

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS AND BUSINESS LICENSING

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16<sup>th</sup> Fl.

B E F O R E: RAFAEL L. ESPINAL, JR.  
Chairperson

COUNCIL MEMBERS: Margaret S. Chin  
Peter A. Koo  
Karen Koslowitz  
Brad S. Lander

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

Casey Adams, Director of City Legislative Affairs,  
New York City Department of Consumer Affairs

Zach Steinberg, Real Estate Board of New York, REBNY

Samara Karasik, Chief Policy Officer, Brooklyn  
Chamber of Commerce

Brian Lozano, Tech NYC

Catherine Wylde, Partnership for NYC

Jenny Ying, National Mobilization of Gun Sweatshops

Oren Hyme, Bryant Park Corporation the 34<sup>th</sup> Street  
Partnership

2 [sound check] [pause] [background  
3 comments/pause] [gavel]

4 CHAIRPERSON ESPINAL: Good morning. My  
5 name is Rafael Espinal. I am the Chair of the  
6 Committee on Consumer Affairs and Business Licensing.  
7 I am joined today by my colleagues on the committee  
8 with Peter Koo from Queens. We have Margaret Chin  
9 from Manhattan. We have Karen Koslowitz from Queens  
10 as well. Today, the Committee will be hearing  
11 testimony on a timely piece of legislation. Intro  
12 Bill No. 7–No. 726 in relation to private employees  
13 disconnecting from electronic communications during  
14 non-work hours. This bill, which I introduced early  
15 last year, aims to tackle a crucial catalyst of  
16 workforce burnout. Endless work hours spurred by the  
17 digitization of work. Over the past few decades,  
18 technology–technological advancements have brought  
19 incredible benefits to society. Information is more  
20 accessible than ever, and it seems as if most needs  
21 and wants can be fulfilled at the touch of a button.  
22 We can connect and communicate instantly with people  
23 from virtually anywhere in the world making the  
24 geographical distances that used to be keep us apart  
25 seem smaller than ever. But these advancements have

1 also brought new challenges, and this ability to  
2 connect and stay connected has blurred the line  
3 between work and leisure. When were accessible by  
4 phone and email 24 hours a day, 7 days a week, there  
5 is no longer a clear delineation between when our  
6 work day ends and our non-work life begins. The 40-  
7 hour work week, the bastion of long thought labor  
8 policy for the past century has been slowly decimated  
9 over the past few decades. Americans typically work  
10 some of the longest hours in the industrialized  
11 world, and for workers in New York City, their work  
12 week is the long-one of the longest in the country.  
13 The-the ubiquity of technology over the past few  
14 years has only amplified the expectations to stay  
15 connected to work throughout the day and night. One  
16 survey of the American workers reported that 59% of  
17 respondents used mobile devices to continue work  
18 after normal working hours, with more than half of  
19 those reporting that they do so far-they do so for at  
20 least two or more hours per day. Similarly, a 2012  
21 study showed that employees with access to Smart  
22 phone technology spent 13.5 hours a day keeping in  
23 contact with their work and another 5 hours on the  
24 weekend managing work emails. This meant that in  
25

2 total these workers spent 72.5 hours a week engaging  
3 in job related tasks. Without receiving wages for  
4 this work, these employees are akin to victims of  
5 wage theft. My bill Intro 726 would provide New  
6 Yorkers with the right to disconnect from work—from  
7 work during non-work hours. Under the bill, it will  
8 be unlawful for businesses that employ 10 or more  
9 workers to require their workers to respond to  
10 electronic communications such as emails and text  
11 messages outside of business hours. The bill also  
12 requires these companies to establish a clear policy  
13 on the use of electronic communications, which  
14 includes a clear delin-delineation of non-work hours  
15 and to provide workers with notice of their rights to  
16 disconnect. Intro 726 also prohibits employers from  
17 retaliating against workers who exercised their right  
18 to disconnect, and empowers the Department of  
19 Consumer Affairs to investigate complaints. Most  
20 good employers already have these practices in place  
21 so for them this bill will simply formalize the  
22 policy and alert their workers to their employment  
23 rights. We look forward to hearing today from the  
24 Administration, worker and business groups, advocates  
25 and other interested-interesting stakeholders on this

2 bill today. Before I call on the Administration to  
3 testify, I just want to add, you know, there's a lot  
4 of confusion around this bill on the idea that  
5 employers are able to—that this bill will somehow  
6 make it illegal for employers to reach out to  
7 employees. That does not change that conversation.  
8 The employer can still reach out to the employee.  
9 What this means is if the employee decides at that  
10 moment not to answer that phone call, then you cannot  
11 retaliate against that employee because they decide  
12 to exercise their right at that moment. Again, I do  
13 believe that there's a lot of hard workers, a lot of  
14 New Yorkers love their jobs, and I do believe that  
15 there will be times where they'll answer that call,  
16 they'll do the work necessary. So, but this is just  
17 simply giving them that right to be able to decrease  
18 that anxiety that they will not have a job the next  
19 day. So with that said, I will now call the  
20 Administration—the Administration to testify.

21 [background comments] Do you swear to tell the truth  
22 and answer questions honestly?

23 CASEY ADAMS: I do.

24 CHAIRPERSON ESPINAL: Thank you.

2 CASEY ADAMS: Good morning Chairman

3 Espinal, Council Member Koo, Council Member Koslowitz  
4 and Council Member Chin. My name is Casey Adams, and  
5 I am the Director of City Legislative Affairs for the  
6 New York City Department of Consumer Affairs. I  
7 would like to thank the Committee for the opportunity  
8 to testify today on behalf of DCA Commissioner  
9 Lorelei Salas about a right for private employees to  
10 disconnect from work communications during off work  
11 hours. DCA's mission is to protect and enhance the  
12 daily economic lives of New Yorkers to create  
13 thriving communities. As part of this mission DCA  
14 houses the Office of Labor Policy and Standards,  
15 which serves a New York City's focal point for labor  
16 issues and workers giving a dedicated voice in local  
17 government to the issues facing workers. OPS enforces  
18 key municipal workplace laws, conducts original  
19 research, and develops policies that are responsive  
20 to an evolving economy and issues affecting New York  
21 City workers particularly communities of color, women  
22 and immigrants. The Internet and other  
23 communications technologies have transformed the  
24 working world in a few short decades. Today, more  
25 than at any other point in history workers can

1 connect to their work at a moment's notice and  
2 respond quickly when they are needed no matter where  
3 they are when the call comes. However, when work is  
4 just a click or swipe away, job related stress  
5 travels with it. The pressure to constantly monitor  
6 electronic communications outside of work time can be  
7 both intense and pervasive. In some industries,  
8 these pressures and expectations are deeply engrained  
9 in workplace culture. DCA appreciates and shares  
10 Council's concern about the affects that the advent  
11 of so-called always on communications have on the  
12 health and wellbeing of employees who are expected or  
13 eve required to constantly be on alert for work  
14 related communications. According to the New York  
15 Times, a 2017 report found that on average workers  
16 spend an extra eight hours a week sending email after  
17 work. In addition, recent research suggests that  
18 workers who respond to the work communications late  
19 at night, have lower sleep quality that may impact  
20 their quality of life, and their productivity at  
21 work. Other studies have warned about the health  
22 impacts that infobesity and tele-pressure associated  
23 with always on communications may have on workers.  
24 Government workers and unions and employers would  
25



