  
19 tight. So I assume that you discourage that. How  
20 does it work if somebody is ill now in the temp  
21 world?

22 MS. POST: Well, one of several  
23 things can happen. If they're hypothetically on a  
24 two or three assignment, and in the middle of that  
25 assignment they're ill, they may choose to go to

1  
2 work, that's a choice they have. Or they will  
3 call us early in the morning and let us know that  
4 they're not feeling well and they won't go, which  
5 means we have to scurry to find someone to replace  
6 them, to satisfy the customer and get the job  
7 done. In the industry overall, within New York  
8 City, there are some larger employers, staffing  
9 firms, that may accrue days, sick days, that they  
10 might be able to utilize. But that doesn't mean  
11 smaller employers are able to do that. Smaller  
12 staffing firms might not be able to. It is  
13 business by business. So it really will vary,  
14 depending on who they're working for, as to  
15 whether or not they are actually able to get paid  
16 for that day. Because of that, and because of the  
17 variance of really what happens in the industry,  
18 it's a very difficult provision for us to really  
19 make sure that industry-wide it is being enforced  
20 and implemented and provided for.

21 COUNCIL MEMBER BREWER: Thank you  
22 very much.

23 CHAIRPERSON SANDERS: Council  
24 Member Gennaro.

25 COUNCIL MEMBER GENNARO: Thank you,

1  
2 Mr. Chair. I also wanted to thank the panel for  
3 the views that you bring to the table and for the  
4 good perspective that you give the members of this  
5 Committee and the sponsor and the Chairman. I'm  
6 grateful for that. It's been my pleasure to work  
7 with some of you, and I know I've worked with Rob  
8 Bookman many times with regard to the noise code  
9 that we did, and reforming the ECB, which was also  
10 a tough thing. And I look forward to this  
11 challenge as well. So I just thank you for being  
12 here and staying late, and I thank you, Mr.  
13 Chairman, and you, Madam Sponsor, and Mr.  
14 Chairman, I'm going to have to take my leave to go  
15 to the water rate hearing, which is going to be  
16 held right down the block from my district office  
17 at 7:00 p.m. Fortunately I have my helicopter on  
18 the roof. But it's like a bio-diesel, it's a bio-  
19 diesel helicopter.

20 CHAIRPERSON SANDERS: I was about  
21 to question you on that.

22 COUNCIL MEMBER GENNARO: It's quite  
23 clean. So thank you all, and thank you, Mr.  
24 Chairman.

25 CHAIRPERSON SANDERS: Thank you for

2 being so diligent, sir, and the city is well  
3 served by you. Please get to that meeting, and if  
4 you can figure out the water rate and not raising  
5 it, please tell me how you did it, so I can do it  
6 for my district. I want to thank this panel, and  
7 we will call the next panel. Thank you kindly.

8 COMMITTEE COUNSEL: Rachel Spector,  
9 MFY Legal Services; John Rodriguez; Charo  
10 Bourdier; and Abe Markman, New York Society for  
11 Ethical Culture. Eric Brown, Jacob Dorfman, and  
12 Joseph Peters, and this is our last panel.

13 CHAIRPERSON SANDERS: Good job,  
14 thank you.

15 COMMITTEE COUNSEL: I don't know  
16 which one is first.

17 CHAIRPERSON SANDERS: Let's talk.  
18 Why don't we begin left to right? And my left to  
19 ... would you be kind enough to begin? Let me help  
20 myself. Push the button, though.

21 MS. SPECTOR: Sorry. Thank you for  
22 the opportunity to testify today. My name is  
23 Rachel Spector and I'm a staff attorney at MFY  
24 Legal Services in the Lower Manhattan Justice  
25 Project. I'm pleased to be here today to perhaps

