

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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December 15, 2020

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HELD AT: REMOTE HEARING (VIRTUAL ROOM 5)

B E F O R E: I. DANEEK MILLER, CHAIR

COUNCIL MEMBERS: Adrienne E. Adams  
Daniel Dromm  
Farah N. Louis  
Francisco P. Moya  
Helen K. Rosenthal  
Eric A. Ulrich

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

2 CHAIR MILLER: Good afternoon.

3 SERGEANT-AT-ARMS: PC Recording has started. Good  
4 afternoon. That is a...Sorry, Chair Miller, Sergeant  
5 Leonardo if you would be able to start with your  
6 opening statement.

7 SERGEANT LEONARDO: Good after noon, and  
8 welcome to the New York City Committee Council  
9 remote hearing on the Committee on Civil Service and  
10 Labor. At this time we ask that all Council members  
11 and staff turn on their video for verification  
12 purposes. To minimize the disruption please place  
13 cell phones and electronic devices to silent. Thank  
14 you for your cooperation. Mr. Chair, we are ready to  
15 begin.

16 CHAIR MILLER: Thank you Sergeant and at the  
17 helm (sic) I'm Council Member I. Daneek Miller Chair  
18 of the Committee on Civil Service and Labor, and  
19 today we will be voting on two pieces of legislation  
20 related to fast-food employees. Proposed Intro  
21 1369-A sponsored by Council Member Adams would  
22 prohibit fast-food employees from laying off  
23 employees without bonafide economic reasons, and  
24 would also inquire that fast-food employess lay off  
25 employees and with enough inverse seniority.

1 Proposed Intro 1415 sponsored by Council Member Brad  
2 Lander would prohibit fast-food employers from  
3 laying off employees without reasonable cause  
4 related to performance and provide remedies of  
5 violation of this law. Today these bills could  
6 create just cause provisions for employees in the  
7 fast-food industry, protecting these workers from  
8 arbitrary layoffs. U.S. Labor Law traditionally  
9 allows for two categories of employees for  
10 termination: Termination with reasonable cause also  
11 called just cause and termination without cause also  
12 referred to as at-will employee. New York State is  
13 at-will employment state, which will allow employers  
14 to fire an employee for any reason other than on the  
15 basis protected categories of status such as gender,  
16 race, religion or age. Termination with just cause  
17 on the other hand requires employers to provide a  
18 reason for the firing of an employee. Recent  
19 reports from the fast-food industry have  
20 demonstrated that job loss and drastic reduction in  
21 hours are common within the industry, which causes  
22 financial uncertainty and hardship for thousands of  
23 fast-food workers that reside in New York City. A  
24 survey of 549 fast-food workers released in 2019  
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found that half of all responders had been fired, laid off or compelled to leave these, too, intolerable working conditions. More than half of those who were surveyed were not given a reason for their termination, and nearly two-thirds of those who lost their job or had to, or had reduced hours, suffered from personal financial hardship as a result. The proposed legislation today would help protect these workers by acquiring fast-food employers, require fast-food employers to provide rational, rationale for why employees were being laid off. Together these bills would require one of the following for fast-food layoffs to occur: 1. An employee must have somehow failed to meet the duties of employment. 2. There must be a bona fide economic rationale for the organization to reduce its workforce. Additionally, the two bills both create opportunities for redress in case of violation of these laws. I would like to thank my Chief of Staff Ali Rasoulinejad, and my leader John Wani, Senior Staff Advisor Joe Goldbloom and the Committee Luzack, Tom, John, Tom Malcolm and we will now hear from the bills' sponsors, and I know that

1 Council Member Brander, Lander has awaited this  
2 moment for quite some time. Take it away Brad.

3  
4 COUNCIL MEMBER LANDER: Thank you very much  
5 Chair Miller. It's an honor to be here, and I, you  
6 know all the leadership that you have shown in  
7 making New York City a better, fairer place for  
8 workers is really deeply appreciated, and I also  
9 want to give credit to Council Member Adams who I  
10 don't see here at the moment, but has really been a  
11 partner and a champion with the fast-food workers in  
12 winning this day. Fast-food workers have been on  
13 the front lines of this pandemic serving their  
14 neighbors, working in tight quarters, taking on new  
15 responsibilities for cleaning and sanitizing, and  
16 yet often unable to speak up about health and safety  
17 issues for fear that they could lose their jobs  
18 I...I think we should be able to agree that no one  
19 should be fired on a whim without a reason, without  
20 any notice, but for years that's been the norm in  
21 the fast food industry, fast food workers the  
22 majority of whom are women of color have fought to  
23 raise wages and demand workplace protections, and we  
24 owe it to them to hand on fair firings that cause  
25 stress and uncertainty in their lives. I do want to