2 benefit from a deeper understanding of the effects  
3 that evolving technology and workplace cultures have  
4 on worker health, wellbeing and productivity. New  
5 York City prides itself on being the city that never  
6 sleeps, but even New Yorkers need a break now and  
7 then. That's why Mayor de Blasio recently announced  
8 t hat New York City will become the first city in the  
9 nation to mandate paid personal time for workers.  
10 More than 500,000 full and part-time private sector  
11 employees in the city currently have no paid personal  
12 time off. The de Blasio Administration is committed  
13 go making New York City the fairest big city in  
14 America, and this proposal would guarantee that  
15 approximately 3.4 million New Yorkers who first  
16 receive the legal right to Paid Safe and Sick Leave  
17 Law under Mayor de Blasio will not be able to take  
18 paid time off for any other purpose including  
19 vacation, religious observances, bereavement and just  
20 time with family. The push for paid personal time  
21 follows the Mayor's landmark establishment of OLPS,  
22 the nation's largest municipal labor standards  
23 Office, which enforces NYC's Paid Safe and Sick Leave  
24 Law, the Fair Work Week Scheduling Law that  
25 guarantees fast food and retail workers the right to

1 a predictable and stable schedule and implementation  
2 of the ground breaking Freelance Isn't Free Law,  
3 which helps ensure that freelancers are paid on time  
4 and in full for the work that have completed. Since  
5 its inception, OLPS has obtained almost \$10 million  
6 in restitution and civil penalties, more than \$7.5  
7 million of which came in the form of restitution for  
8 workers. Mayor de Blasio also announced that DCA's  
9 mission will expand as the agency is renamed The  
10 Department of Consumer and Worker Protection with a  
11 powerful mandate to defend consumers and workers. As  
12 part of this expansion, DCWP will develop a free  
13 uniquely tailored alternative dispute resolution  
14 program to help domestic workers and employees  
15 resolve issues and provide both parties an employment  
16 relationship with institutional support and tools for  
17 ensuring optimal employment conditions. We believe  
18 that these core worker issues, access to paid  
19 personal time, the challenges and unpredictable  
20 schedules, realization of core workplace rights and  
21 provision of reliable benefits and ensuring rights  
22 are real even in complicated employment  
23 relationships, the structure of which pose unique  
24 challenges to enforcement should be New York City's  
25

1 focus. The initiatives I have outlined are designed  
2 to help protect low-wage and vulnerable workers many  
3 of whom are immigrants, women or people of color.  
4 Because of this renewed focus on ground breaking  
5 initiatives to protect low-wage and vulnerable  
6 workers and other concerns, DCA does not support  
7 legislating a right to disconnect at this time. As I  
8 mentioned earlier, DCA believes that all parties  
9 would benefit from a greater understanding of  
10 the effects always on communications has on  
11 employees. In other countries where similar  
12 legislation has been considered or adopted like  
13 Germany and France, the proposals followed in-depth  
14 government commission studies into the effects of  
15 always on communications on workers in those  
16 countries, the array of potential legislative  
17 solutions and the cost and benefits each approach  
18 would have for workers and employers. In some cases,  
19 further studies may actually motivate employers to  
20 adopt changes on their own because of potential  
21 benefits to worker productivity. Following the  
22 German government's report, for example, several  
23 larger large employers in that country voluntarily  
24 created policies restricting off-work communication  
25

2 obligations for their employees. Countries that have  
3 adopted right to disconnect laws have generally  
4 recognized that a one-size-fits-all legislative  
5 mandate is not the best way to change workplace  
6 cultures and help workers log off. In France, which  
7 has one of the first and broadest such laws it simply  
8 requires businesses that employ 50 or more workers to  
9 include the right to disconnect in mandatory annual  
10 negotiations with their workforces. Companies are  
11 not required to come to an agreement, and cannot be  
12 penalized for failing to do so. The French approach  
13 recognizes that changing workplace communications  
14 norms and rules will be a gradual process that should  
15 be responsive to the needs and expertise of workers,  
16 unions and employers. Other considerations also  
17 weight toward a careful, deliberative and  
18 collaborative approach. DCA has serious concerns  
19 about our ability to effectively enforce a law that  
20 requires the agency to closely regulate the  
21 development and implementation of workplace  
22 communication policies by thousands of employers  
23 across of hundreds of industries. Because the  
24 regulation of off-work in communications is a new and  
25 novel area, a broad law that requires DCA to insert

1 itself into the complex daily communications between  
2 many, and our estimate suggests most of New York's  
3 workers and employers could have wide-ranging  
4 implications that disrupt existing business models  
5 and employment relationships. The emerging  
6 relationship of this type of regulation means that  
7 DCA would not have a robust body of research  
8 experience and best practices to build upon when  
9 implementing. A vague legal requirement for the  
10 right to disconnect would be difficult to enforce and  
11 could prove confusing and burdensome for workers to  
12 understand and employers to implement. Finally, the  
13 city would need to understand clearly how a right to  
14 disconnect would interact with the complex framework  
15 of state and federal laws already regulating wages  
16 and hours. DCA welcomes a frank, thorough discussion  
17 about the effects of always on communication on New  
18 Yorkers and their jobs. We believe that both workers  
19 and employers stand to benefit from a dialogue about  
20 communication expectations in light of rapidly  
21 evolving technology and new and changing work  
22 arrangements. New Yorkers deserve a break, and  
23 employers should recognize the benefits a happy, well  
24 rested workforce for both their businesses and our  
25

1 city as a whole. We also believe that New Yorkers  
2 are best served by DCA's focus on protecting low-wage  
3 and vulnerable workers, and the changing workplace  
4 communications calls for a detailed process of study  
5 and dialogue between workers, unions, employers and  
6 experts. For the reasons I have outlined, DCA does  
7 not support legislating a right to disconnect at this  
8 time. Thank you for the opportunity to testify  
9 today, and I'm now happy to answer any questions you  
10 may have.  
11

12 CHAIRPERSON ESPINAL: Well, thank you.

13 Thank you for your testimony and thank you for  
14 outlining I mean the thoughts of the Administration  
15 and also the issues you've seen with-wit the bill.  
16 So, you-you did mention that Germany and France has  
17 done, you know, in-depth studies and commission  
18 studies to kind of see the effects that always on  
19 cultures having on-on their citizens and also what  
20 sort of policies they can implement in order to make  
21 the right to disconnect within their countries.

22 CASEY ADAMS: Uh-hm.

23 CHAIRPERSON ESPINAL: Is the city-would  
24 the city be willing, would DCA be willing to conduct  
25

2 a similar study if the Council was to pass a similar  
3 law?

4 CASEY ADAMS: Certainly--

5 CHAIRPERSON ESPINAL: [interposing]

6 Otherwise they do with the Commission? (sic)

7 CASEY ADAMS: Certainly we support a  
8 robust dialogue and an additional study. I can't  
9 commit here today that DCA is the right agency to do  
10 that, or that the city thinks that we're in the right  
11 place, the correct place to start that process now,  
12 but yes, I think that study is very important here  
13 because as both of the governments in those countries  
14 recognize, the workplace culture and the background  
15 labor law of each country is very different, and very  
16 particular. And the--and any policies really need to  
17 be examined against that background and against a--  
18 thorough study.