1  
2 be one of the last people to speak in support of  
3 the paid sick time act. Our office provides free  
4 legal services to low income workers throughout  
5 the city on a range of employment matters in our  
6 Workplace Justice Project and Lower Manhattan  
7 Justice Project. And people usually don't come to  
8 our office unless things have gotten really bad,  
9 usually when they've lost their job. And often  
10 unfortunately that's too late for us to help them.  
11 A surprising number of people who come to our  
12 office have lost their jobs through circumstances  
13 relating to absence from work for medical reasons  
14 for themselves or their families. And because of  
15 the stories we've heard, we believe that this bill  
16 would provide much needed protection for workers,  
17 especially the low-wage workers who are extremely  
18 vulnerable in their jobs and also whose wages  
19 barely cover the cost of living in the city. You  
20 know, small businesses, or businesses, are not the  
21 only ones who pay high rent in New York, as we all  
22 know. The people who we most often see with this  
23 problem are immigrants who work in the small  
24 businesses in their own immigrant communities.  
25 For people in these types of jobs, often they're

1 paid in cash, they have no benefits whatsoever.

2 Not only might they not have paid sick days, they

3 might not be allowed to take any days off at all

4 if they're sick. And in fact we have seen several

5 people who have lost their jobs simply because

6 they had to take a day off from work. One

7 gentleman came to our office after he had been

8 fired from his job as a waiter in a restaurant,

9 after he asked for several days off because he

10 needed dental surgery. He had extremely painful

11 dental problems, the surgery required more than

12 two days to recover. The employer said, "You

13 could take one day off, but if you need two days,

14 your job is over". He had to choose ... he chose to

15 fix his dental problem, and he lost his job.

16 Another man came to our office, he lost his job in

17 a small grocery store because he was in a car

18 accident on the way to work. He wasn't seriously

19 injured, but he was taken to the hospital and he

20 had to stay in the hospital during the day. And

21 when he called his employer to explain what

22 happened, he was told, "Well, you didn't provide

23 us advance notice that you were going to be

24 absent, you no longer have a job here". So I'm

1  
2 sure there are many small businesses, people who  
3 have testified here, who do provide benefits, who  
4 are flexible, who allow people to take days off.  
5 Exempting these smaller employers from this bill,  
6 I think, will really exclude the people who most  
7 need the protection that this bill would offer. I  
8 will say that there are people who work in larger  
9 businesses, who have also had problems and come to  
10 us losing their jobs, even though they do have  
11 sick leave policies, whether they are flexible or  
12 informal or formal. Sometimes it's difficult to  
13 negotiate these policies, and employees can still  
14 find themselves without a job, after taking sick  
15 leave as they thought they were entitled to. One  
16 of our clients was fired from his job at a large  
17 grocery store for going home early when he had the  
18 flu. This gentleman had taken a day off two days  
19 earlier, had gone to the emergency room and been  
20 diagnosed with the flu. The next day he was not  
21 scheduled to work, he recovered. The day after  
22 that, he chose to come in, even though he wasn't  
23 feeling completely better, because he wasn't sure  
24 how many absences he was allowed. He came in but  
25 he didn't feel well, he told his employer, "You

1  
2 know, I have to go home", and they said, "Well,  
3 you know, you're doing it at your own risk". He  
4 came in the next day and he had no job. And  
5 another example I'll state quickly is a woman who  
6 worked at a major hospital. She was on vacation  
7 with her family in her home in West Africa, her  
8 daughter contracted malaria. She contacted her  
9 employer, explained the emergency. There was a  
10 provision in the employer's policy for her to take  
11 the leave, but even though she tried to do it,  
12 when she came back she was told she was  
13 terminated. So I think another thing that people  
14 haven't really spoken about much today is the  
15 anti-retaliation provision, and we believe that  
16 that provision is a very important piece of this  
17 law. So I'll just say that on behalf of MFY Legal  
18 Services and our clients, we urge you to enact  
19 this important legislation and thank you for  
20 listening to me today.