1 speak very briefly to some of the push back we've  
2 been hearing from the industry because look, we all  
3 have deep sympathy for our neighborhood small  
4 businesses and including the restaurants that bring  
5 so much life to our neighborhoods, and are facing  
6 such a devastatingly hard time during this pandemic,  
7 but I think it's important to point out a few  
8 things. First, this is only fast-food chains, with  
9 stores, you know, 30 or more stores. This is not  
10 your neighborhood restaurant. The bill doesn't to  
11 into effect for six months, which is long after pray  
12 to God indoor dining will be restored, and let's be  
13 clear, fast-food restaurants aren't making most of  
14 their money on in-door dining like that's not the  
15 Dunkin' Donuts business model. So, drive-through,  
16 pick-up and delivery are a big piece of what they've  
17 been doing even in the pandemic. As the Chair said,  
18 businesses can still fire employees for misconduct  
19 or for failure to perform work duties. You just have  
20 to give people feedback, and have written and clear  
21 policies like every good employer does, and layoffs  
22 for economic reasons are also still allowed. They  
23 just need to be in order of seniority so that bosses  
24 can't laid people off arbitrarily, and essentially  
25

1 do an unfair firing in the name of a layoff. Now,  
2 it's no surprise industry lobbyists are insisting  
3 that corporations should be able to fire people at  
4 any time with no reason, but I do think it's worth  
5 noting that the fast, the main fast food companies  
6 have actually seen their share prices rise by an  
7 average of 20% in the last year. Collectively, they  
8 were \$42.4 billion more than they were a year ago.  
9 They can afford to treat their workers with basic  
10 decency. In closing, it's important to not that this  
11 bill comes from the organizing of fast food workers  
12 and their courage in stepping up to organize, and  
13 the work they did in the fight for '15 fighting for  
14 paid sick leave, for a fair work week that gives  
15 them a path to full-time jobs, and stable schedule.  
16 It is because of their courage and their organizing  
17 that these jobs, which were contingent poverty jobs  
18 a decade ago are now jobs that people want to be  
19 able to keep, and that's why it's important to make  
20 sure that they can't be fired on a whim, that they  
21 can have the job security if they show up and do  
22 their job, that they can speak out if they need to  
23 if they don't get the... There were rats in their  
24 stores or there have been in the Bronx in the last  
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1 two weeks. So, big credit the workers, and SEIU 32BJ  
2 for helping them organize. I'm still on the cusp of  
3 giving these essential but long disrespected workers  
4 some job stability with this just cause legislation.  
5 I'm grateful to the Chair and to the members of this  
6 committee. Thank you. (pause)  
7

8 SERGEANT-AT-ARMS: Chair Miller, it looks  
9 like you're on mute.

10 CHAIR MILLER: I said, do you have further  
11 instructions the kind of way that Council Member  
12 Adams is logged in?

13 FEMALE SPEAKER: Yes, we're reaching out to  
14 her right now.

15 CHAIR MILLER: Okay. I think I just sent it,  
16 sent it to her. (pause) So, in the interim we've  
17 been joined by Council Members Dromm, Louis, Ulrich,  
18 Rosenthal and Lander. I thank my colleagues who are  
19 members of the committee for joining us. This as  
20 Council Member Lander indicated this is a, uh, a uh  
21 long ongoing process to get us here, and there have  
22 been many folks who really worked tirelessly on  
23 behalf of these workers, but more importantly,  
24 workers have really organized and worked on behalf  
25 of this whole thing (sic) and, and, and this

1  
2 committee has always supported their right to  
3 organize, and certainly be able to bargain, and  
4 where there is not that opportunity, we're going to  
5 that. It's sure that we, that workers are being  
6 treated with the dignity and honor that they  
7 deserver, and so I want to thank my colleagues for  
8 putting forth this legislation here for, that really  
9 supports those who have worked in under belly of the  
10 labor movement for so long, and COVID 19 has really  
11 brought the important work of fast food workers and  
12 other workers that have been marginalized for long  
13 to the forefront, and I think this is something that  
14 that they really deserve, and I am excited to be a  
15 part of it. Okay. (pause)

16 CHAIR MILLER: Now, our new Public Safety  
17 Chair has arrived. We will now hear from... You know  
18 we put you back to work.