19 CHAIRPERSON ESPINAL: Okay, so that will  
20 lead into my other question. I mean the City Council  
21 is no stranger to passing laws--

22 CASEY ADAMS: Uh-hm.

23 CHAIRPERSON ESPINAL: --or that have  
24 mirrored, you know, what other cities have done  
25

2 within the country and also what other cities have  
3 done in Europe as well.

4 CASEY ADAMS: Uh-hm.

5 CHAIRPERSON ESPINAL: So, do you believe—  
6 so you believe that that this—because of the  
7 intricate labor laws that Europe has, it somehow will  
8 be a lot more difficult to have this conversation the  
9 way—way those—those were into—they're here. (sic)

10 CASEY ADAMS: What I'm saying is that we  
11 need to understand whether that's the case, and the—  
12 and Germany and France they—they conducted studies  
13 partially to understand how would both federal and  
14 sub-federal laws impact a right to disconnect. So,  
15 I'm not—certainly we--New York both looks to success  
16 models from other cities but also leads other cities,  
17 in terms of these types of initiatives. I think—I'm  
18 not aware at this point of a municipality that have  
19 taken the approach that's proposed here. France and  
20 the Philippines and Italy are really the—the  
21 countries that have proceeded and France is really  
22 the only one that's farthest along to have understood  
23 the—the-the issues that they run into with  
24 implementation, but I think in each of the cases that  
25 we have seen, the people who are—the countries that



1  
2 are farthest out front, have done—gotten there by  
3 first really studying the particular issues of  
4 working communication and how any policy solution  
5 should be weighed against background labor law,  
6 workplace expectations in that particular  
7 jurisdiction.

8           CHAIRPERSON ESPINAL: So, you also  
9 mentioned in your testimony that, you know, and we  
10 all think the public does know that the Mayor is  
11 looking to expand pizza police (sic) right because  
12 the Mayor and the Administration recognizes that  
13 people need more time off.

14           CASEY ADAMS: Uh-hm.

15           CHAIRPERSON ESPINAL: So, I guess my—so  
16 when it come to those complaints, how does—how does  
17 the agency currently go out and investigate, you  
18 know, any employee who does not receive the proper  
19 time off from their jobs that is required by the law?

20           CASEY ADAMS: So, we have, as I  
21 mentioned, a whole office OLPS that is dedicated to  
22 the enforcement of among other things paid sick—safe  
23 and sick leave. So there are a number of different  
24 ways that we have gone about enforcing that law. We  
25 take complaints and—and investigate individual worker

1 situations, but we also will use those as jumping off  
2 points to look at other workers within a workplace if  
3 we find that one individuals work has been denied  
4 their rights because we found that when one worker is  
5 denied their rights, it's often a sign or can be a  
6 sign of a more pervasive culture of not giving the  
7 time that is required by the law. We also have done  
8 sector wide investigations. So, We've looked at  
9 particular professions that we think are high risk  
10 for not being recorded at the time that the law  
11 requires, and we have been able—we have been very  
12 successful in that space as well. So, we—we—we do  
13 both proactive investigations and complaint driven,  
14 and often the two overlap because the complaint can  
15 be the beginning of a broader proactive  
16 investigation.

18 CHAIRPERSON ESPINAL: So, your concerned  
19 with the right to disconnect is that because there's  
20 a flexibility for different employers to have  
21 different policies around disconnecting, that somehow  
22 it's going to be overly burdensome for the agency to  
23 be able to understand how every—every company is  
24 going to mandate or is going to create the policies  
25 and--?

2 CASEY ADAMS: That is one of our concerns  
3 yes is that there is going to be a great variability  
4 about the policy—in the policies adopted across all  
5 of the different industries. The Paid Safe and Sick  
6 Leave and we expect to pay personal time builds upon  
7 exist—a large body of existing law in terms of—of  
8 leave that employers are required to help to track  
9 employees' accrual and provide to them. So, the  
10 right to disconnect is—is a—is different both in type  
11 and kind because it—it—it doesn't really—it builds  
12 upon an existing regulatory framework, and it's  
13 establishing a new—a new right that will have high  
14 variability across different industries. I want to  
15 emphasize again that we—we think that there needs to  
16 be a discussion and a dialogue about this issue.  
17 There needs to be greater appreciation for how the  
18 right to disconnect impacts employees across  
19 different sectors because it is our assumption at  
20 this point that some workers are just like the Paid  
21 Safe and Sick Leave, some workers are at higher risk  
22 for being asked or required to access their  
23 communications over long periods of time outside of  
24 work, but we don't have enough data to tell you what  
25 those are definitively now. It would be anecdotal.

2 CHAIRPERSON ESPINAL: So, back to paid  
3 sick leave. Are there protections for workers who  
4 decide to disconnect while they take the day off?  
5 I've heard a lot of stories from constituents and  
6 from New Yorkers--

7 CASEY ADAMS: [interposing] Uh-hm.

8 CHAIRPERSON ESPINAL: --who go on  
9 vacation and while they're on vacation, they're being  
10 pressured to answer their correspondence or to answer  
11 their phone calls, and because they haven't, they  
12 have--there have been instances where they have lost  
13 their jobs. Are there protections within Labor Law  
14 regarding disconnecting while you're actually taking  
15 some of your personal time off?

16 CASEY ADAMS: I'd like to consult with  
17 the Office of Labor Policy Standards on that, and get  
18 back to you because I want to make sure that I'm  
19 giving you the correct information because this is a--  
20 a complex area not just in terms of Paid Safe and  
21 Sick Leave, but exists--as I mentioned, existing wage  
22 an hour laws at the state level, and the Fair Labor  
23 Standards Act at the federal level, the interaction  
24 for--of laws that require compensation for time worked  
25 with this new age of always on communication where

2 your employer can expect or require you to be  
3 responding to inquiries that may constitute work at  
4 any given time. And so, I'm not in a position to give  
5 that answer right now, but we'll consult with OLPS  
6 and get back to you.

7 CHAIRPERSON ESPINAL: Okay. So, it's  
8 been—it's been about a year since I introduced this  
9 bill.

10 CASEY ADAMS: Uh-hm.

11 CHAIRPERSON ESPINAL: I think 'til—it  
12 will be a year next month.

13 CASEY ADAMS: Uh-hm.

14 CHAIRPERSON ESPINAL: You know, we haven't  
15 had any real robust conversations around the bill.  
16 Is the Administration willing to continue this  
17 conversation to figure out what is the best way to  
18 move forward, and I think this is a real conversation  
19 that we as New Yorkers should be having.

20 CASEY ADAMS: Uh-hm.

21 CHAIRPERSON ESPINAL: Technology has  
22 advanced. The labor laws have not caught up with  
23 these advancements. New Yorkers are feeling the  
24 pressure from always being on, and there's currently  
25 no protection for them at this point. I just feel

2 like we need to do more. Yes, this is probably a  
3 starting point of that conversation, but I'm—I'm  
4 hoping we can continue with this dialogue, and move  
5 forward and hopefully get a real study being done by  
6 the Administration of New York.