21 MS. BOURDIER: Hi, my name is Charo  
22 Bourdier, I was born in the Dominican Republic and  
23 raised here on the Lower East Side by my  
24 grandmother. I have a bachelor's degree in  
25 sociology and most of my work experience is as an

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2 administrative assistant. I was working as an  
3 administrative assistant at the Garment Industry  
4 Development Corporation, a not-for-profit  
5 organization for fashion designers, but I got laid  
6 off from work last year. I went on unemployment,  
7 and two months later I got pregnant. I was  
8 actively looking for work from the moment I got  
9 laid off, and finally around August I was hired by  
10 a temp agency called Jennifer Temps. The job with  
11 Jennifer Temps was a customer service rep position  
12 for the New York City Department of Education,  
13 dealing with the school buses. I was four to five  
14 months pregnant at the time, just starting to  
15 show, but I didn't feel comfortable revealing that  
16 I was pregnant to my employers because I was  
17 afraid they wouldn't hire me. Around the same  
18 time I started work at the Department of Ed, my  
19 baby was diagnosed with having a swollen left  
20 kidney. The doctors explained that I would have  
21 to get a sonogram every two weeks so that they  
22 could monitor the condition of the baby's kidney.  
23 I would need time to attend these weekly  
24 appointments, taking time off from my employment  
25 would be difficult because the temp agency

1  
2 stressed two things: you must not be late, and  
3 absence was not acceptable. Both of these  
4 conditions were stressed before I took the  
5 assignment, I tried to schedule my sonogram  
6 appointments in the evening outside of work hours,  
7 but I was told that the doctor's office couldn't  
8 do the sonograms in the evening. At my job I had  
9 no benefits and no sick days. Any time I took off  
10 during the day to go to my appointments, I would  
11 not get paid. Plus, I thought that if I had to  
12 take a lot of time off, they would just fire me  
13 and they would find someone else, since it was  
14 only a temp job. I knew that I was going to the  
15 sonogram appointments, it would take a lot of time  
16 during the day, between the travel time and the  
17 hours waiting in the waiting room. It was time-  
18 consuming, but I was pregnant and my main concern  
19 was my child. I missed a sonogram appointment  
20 after a couple of weeks on the job because I did  
21 not feel like I could ask for the time off, or  
22 that I could afford it. I was really nervous and  
23 freaking out, because I was torn between doing a  
24 good job on the assignment and protecting the  
25 health of my unborn baby. Being a mom is my top

1  
2 priority, and in the end I felt like I had to  
3 leave the job. I knew that the agency was not  
4 going to be flexible about my regular sonogram  
5 appointments when they were so adamant about not  
6 being absent. I called the temp agency and asked  
7 if they could offer me another assignment that was  
8 more flexible, or even part time, but they said  
9 no. Because of the conflict between my work  
10 schedule and my baby's health, I had to leave the  
11 job. I was found ineligible for unemployment  
12 benefits because the Department of Labor said I  
13 had left my job voluntarily. I had to go on  
14 public assistance, great, everybody in this room  
15 knows that I'm public assistance to support myself  
16 and my baby who is now three months. I feel like  
17 if this law had been in effect when I was working,  
18 I would have been able to take the time off I  
19 needed to go to my prenatal appointments. I would  
20 have been able to keep my job and take care of my  
21 health and my baby's health, rather than having to  
22 depend on unemployment or public assistance. I  
23 feel really strong that I do not want to be an  
24 economic burden to anyone, and certainly not to  
25 the government. But in order for people like me,

2 single mothers especially, but also young people  
3 and adults who are struggling economically in jobs  
4 that don't pay a lot, to be able to support  
5 ourselves, we need employers to offer better  
6 conditions and flexibility. P.S., I've worked for  
7 temp agencies and I've never had benefits, no kind  
8 of benefits, and I'm just quoting that because  
9 some lady with the blond hair was talking about  
10 that. I'm on public assistance right now, and  
11 that is so embarrassing, I have a bachelor's  
12 degree in sociology. And last week I went on an  
13 interview where they were giving me \$25,000 a year  
14 with no benefits. I'm up against the wall.