19 COUNCIL MEMBER ADAMS: Wow.

20 CHAIR MILLER: Council Member Adrienne  
21 Adams, and thank you for your advocacy. Thank you my  
22 neighbor for always being in my head and reminding  
23 me how important this legislation is that (beep)  
24 that workers have the rights that they deserve and  
25

1 so without further ado Council Member Adams, do you  
2 want to speak to your bill?

3  
4 COUNCIL MEMBER ADAMS: Thank you so much,  
5 Mr. Chair and my apologies for being late. It's  
6 been quite a day, quite a day. So, I'd like to start  
7 by thanking Chair Miller for allowing me to deliver  
8 remarks about legislation that's so important to so  
9 many workers in our city. Introduction 1396 and the  
10 Just Cause Legislative package as a whole. Fast food  
11 workers have been subjected to unfair work  
12 environments, and have been the victims of unfair  
13 reduction of hours or arbitrary termination causing  
14 them to live in a constant state of uncertainty,  
15 which is completely unacceptable. These employees  
16 are getting up before dawn by working over night,  
17 commuting long hours to work, doing physically  
18 demanding work and missing meals with their family.  
19 In exchange they are often faced with impossible  
20 choices, endure hostile working conditions, leave or  
21 be fired and face financial struggle without a job.  
22 Many of these families are already living paycheck  
23 to paycheck. Losing their jobs for no reason would  
24 have catastrophic effects. This is simply  
25 unacceptable. Just cause legislation is a chance

1 for hard-working New Yorkers to finally have the  
2 peace of mind that comes with knowing that they will  
3 be treated with the dignity of respect that they  
4 deserve. I would like to thank my colleague and  
5 partner in this legislation package, Council Member  
6 Brad Lander and the workers of 32BJ for fighting the  
7 good fight. I encourage my colleagues to use your  
8 vote to say that workers have not been seen as  
9 expendable. Thank you so much, Mr. Chair.

11 CHAIR MILLER: Thank you so much Council  
12 Member Adams, and Council Member Lander for this  
13 legislation. Does any of my colleagues have any  
14 things to say? Anyone on the legislation before we  
15 call the vote? Okay, Mr. Clerk.

16 CLERK: Thank you. Good afternoon. William  
17 Martin, Committee Clerk roll call vote Committee on  
18 Civil Service and Labor, Introduction 1415-A and  
19 1396-A. Both items are coupled. Chair Miller.

20 CHAIR MILLER: I vote aye.

21 CLERK: Dromm.

22 COUNCIL MEMBER DROMM: Aye.

23 CLERK: Rosenthal.

24 COUNCIL MEMBER ROSENTHAL: I vote aye.

25 CLERK: Adams.

2 COUNCIL MEMBER ADAMS: I vote aye.

3 CLERK: Louis.

4 COUNCIL MEMBER LOUIS: I vote aye.

5 CLERK: Ulrich.

6 COUNCIL MEMBER ULRICH: I would like to  
7 explain my vote, and Mr. Chair if I can be excused  
8 please.

9 CHAIR MILLER: Yes, sir.

10 COUNCIL MEMBER ULRICH: Thank you, Mr. Chair  
11 and with all respect and admiration for the co-  
12 sponsors of the bills I respectfully am voting no  
13 today. I was on a lengthy call this morning with the  
14 Chambers of Commerce who have expressed a number of  
15 reservations about how this will have a negative  
16 impact on small businesses and restaurants  
17 throughout the city, and I don't believe that the  
18 final version of the bill satisfies a lot of  
19 concerns that the business community has expressed.  
20 We all want to support small businesses. We're very  
21 concerned especially during the pandemic how they  
22 have been impacted economically by the restrictions  
23 and by the shutdowns, but this just feels like  
24 another burden that's being placed upon small  
25 businesses and restaurants at a very difficult time.

2 So, for those reasons I'll be voting no on both.

3 Thank you, Mr. Chair.

4 CHAIR MILLER: Thank you Mr. Ulrich.

5 CLERK: Okay, by a vote of 5 in the  
6 affirmative, one in the negative and no abstentions  
7 both items have been adopted by the committee. Thank  
8 you.

9 CHAIR MILLER: Thank you. I want to thank my  
10 colleagues for participating this afternoon. It was,  
11 it...it was late, unusual timing, but we're here.  
12 It is that important. It's about the cancers that  
13 all labor, that humanity has dignity. It should be  
14 undertaken with pains taking excellence, and that is  
15 certainly the work that these men and women do on  
16 behalf... so seamlessly on behalf of all of us. So,  
17 with that, this meeting is now adjourned. Thank you,  
18 Clerk. [gavel] Thank you guys

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C E R T I F I C A T E

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



Date December 24, 2020