7 CASEY ADAMS: Absolutely. We—we look  
8 forward to having a dialogue with the Council and  
9 with other stakeholders. Many of them are here today  
10 about how we have this conversation about the  
11 changing nature of work in light of technology that  
12 has advanced by leaps and bounds just within the  
13 lifetime of many of the people in the room.

14 CHAIRPERSON ESPINAL: Okay, and I would  
15 love to follow up on the—on the paid sick time and  
16 the vacation time--

17 CASEY ADAMS: [interposing] We're happy  
18 to do that.

19 CHAIRPERSON ESPINAL: --and what sort of  
20 protections are—are there for workers who are taking  
21 their personal time off, but are still required to  
22 be, you know, connected to their cell phones as well.

23 CASEY ADAMS: We'll be sure to follow up  
24 with you.

2 CHAIRPERSON ESPINAL: Great. Any  
3 questions from my colleagues? Yeah.

4 COUNCIL MEMBER KOO: Thank you, Chair for  
5 bringing up this—introducing of this bill. I think  
6 this bill the intent is very good, but it's too  
7 overreaching and too Draconius to my understanding of  
8 the bill because technology works both ways. The  
9 employee go home. Even there's no law, there's no  
10 law. They still do—their own stuff all the time, you  
11 know, when they stretch and even when they talk to  
12 their fans, and they're not just there to watch  
13 emails just from the company. They read—reading  
14 emails from their friends and everyone. So, are you  
15 going to say we have a disconnect law, you know.  
16 They cannot look at any emails, and we cannot—it ends  
17 on the phone. There's too much for-for small  
18 employers especially. I think we haven't gotten into  
19 the details of these. Like I did some research on  
20 different scenarios, different companies and most  
21 companies they have a policy already. It was big  
22 companies they have policies whether they issue and  
23 send email after work or answer a phone. For a small  
24 business it's very important to get in touch.  
25 Suppose you have a storm coming, and everybody say

2 let—I'll just message you whether you're coming to  
3 work or not. If you say oh, I don't get my message  
4 after work or before work, then all the company is in  
5 trouble. How are they going to—how they getting  
6 their content to employees. There's another little  
7 lease (sic) no matter what our—for these all to—to  
8 pass. So, this is the beginning. I agree this is—  
9 this is a group, a game, but we have a lot of  
10 dialogue to—to carry on before we finalize a better  
11 version of this bill. Thank you.

12 CHAIRPERSON ESPINAL: Yeah, thank you,  
13 Peter. Just to answer some of your questions, I  
14 guess also to clear some of the misconceptions of  
15 this bill, the employer can still reach out to the  
16 employee. What this says is that if the employee  
17 decides not to respond at that moment, that they  
18 don't have to have the anxiety and fear they are  
19 going to lose their job the next day. Also, it's  
20 also what—what—what it also does is allows the  
21 employee can respond and work if they decide to at  
22 that moment as well. So, that doesn't change, right.  
23 It's more about lowering the pressure. Also the bill  
24 does mention that if it is an emergency that is  
25 somehow going to hinder the company's ability to do



2 their work or somehow going to have a negative impact  
3 on the company, or on the employer, then the employee  
4 is expected to--expected to--to respond. So there  
5 are--there are--there are ways there where we--we ensure  
6 that this is somehow not disruptive or disturbing  
7 the--the flow of business if it is an emergency for--  
8 for the business as well. And yes, it's a--more that  
9 the Council needs to have, and I'm looking forward to  
10 having a conversation with you as well.

11 COUNCIL MEMBER KOO: So, so, I want to  
12 ask you another thing, too, then. Does this bill  
13 cover the on-call? I mean right now people they're  
14 signing, they're saying, you are home? Or they need  
15 you, you know, you have to answer the phone. The  
16 same like doctors and nurses right or some of the  
17 technicians--

18 CHAIRPERSON ESPINAL: Right.

19 COUNCIL MEMBER KOO: --with the computes  
20 right or some company. The computer break down, you  
21 need to go there to fix it right away. So, those  
22 people they get paid.

23 CHAIRPERSON ESPINAL: Yes.

24 COUNCIL MEMBER KOO: Yeah.

2 CHAIRPERSON ESPINAL: Yeah, there—there  
3 is also an exemption for 24-hour. All the tours  
4 (sic) have to be around all in 24 hours as well,  
5 yeah.

6 COUNCIL MEMBER KOO: Okay. Thank you.

7 CHAIRPERSON ESPINAL: Okay, thank you.  
8 Thank you, thank you, Peter.

9 COUNCIL MEMBER KOO: Thanks.

10 CHAIRPERSON ESPINAL: Our next panel.  
11 There's a lot of people who are going to agree with  
12 you, Peter.

13 COUNCIL MEMBER KOO: Yeah. [laughter]

14 CHAIRPERSON ESPINAL: Who are going to  
15 speak up today? [laughs] We have the Real Estate  
16 Board of New York, Zach Steinberg. We have Samarak  
17 Karasik. I'm sorry if I mispronounced your name.  
18 You can correct me once you're up there—from the  
19 Brooklyn Chamber of Commerce and we have Brian Lozano  
20 from Tech NYC. [pause] And we have Cath—Catherine  
21 Wylde from the Partnership for NYC. [pause] You may  
22 begin whenever you're ready anyone.

23 Alright. Good morning, Chairman Espinal,  
24 Council Member Koo, Koslowitz and Chin. The Real  
25 Estate Board of New York is a broadly based trade

2 association representing owners, developers, brokers,  
3 managers and real estate professionals active  
4 throughout New York City. Thank you again for the  
5 chance to participate. REBNY appreciates the  
6 Council's interest in taking steps to improve the  
7 work/life balance in New York City's prime sector  
8 workforce. However, REBNY is opposed to Intro 726,  
9 which would place untested and vague regulatory  
10 requirements on New York City employers while failing  
11 to accomplish the goal of helping workers make full  
12 use of their time outside the office. If enacted,  
13 the bill would impose a regulatory system that has  
14 never been used in the United States. It would do so  
15 in a city whose employers include some the nation's  
16 largest multi-national companies in sectors including  
17 real estate, finance, law, accounting, technology,  
18 media and more. These firms make up the significant  
19 share of the city's tax and employer base and rely on  
20 their employees to be accessible to provide services  
21 to their clients and run their businesses across the  
22 globe. It is unwise to use New York City as a testing  
23 ground for such a novel approach. The only  
24 flexibility provided by the bill is the stipulation  
25 that employees may be required to respond to employer

1 communication in cases of emergency. However,  
2 emergency is defined incredibly narrowly. For  
3 instance an overflowing at 7:00 p.m. or a broken  
4 refrigerator at 6:00 a.m. sufficient? Perhaps, but  
5 unfortunately the legislation does not specify  
6 whether those scenarios would be emergencies that  
7 could provide employers with confidence they would  
8 get a response from their employee. Furthermore, the  
9 requirements of the bill appear to conflict with  
10 federal and state overtime provisions. Under both  
11 federal and state law employees who are classified as  
12 executive, managerial, or administrative are granted  
13 an exemption from overtime pay, and that is premised  
14 on the idea that these workers earn salaries well  
15 above the minimum wage, and that according to DOL,  
16 the type of work exempt employees perform is  
17 difficult to standardize to any timeframe and it  
18 could not be easily spread to other workers after 40  
19 hours a week. Consequently, the bill's requirement  
20 that employers define usual work hours for all  
21 employees without regard to whether they are exempt  
22 from overtime pay would undermine the purpose of the  
23 exemption. Should the Council move forward with this  
24 legislation at a minimum it ought to carve our  
25