15 CHAIRPERSON SANDERS: Sir.

16 MR. BROWN: Yeah, that's really  
17 hard to follow. I'm embarrassed for the City of  
18 New York, I'm embarrassed for this country right  
19 now, to be honest. Everyone here who has spoken  
20 today, a lot of people have mentioned- -

21 CHAIRPERSON SANDERS: (Interposing)  
22 If you state your name, sir.

23 MR. BROWN: I'm sorry, my name is  
24 Eric Brown. A lot of people have mentioned this  
25 economic downturn that the country has gone

1 through, unfortunately. However, no one has  
2 mentioned that people who work for a living have  
3 been affected by that economic downturn the  
4 hardest. The workers who are employed by these  
5 companies, where the owners get rich off the backs  
6 of the workers, many of whom don't provide  
7 benefits, which also very, if I sort of get off  
8 track here, a lot of people came up here and  
9 reiterated this same thing. A lot of these  
10 businesses, a lot of people who spoke, are already  
11 exempt from this bill, because they already  
12 provide either paid sick days or some sort of time  
13 off for their employees. Why they were here, I  
14 don't know. But again, this is part and parcel of  
15 what is systemically wrong in this country, not  
16 just New York City, but the United States of  
17 America. The fact that the richest country in the  
18 world could be on the borderline of being broke,  
19 that would eventually affect other countries in  
20 the world, is a joke. I would ask all the Council  
21 members who for whatever reason didn't find this  
22 important enough to stay throughout the entire  
23 thing, and just on that note, Council Member  
24 Halloran and his disrespectful attitude to the  
25

2 members of the panel who sat before him, and his  
3 bullying attitude towards them was disgusting.

4 I've been enlightened here today, because I had no  
5 idea that so many New Yorkers don't have this sort  
6 of benefit, whereas many of the people who spoke  
7 here today can afford to take time off, whether  
8 they're sick or otherwise. Yet it's

9 unconscionable for many of the people who sat here  
10 today who are opposed to this, to say that some  
11 people would take advantage of this. Well, the

12 workers of New York City have been taken advantage  
13 of for far too long. This is something that I  
14 feel very strongly about. You mentioned the word

15 'passion' earlier, Councilman Sanders. The reason  
16 that this is such a passionate issue for New  
17 Yorkers is that because we're sick and tired of

18 this. We are sick and tired of carrying New York  
19 City on our backs, while people like Mayor

20 Bloomberg, who mentioned a few months ago that,

21 yeah, this is a city for the rich. Well, that may  
22 be the case, but the workers of this city could

23 shut it down, and if need be, and if that's what

24 it comes down to, then so be it. We will have to

25 do that. Again, this is something that is a very,

1  
2 very serious issue, and just before I turn it  
3 over, one of the other points that was being made  
4 is the language of the bill. The language in many  
5 things in this country seems to affect people  
6 negatively. Well, if we have to use first grade  
7 words for people to understand that workers make  
8 this city tick, then let's use first grade words.  
9 Because it's far too long now, we've gone without  
10 benefits, it's far too long that people in New  
11 York City, and like I said earlier, across the  
12 country, have had to suffer for the greed and just  
13 unconscionable behavior of the few.

14 CHAIRPERSON SANDERS: Again, last  
15 but never least, sir. However, sit as close to  
16 the mic as you can.

17 MR. PETERS: Hi, my name is Mr.  
18 Joseph Peters. I just wanted to speak that this  
19 bill should be passed. You know, I've been  
20 hearing stories about people need this bill to be  
21 passed. First of all, the only thing about like,  
22 you know, it makes sense for a person to get fired  
23 if they get sick. People have problems, so we  
24 need benefits for workers. So I would say to  
25 myself, it doesn't make sense that people who have

1  
2 to work like me that ever have a problem, I have  
3 to lose my job. I should not lose my job because  
4 anybody has problems. Everybody has problems, the  
5 rich, the poor, middle class have got problems. So  
6 we should not be fired because we don't have no  
7 benefits. You know, and I think that it is a  
8 shame that we have to just come here for people to  
9 try to delay this bill, because every day, like  
10 this bill should not be delayed, this bill should  
11 pass. You know, and it makes sense for like  
12 people that work in the city without benefits.  
13 You know, it's time for equality. There are  
14 people that work in this building, they have sick  
15 time, they have personal problems, when they take  
16 off, they don't get fired. They don't lose their  
17 jobs, so why should we lose our jobs because of  
18 why? Because we're nobody? That's not equality.  
19 It's time for equality, it's time for workers to  
20 have equality. You know, it don't make sense for  
21 us to suffer because we don't have no equality, we  
22 be human beings, we are human beings like anybody  
23 else, and we deserve equal rights, we deserve  
24 civil rights, we deserve human rights, and that's  
25 the bottom line. You know, it don't make sense