1 employees who are exempt from overtime requirements  
2 from the bill. Finally, REBNY is troubled by the  
3 fact that the proposed legislation applies only to  
4 private sector workers. If improving work/life  
5 balance of all New Yorkers is truly the goal of the  
6 legislation, then it ought to apply to public sector  
7 workers as well. Far too often the Council proposed  
8 regulatory schemes that were well intentioned, are  
9 approved without understanding the full feasibility  
10 or consequences. We would recommend that the City  
11 Council first adopt this legislation to apply to all  
12 Council offices, and following one year after its  
13 enactment write a report to the public sharing how  
14 effective program has been for its role as an  
15 employer and for its employees. This would also allow  
16 for strengthening public discourse on the  
17 practicalities of extending the policy to all private  
18 employers. We also encourage the Council to consider  
19 other ways of helping workers better enjoy their time  
20 out of the office. For example, the City  
21 Comptroller's Office documented that commuting times  
22 for New York City workers averaged six hours and 18  
23 minutes a week far greater than commuting times in  
24 other large U.S. cities. Indeed it's these commuting  
25

2 times and not normal work hours that account for why  
3 New York City workers have the longest work and  
4 commuting times in the nation. Consequently, we  
5 continue to encourage you to work to improve the  
6 city's public transit system, reduce congestion as a  
7 way to lessen the city's high commuting times, and  
8 increase the amount of time New Yorkers can spend out  
9 of the office. Thank you again for the opportunity  
10 to testify.

11 CHAIRPERSON ESPINAL: Thank you for your—  
12 for your recommendations.

13 SAMARA KARASIK: [background comment]  
14 Okay. Good morning, Chair Espinal and members of the  
15 Committee on Consumer Affairs and Business Licensing.  
16 I am Samara Karasik, Chief Policy Officer at the  
17 Brooklyn Chamber of Commerce. The Brooklyn Chamber  
18 of Commerce is the borough's leading voice for  
19 Brooklyn's business community. We promote economic  
20 development and support businesses across the borough  
21 of Brooklyn. Through our programs and direct  
22 services, we help small businesses thrive and adapted  
23 to an ever-changing business environment. The  
24 Brooklyn Chamber supports a healthy work/life balance  
25 and appreciates the efforts of New York City Council

1 to promote this. We do not support the right to  
2 disconnect, though. Due to concerns, that this would  
3 negatively impact our member businesses particularly  
4 those that are small business. The proposed  
5 legislation carves out an exception for businesses  
6 with 10 or fewer employees, but New York State  
7 classifies small businesses as having fewer than 100  
8 employees. Nearly 90% of all businesses in New York  
9 City have fewer than 20 employees. This bill is not  
10 realistic for them in terms of how they run their  
11 businesses. Many do not have in-house legal counsel,  
12 and understanding the nuances of workplace regulatory  
13 changes require them to pay for legal assistance. In  
14 addition, they would require legal help to  
15 restructure contracts to comply with these new  
16 regulations. Most importantly, our small businesses  
17 are already struggling to survive in an extremely  
18 complex regulatory environment with rising costs of  
19 businesses on many fronts, including, but not limited  
20 to wages, benefits, insurance and real estate. Our  
21 member businesses range in size and many rely on  
22 electronic communications to help their businesses  
23 grow and thrive. The landscape of conducting  
24 business has changed greatly in the last decade. It  
25

2 is important that business owners and employees  
3 navigate mutually acceptable terms for how they will  
4 be contacted when they are not in the office.

5 However, many new businesses do not have traditional  
6 office environments, and employees may have multi-  
7 faceted roles with flexible hours needed to establish  
8 a company's digital presence. Schedules have become  
9 more flexible over the years, and it is not unusual  
10 for employees to be based from a remote worksite  
11 either in a shared workspace or in their own homes.

12 This bill does not take into account the diverse work  
13 environments and schedules that exist today in  
14 businesses in different stages of growth and cannot  
15 approach this work balance shift with a one-size-  
16 fits-all law. Thank you for the opportunity to  
17 comment on Introduction 726.

18           BRIAN LOZANO: My name is Brian Lozano  
19 and I'm with Tech NYC. Thank you to Chair Espinal  
20 and the committee for the opportunity to testify  
21 today. Tech NYC is a non-profit coalition with the  
22 mission of supporting the technology industry in New  
23 York to increase engagement between our 700 member  
24 companies, New York government and the community at  
25 large. We work everyday to foster a dynamic, diverse



2 and creative ecosystem ensuring New York is the best  
3 place to start and grow a technology company, and New  
4 York City has proven itself a welcoming place for  
5 tech and a leader in the sector. There are now more  
6 than 330,000 tech workers in the city. Over the past  
7 decade new technology, many of which our members have  
8 pion-helped pioneer, have fundamentally altered  
9 people's everyday lives in the nature of modern work.  
10 Many of the changes resulting from new technologies  
11 have been for the better leading to increased  
12 productivity, improved communication and increase  
13 access information. These new technologies have also  
14 resulted in the blurring of the boundary between  
15 people's work and personal time. When people are at  
16 work, they can use their personal devices and  
17 constantly communicate with friends and family, and  
18 if people are at home or out of work, they have  
19 access to professional accounts. Initially, the  
20 division between work and personal time become less  
21 explicit. There's a--there's bound to be tension, and  
22 exactly the shift in this tension that Introduction  
23 726 attempts to address. We applaud Council Member  
24 Espinal and the Council for looking to address the  
25 shift in people's everyday lives. However, that

2 being said, we feel this legislation is infeasible  
3 and burdensome for both employers and employees. We  
4 are specifically concerned with the provision that  
5 would require an employer to establish usual work  
6 hours for each class of employees. Many technology  
7 companies pride themselves on offering their  
8 employees flexible work schedules, allowing them to  
9 work at the preferred times. This type of  
10 flexibility provides benefits to a number of tech  
11 employees, many at different stages of their careers  
12 and lives. For example, flexible work schedules  
13 allow mothers and fathers to balance successful  
14 careers in childcare. However, a requirement like the  
15 one proposed here to establish usual work hours would  
16 likely prevent this type of flexibility and the  
17 benefits it offers. Further, the tech industry is  
18 inherently global and the New York City—and New York  
19 City uniquely stands as a global capital for  
20 technology. Many of our members have offices and  
21 partners throughout the world, across time zones.  
22 While company often try to avoid off-work  
23 communications, it is occasionally a necessity in a  
24 global connected industry. Penalizing New York City  
25 based companies for off-hour communications would put

2 our city's tech ecosystem in a disadvantage and would  
3 likely dissuade international companies from coming  
4 go New York. While it is important to have a serious  
5 conversation about employee-employer communications,  
6 it is not an area that we should—that should be  
7 legislated in such a manner. Just as we are  
8 discouraging the City Council from legislating a ban  
9 on work communications during off hours, we also  
10 discourage legislation—we would also discourage  
11 legislation banning personal communications during  
12 work hours. Instead, when it comes to electronic  
13 communications, professional and personal employers  
14 and employers must communicate with one another to  
15 develop solutions that work for all. This is  
16 especially important as technologies evolve, and as  
17 our society continues to adapt to using new  
18 technology. Thank you.