1  
2 for us to suffer because some of us are on HRA,  
3 people look down on us. It don't make sense that  
4 we are human beings like anybody else, and we  
5 deserve to be passed. And I was saying to myself,  
6 I'm glad I got my ROC shirt on, and I'm glad I'm  
7 part of ROC New York, and we've been struggling to  
8 change things, to get this bill passed right away,  
9 you know, and it makes sense for us to suffer  
10 because people like us on HRA, people who don't  
11 give nothing for us, that's not right. Everybody  
12 deserves to be treated respectfully. We deserve  
13 respect as New Yorkers, we deserve to be  
14 respected, and I think it's time to get this thing  
15 going, to put equality, human rights, civil  
16 rights, in this bill, and get it passed right  
17 away. That's why I'm concerned, it's time to get  
18 this whole thing passed. You know, it's time to  
19 stop playing games, get it passed now.

20 MR. BROWN: Councilman, if I could  
21 say one more thing.

22 CHAIRPERSON SANDERS: If you could  
23 do it in ten seconds.

24 MR. BROWN: I can.

25 CHAIRPERSON SANDERS: I believe you

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can.

MR. BROWN: Right above you, I think that says it all.

CHAIRPERSON SANDERS: I've often pointed that out to my colleagues. You were going to read some ... I want to thank you, I'm going to make a statement, but I'm going to let him read something into the record. I want to thank you all and get you all off the hot seat ... well, before you do that, let me thank this panel especially, to testify here is a very traumatic situation. It's a very traumatic situation and you've done well. You've done well coming up here. You spoke truth to power, and you put it out there as plain as you can bared ourselves and spoke of some painful things. How we have to deal with HRA sometimes, how we have to, you know, after we ... how we have to survive in New York City, and I can assure you that my colleagues on the Council, and I spend enough time with them to know, are really trying to figure out a way of making one New York. We've got our work cut out. Some may bet against us. They may be right, at the end of the day. But we're going to try to

2 really do justice here, and you can take credit  
3 that your efforts have brought this about, that  
4 your being there and seeing this thing through  
5 have brought that about. So I want to dismiss you  
6 from this panel. I'm going to ask him, my  
7 attorney leads, my counsel leads, to read some  
8 things into the record, then I'm going to make a  
9 closing statement.

10 COMMITTEE COUNSEL: I'm going to  
11 read the names and organizations that were  
12 submitted ... that submitted testimony but did not  
13 testify today, either by choice or because they  
14 had to leave due to time constraints. First, in  
15 favor of the bill were Dr. Marjory Hill for GMHC,  
16 Robert Perry from the New York Civil Liberties  
17 Union, John Petro from the Drum Major Institute,  
18 and Abe Markman, New York State Family Paid Leave  
19 Coalition and the New York Society for Ethical  
20 Culture. And against were Felice Farber from the  
21 General Contractors Association, Michael Kelly  
22 from the New York Association of Realtors, Nancy  
23 Aber Goshow of Goshow Architects, Tom Minnick of  
24 the Business Council, Lawrence Mandelker, New York  
25 Metropolitan Retail Association, John Banks, Con

2 Edison Company of New York, Richard Windram from  
3 Verizon, K.Y. Chow, small business owner, and  
4 Vicki Keenan, Printing Industry Alliance. In  
5 addition we have several people who also planned  
6 to testify but left. In favor of the bill, Andres  
7 Renderos, Jacob Dorfman ... yeah, these are all in  
8 favor, those were both from ROC New York, Jon  
9 Fuhres, also ROC New York, Marlon Barrera, ROC New  
10 York, Yahara Jacob, ROC New York, Steve Hasty, ROC  
11 New York, Leslie Escobosa, ROC New York, John J.  
12 Cronan, Jr., ROC New York, just one name Don,  
13 excuse me, I think it says Delilah, ROC New York,  
14 Hazel Alexander, ROC New York, Antoinette Delgado,  
15 ROC New York, Angelica Saavedra, ROC New York,  
16 Guadalupe Perez, ROC New York, Shailesh Shrestha,  
17 ROC New York, Deloris Wright, Domestic Workers  
18 United, and John Rodriguez, it just says worker.  
19 And in opposition, Edward O'Reilly of Cybersearch  
20 Global, and David Lui, Chinese Chamber of Commerce  
21 of New York.