19 CATHY WYLDE: Thank you. Nice to see  
20 you all. Cathy Wylde, President of Partnership for  
21 New York City. The partnership is a complement to  
22 the organizations that already testified. We are  
23 representative of the city's largest employers and  
24 investment community, and we share the concerns that  
25 are raised here, and particularly I would say that

2 Intro 726 is both unnecessary and unenforceable, and  
3 basically for the same reasons that have already been  
4 noted. I won't repeat them. I would say that also we  
5 represent global companies that operate across many  
6 time zones, have operations all over the world and,  
7 therefore, they're—the scheduling and the  
8 availability of employees is very important. Most  
9 employees who have responsibilities that would want  
10 to be in touch with their workplace if there's a  
11 problem, if there's an issue, if there's a question  
12 they can answer. Those relationships I think—I think  
13 in general New York City employers are competing for  
14 talent. They are good employers and they are—because  
15 they need to attract and retain their people, and I  
16 believe that these conversations about work/life  
17 balance go on within organizations who are  
18 desperately trying to make sure that their people are  
19 happy and working in—and working in an environment  
20 that is—is solid and supported and, therefore,  
21 retained. So, I do think that with a full employment  
22 economy and with the use of technology making  
23 everybody's life easier both employees and employers.  
24 Employees usually have devices to find out scheduling  
25 to get other information, to check on what's going on

2 and as has been pointed out, exempt employees are  
3 salaried and compensated on the basis of a 24/7  
4 availability to their workplace and it's just not  
5 going to be possible to make the distinction between  
6 who's exempt, who isn't, who's available, who isn't  
7 It's not a practical piece of legislation. So, we  
8 appreciate the concern about work/life balance. We  
9 think employers share that concern and that this  
10 would be an unnecessary and unenforceable law.

11 CHAIRPERSON ESPINAL: Well, thank you all  
12 for your testimony. I just want to bring us some  
13 science especially that came out of a junior tech  
14 recently. So the study shows that if you give your  
15 employees the time to disconnect, they will have the  
16 time to recharge and they will be a lot more  
17 productive to the workplace. Do--do you believe that  
18 any of your companies would--would not like to have  
19 more productive workers?

20 CATHY WYLDE: I think that that's one  
21 academic study, which may or may not have anything to  
22 do with the reality of the new--New York City has the  
23 most productive workplace of any city in the world.  
24 We're known for that productivity, and that's because  
25 employers and employees generally have a mutual

2 respect and understanding of what their positives and  
3 limitations are. This is part of that general  
4 relationship. This is not a basic right safety  
5 security. This is the relationship of employers and  
6 employees that you're interfering with, and that has  
7 to be developed company by company depending on the  
8 size, the needs, job by job. You just can't pass a  
9 law that applies across the board to this kind of  
10 thing. That has to be worked out in the environment,  
11 and those employers that are not responsive to this  
12 need or to the right to disconnect for their  
13 employees, they're going to lose their employees.

14 CHAIRPERSON ESPINAL: Right. So, I think  
15 you brought up—you brought up an important point.  
16 What if we—what if—what if we required for businesses  
17 to create a policy for the workers, which could be  
18 negotiated between the employer and the employee of  
19 what's to be expected from their job? To reduce the  
20 anxiety of the workers?

21 CATHY WYLDE: How—how would you—I mean  
22 the city has 200,000 businesses. How would you  
23 possibly monitor that?

24 CHAIRPERSON ESPINAL: Well, I think the  
25 same way when you sign a contract with an employee

2 and what they're expected to be compensated or what  
3 they're expected from the daily jobs. There would be  
4 a similar policy or what's to be expected when it  
5 comes to technology and the communication between the  
6 employer and the employee.

7 CATHY WYLDE: I think most large  
8 employers have applicable policies in terms of the  
9 use of personal devices, and those expectations. So  
10 I mean again, I don't see how you enforce it. I don't  
11 see a harm in a recommendation to employers. I don't  
12 know. Anyone else?

13 SAMARA KARASIK: So, I think—I think  
14 that's an interesting idea sort of more along the  
15 mode that DCA described for France. We'd—we'd want to  
16 talk to you further about that. I think our concern  
17 is just for small businesses. Again, the regulatory  
18 environment is like constantly changing. There's so  
19 much come—stuff coming down their way. So we would  
20 just want to make sure that it's not something  
21 that's going to be really onerous for them to try and  
22 implement and—but it makes sense the way that they  
23 run their business, but we'd be happy to talk to you  
24 about it further.

2 CHAIRPERSON ESPINAL: Then also—also for  
3 a point of clarification, in the bill it does not say  
4 that, you know, it doesn't—it doesn't—it doesn't  
5 suggest that every worker is an identified worker.  
6 It does suggest that, you know, the—the employee does  
7 not have to answer the phone outside of their usual  
8 work hours. I think every worker's usual work hours  
9 is—was totally different from business to business.

10 CATHY WYLDE: But when else would they be  
11 answering the phone except for outside their usual  
12 work hours? They're not at work.

13 CHAIRPERSON ESPINAL: So, I'm saying—what  
14 I'm trying to say as you brought up the point around  
15 different time zones and what is expected, we made  
16 sure that the language was usual work hours because  
17 if we do, it's on top of the workforce, different  
18 hours just the same. (sic)

19 CATHY WYLDE: [interposing] But—but for—  
20 but for professional employees they typically don't  
21 have usual work hours. They're available as needed.  
22 They're responsible for managing operations. They're  
23 there when they have to be there, and it's not—I mean  
24 this is different with every job. An hourly employee  
25 often will use their device for their own purposes



1 for scheduling and for checking and what's their  
2 situation? I mean is that problematic? It's--this  
3 stuff is just not--doesn't lend itself to legislation  
4 or to one regimented approach. It's the  
5 relationships.  
6

7 CHAIRPERSON ESPINAL: So, what do you--  
8 what do you think of corporations like Volkswagen who  
9 have implemented policies like this within their own  
10 company?

11 CATHY WYLDE: I think voluntary  
12 implementation of these policies is perfectly fine.  
13 I just don't think that you can turn it into a law.

14 CHAIRPERSON ESPINAL: Okay

15 ZACH STEINBERG: Per--one of the checks on  
16 that is that, of course, employees who are paid  
17 hourly if they work more than 40 hours a week they're  
18 required to be paid time and a half for their--for  
19 their labor. So, if they are employer contacts as  
20 salaried work--or a person who is paid by the hour,  
21 but it is out of their normal hours and it is the  
22 42<sup>nd</sup> hour of their work week, they're required to be  
23 paid time and a half. Many employers actively would  
24 try to avoid doing that. So, there's already a  
25 limitation built in based on how the existing wage

2 and hour laws are structured to try to address some  
3 of the concerns that you're talking about.

4 CHAIRPERSON ESPINAL: Yeah. So going  
5 back, we—we—we as New Yorkers grow and retire right,  
6 and we—we all take vacation. I think we're all  
7 guilty of checking our work or answering our work  
8 calls while we're on vacation. There are employees  
9 out there who probably would rather be able to turn  
10 their phones off, and truly disconnect while they're  
11 on vacation. I've heard of instances where people  
12 have been fired from their job and reprimanded  
13 because of the fact that they were unavailable while  
14 they were on vacation. Is there any thought to that  
15 about creating for the protections around this idea  
16 of not having to, you know, be responsible for  
17 checking your work email while you take that—your  
18 personal time off that you've earned?

19 CATHY WYLDE: I just—first of all, I know  
20 lots of small business owners that haven't taken  
21 vacation for five years. There are lot of people  
22 that don't take vacation that have very demanding  
23 jobs. If you taken time off and you tell your  
24 employee you're disconnected, they respect that. I—I  
25 have—I just—I'm not aware of any--

2 CHAIRPERSON ESPINAL: [interposing] Yeah,  
3 I mean I'm not—I'm not blaming every single employer  
4 in the—in the country about, you know, now they treat  
5 workers, but there are—there---

6 CATHY WYLDE: [interposing] But you  
7 can't trust laws for the exception.

8 CHAIRPERSON ESPINAL: --but there are bad  
9 actors out there, and we do have this conversation  
10 around bad actors around every—in every conversation  
11 here in the City Council---

12 CATHY WYLDE: [interposing] I--

13 CHAIRPERSON ESPINAL: [interposing] --but  
14 I'm speaking more for the bad actors than anyone  
15 else.

16 CATHY WYLDE: And that's right and the  
17 City Council I think is far too focused on the bad  
18 actors when the vast majority are not bad actors, and  
19 you can't legislate for the exception.

20 CHAIRPERSON ESPINAL: Okay. Thank you,  
21 Cathy.

22 CHAIRPERSON ESPINAL: Brad.

23 COUNCIL MEMBER LANDER: Thank you, Mr.  
24 Chair for convening the hearing and to the panel for  
25 the topic. I just was—so two things. First I—I

1 appreciate the point about public and private sector  
2 workers. It does seem to me that if this were  
3 something we were to move forward with, we wouldn't  
4 need to be willing to do it. I think this is an area  
5 where we do think it's employers as well, and I, you  
6 know, I'll be honest. I communicate with my staff  
7 substantially outside of the work hours, and-[and  
8 sometimes I feel bad about it. So I do think it's-  
9 it's instructive

11 CHAIRPERSON ESPINAL: But what is the  
12 bill, though that-that complements for public  
13 workers?

14 COUNCIL MEMBER LANDER: You know, I'm  
15 just saying we--

16 CHAIRPERSON ESPINAL: [interposing] I  
17 don't know. We just have it. (sic)

18 COUNCIL MEMBER LANDER: --if we're going  
19 to move it forward, we should--my opinion is shouldn't  
20 do it unless we're willing to do it, too, and I think  
21 it's instructive. This is an area--there's a lot of  
22 areas where we don't think--we don't have bottom line  
23 issues in the same way as private sector employers,  
24 but we do have good employee issues the same way as  
25 private sector employers, and it's instructive. I

1 want to push a little more on just exempt and non-  
2 exempt because it does seem to me that that's  
3 probably where it's worth thinking about. They're  
4 salaried employees who are exempt, you know, or are  
5 paid to work in that salaried way, and that certainly  
6 is true in our office and I know in the private  
7 sector, but-but for non-exempt employees for hourly  
8 employees. Like I-I wonder-I mean it's true that if  
9 they are working, they're supposed to be getting  
10 paid, but I bet in most cases where they are being  
11 contacted off hours by email, I wonder if anybody is  
12 recording that time and even paying them for it. The  
13 law says they should, but I wonder whether they are.  
14 So, I guess I'd just like to-you guys to answer that  
15 question. For-for non-exempt employees for hourly  
16 employees would you support either a bill of this  
17 type that says you can't contact them outside their  
18 scheduled hours when they're getting paid or at least  
19 something says to do something that makes sure if  
20 they are expected to be on their-on their devices,  
21 that there's a system in place that makes sure  
22 they're actually getting paid for that work, which I  
23 mean I don't have a lot of data on this, but I just  
24 think speaking honestly, the odds that people are  
25

2 getting paid for responding to email off hours when  
3 they're hourly employees is pretty low to me. So, I--  
4 I just wonder what experience you guys have thinking  
5 about it and--and whether you'd be open to be open to  
6 something narrower that spoke specifically to hourly  
7 non-exempt employees.

8 CATHY WYLDE: Certainly, there's much  
9 less of an issue because as you pointed out, it's  
10 already a legal requirement that if you're asking  
11 somebody to do work beyond their hours for an hourly  
12 employee, they're supposed to pay them. So, I--I think  
13 that most employers would, in fact, track that. I  
14 think the instances you're talking about and this  
15 would take some research, which hasn't been done to  
16 find out what's the level, but I think--I think that  
17 the--the fact is that most of those contacts are  
18 probably more at the convenience of the employee for  
19 them to check on--

20 COUNCIL MEMBER LANDER: [interposing] And  
21 some of them might be--

22 CATHY WYLE: --when am I working?

23 COUNCIL MEMBER LANDER: [interposing] And  
24 Some of them might be can you shift your hours to  
25

2 right—I mean obviously there's a different, you know,  
3 there will be some distinction between--

4 CATHY WYLE: [interposing] I think very  
5 few. Certainly large employers are extremely careful  
6 not to violate the overtime law.

7 COUNCIL MEMBER LANDER: I—I mean I think  
8 you're right. We don't have data here. We are—the  
9 technology has overtaken all of our patterns so  
10 substantially that I just wonder. It would not  
11 surprise me if there were companies in which the  
12 creeping use of technology meant that even though  
13 people were careful to pay, they weren't tracking  
14 hours of when people were emailing back and forth.  
15 So, I just—I think it's an interesting research  
16 question. I get--

17 CATHY WYLE: [interposing] I don't know  
18 of any company any large company that doesn't know—  
19 doesn't have complete records of their email  
20 relationships with their employees. They track that  
21 very carefully.

22 COUNCIL MEMBER LANDER: I'm sure they  
23 have the record of email relationship. Whether they  
24 are tracking that as hours to be paid is a really  
25

2 interesting question. I be glad to go take down this  
3 information so that on as we move forward.

4 ZACH STEINBERG: The other—the other  
5 issue to—to raise in the context of this legislation  
6 is also what is an emergency because I think we're—  
7 we're—some of the members we have—we have spoken with  
8 the, you know, the lack of clarity about how you  
9 would go and provide a high level of service to  
10 someone in—in a building for example if, you know,  
11 you need an extra maintenance person and there's only  
12 one maintenance person on call, but there's a real  
13 issue in the building, is that an—is that an  
14 emergency? It could be. It could not be. So,  
15 trying to wrestle with those sort of issues and how  
16 you craft legislation even if those are hourly  
17 employees remains a pretty serious issue for some.

18 CATHY WYLE: Well, if there's an  
19 equipment breakdown and there's only one person who  
20 knows how to fix the equipment, is that an emergency?  
21 There are lots of o examples I think of that kind of  
22 situation.