22 CHAIRPERSON SANDERS: Let me draw  
23 your attention that we spoke of the passion and  
24 energy of the business community and the five  
25 different chambers of commerce, at least, but I

1  
2 also want to draw your attention that the passion  
3 is equal, if not greater, on the other side of our  
4 aisle. Make the Road New York, Make the Road  
5 stuck in here to the bitter end. The Restaurant  
6 Opportunities Center also. Many other friends of  
7 labor and friends of working people organizations  
8 were here, and some of the champions of labor were  
9 here, and they chose not to speak, they just  
10 wanted to see the process through. The Central  
11 Labor Council was certainly represented back here.  
12 Many of my Council members, each Council Member  
13 represents around 160,000 people, and those people  
14 are very possessive. And they really want you  
15 around and they deserve it. So it's hard to be in  
16 one place for a whole time, so that has to be kept  
17 in mind. I also want to thank these good people  
18 to my right who made sure that I had the  
19 information, the Council staff who made sure that  
20 we have everything that we need to have an  
21 adequate and positive hearing. I want to draw  
22 attention and thank the sergeants-at-arms who were  
23 doing their job, and no one ever says anything,  
24 but they do an excellent job, and did a fine  
25 thing. And if ... I even want to compliment the

1  
2 camera person, and if you can figure out a way to  
3 make me look less gruesome, kind of switch my face  
4 with him I wouldn't mind. That way I could look  
5 good for a change, but that's a different story  
6 for a different day. Council Member Brewer, yours  
7 is a testament, this is the second of these  
8 hearings that you have sat through the whole one?  
9 You sat through the whole one? Go for it. She is  
10 a trouper. You must really believe in something  
11 then. So I commend, and your staff, of course,  
12 for really working with folks and trying to really  
13 do some stuff. We're going to find a way to grab  
14 your staff and mine ultimately, and maybe we'll  
15 take these guys up on their opportunity, and we'll  
16 go away from here. I have no idea where, but it  
17 sounds like we're going to need a day just to  
18 bounce stuff around, brainstorm and things of that  
19 nature, where we can think of something that's  
20 good for all of New York. You see, both of us  
21 agree that if New York were totally flush, this  
22 would be a no-brainer. We would have done this  
23 before. If New York was riding high economically,  
24 it might have been a five minute hearing. You're  
25 here, all in favor, let's go. But we also agree

1  
2 that New York is in ... has its work cut out. But  
3 all of New York has to share the burden and share  
4 the opportunity, and that's what we are talking  
5 about. I want to set the record straight, that  
6 this is not the record hearing. We spent a good  
7 six, seven hours here. I did a hearing over  
8 Atlantic Yards, nine hours one day, seven hours  
9 the next day. It is still the record, and I  
10 shouldn't have said it, because you guys may  
11 decide to go for a few- -

12 COUNCIL MEMBER BREWER:

13 (Interposing) No.

14 CHAIRPERSON SANDERS: I'm glad that  
15 you don't want to, let that record ... no, let that  
16 record stay, we don't have to do. My friends,  
17 again, we are not ... nor are we going to set a  
18 record on the longest legislation before it  
19 passes. We are going to bring this one to a head  
20 as soon as possible, as soon as reasonable and  
21 possible, but this airplane cannot stay in the air  
22 forever. We will land this one, and God willing,  
23 it will be a safe landing. So I wanted to thank  
24 everyone for being out here. You are troupers to  
25 the bitter end, and having said that, I shall say

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no more, except to say, this hearing is now ended.

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C E R T I F I C A T E

I, Richard A. Ziats, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature \_\_\_\_\_

Date May 20, 2010