23 SAMARA KARASIK: I just want to address  
24 sort of the small business perspective on this a  
25 little bit. Small business is—they're having a tough



1 time. It's not like they have a lot of extra money  
2 to pay overtime. So, I think they are pretty  
3 conscious of not contacting people when that means  
4 they're going to have to pay them time and a half  
5 like I definitely heard that from some small business  
6 owners. You know, most of the small business owners  
7 are really just trying hard to make a living, and  
8 they're trying to create a path forward for their  
9 employees so they can aspire to own their own small  
10 business. These are the kind of mandates that make  
11 it really hard for them to continue to grown. There a  
12 lot of additional costs that continue to rise for  
13 them, and they're just, you know, I think they're--  
14 they're very conscious for the most part about trying  
15 to maintain good work/life balance for the employees  
16 so they can keep them on. The owners themselves I  
17 think is as--as Cathy Wylde said are the ones that  
18 they don't get a break, but--

20 COUNCIL MEMBER LANDER: Two--just two  
21 things and then I'll turn it back over to the chair  
22 and be done. And one I think I--I would welcome  
23 getting some real information from employees and  
24 employers on these different situations. I'm less  
25 confident than--than you are maybe that work/life

2 balance is being respected and maintained and to be  
3 clear, that is not an accusation that employers don't  
4 care about their employees work/life balance. This  
5 is the belief that our technology has accelerated  
6 faster than our ability to manage it well as, and if  
7 we're just speaking honestly about ourselves as  
8 individuals, I think we all know that's true that  
9 technology has overtaken habits and patterns that we  
10 used to have. In many ways, we're like we're not  
11 good to ourselves, and we're not good to each other.  
12 So, I just--this is not like employers are trying to  
13 over on their employees. This is and I think you  
14 know, a--has technology set some patterns in place  
15 that we need to be thoughtful about, and I think  
16 you're right. We want their information and the  
17 data, and I could be persuaded to that this was just  
18 happening with exempt employees who are at least  
19 supposed to be salary for that work, but I--I think we  
20 would do better if we were paying a little more  
21 attention to what the situation really is, and where  
22 those boundaries are and I--I thank the chair for  
23 introducing this conversation and--and kicking it off,  
24 and I--I would welcome as we move forward hearing some  
25 more from your members and from employers and from

2 employees so we could really get a clear sense of  
3 what the--

4 CATHY WYLE: [interposing] Maybe we could  
5 get some sample policies for example that large  
6 employers are using with this regard as--as something  
7 that might be helpful, but if you're suggesting that  
8 the law is intended for behavior modification, I  
9 just--I just don't think that's a practical way to  
10 approach how we're going to deal with the--the overuse  
11 of overuse of our machines.

12 COUNCIL MEMBER LANDER: I hear you on  
13 that, and this may be a philosophical point that we  
14 don't need to continue on. I--I think there's a lot  
15 of evidence that what technology has done to many of  
16 our patterns and behaviors inside and outside of the  
17 workplace is having consequences that are--are going  
18 to require public policy responses if we are going to  
19 move forward in thoughtful ways. And you're right  
20 that one wants to do that very thoughtfully and  
21 carefully because public policy can have unintended  
22 impacts, but I think we've seen a lot from--that--that  
23 just leaving it to companies to police themselves on  
24 the ways that technology can do us harm is not having  
25 the results that we want.

2 CATHY WYLE: [interposing] No this—I'm  
3 talking about people policing themselves. Most of  
4 this communication is voluntary.

5 COUNCIL MEMBER LANDER: I don't think most  
6 employer-employee communication is perceived as  
7 voluntary by the employees.

8 CATHY WYLE: You don't. [laughter]

9 COUNCIL MEMBER LANDER: No. I mean do  
10 they like—even though as I think my employees like  
11 working in my office and like being part of our team,  
12 but if I email them after hours, do they think  
13 they're supposed to respond to me? Yes, they think  
14 they're supposed to respond to me. That's whether  
15 they like me a lot or whether or not or whether they  
16 like working for me or not. That's how it feels to  
17 be an employee.

18 CATHY WYLE: And you don't think the  
19 employee wants that interaction and that ability to  
20 communicate and be on the job---

21 COUNCIL MEMBER LANDER: [interposing] Oh,  
22 I think that's a--

23 CATHY WYLE: --for you?  
24  
25

2 COUNCIL MEMBER LANDER: --great hard  
3 complex question and I think where the balance is  
4 between--

5 CATHY WYLE: That's why I'm saying  
6 they're talking behavior, the amount of behavior.

7 COUNCIL MEMBER LANDER: --what's healthy  
8 for them and doing well in their work and succeeding  
9 and helping make the city better and where their life  
10 and their family and their work/life balance goes.  
11 That's why this hearing is useful with that. So, I'm  
12 going to turn it back over to the Chair, but just  
13 because of his really important comment.

14 CHAIRPERSON ESPINAL: [interposing] Well,  
15 no I mean just--just that I forgot, you know, I've  
16 been elected to office seven years. I've had a  
17 luxury of not having to feel the pressure of someone  
18 telling me not to answer the call. Seven years ago  
19 when I was an employee and my boss would text me, I'd  
20 be like, damn, you know, I don't want to answer this  
21 right now. I'm with my family, I'm with my friends.  
22 I'm hanging out, but you felt the responsibility to  
23 answer because it was--it was your job.

24 CATHY WYLE: [interposing] Now, you've  
25 got thousands of constituents who are your boss.

2 CHAIRPERSON ESPINAL: But yeah, of  
3 course, and now-now I'm on 24-hours a day, but I-I-  
4 I'm doing this to have this broader conversation  
5 about those employees who feel overworked that feel  
6 their obligation to respond even though they might  
7 not have the obligation. It's perceived obligation a  
8 lot of times but, you know, this-this conversation  
9 needs to be-needs to be had-and I'm-I'm glad we're  
10 having it. And again, and I just want to-you won't  
11 hear about that, but just to point out this specific  
12 important detail. There's been a lot of headlines  
13 about how this remains illegal for a boss-for their  
14 boss to contact their employees. It does not make it  
15 illegal for you contact the employee. What it says  
16 is that it gives the employee the right at the moment  
17 they receive that communication whether they want  
18 respond at that moment. I do believe a lot of  
19 workers enjoy doing their job. They probably would  
20 respond, but if they decide at the moment not to  
21 respond, they don't-they have to-they could do it  
22 without fear of losing their job or any sort of  
23 retribution. So, I'll just-I'll leave it at that.  
24 Thank you. Thank you, Catherine, I appreciate all of  
25 your insight. Oh, on last question. Would you all

2 be willing to, you know, send over some like sample  
3 policies of what you think—

4 Councilwoman Sure.

5 CHAIRPERSON ESPINAL: --and ideas. Okay,  
6 great. Thank you. We have the last panel here,  
7 more—more supporters of the bill and Owen Hurran from  
8 Dan—Dan Beaderman, Brian Park Partnership; Jenny Ying  
9 from National Mobilization of Gun Sweatshops; Julia  
10 Robecervo (sp?) and Debbie Sasla. [background  
11 comments/pause]. Okay, are you ready to begin? You  
12 can start. [background comments/pause]

13 JENNY YING: Good morning. My name is  
14 Jenny Ying from the National Mobilization of Gun  
15 Sweatshops and I'm here to testify in favor of the  
16 bill. I speak on behalf of workers of the Workers'  
17 Center in New York City. Our members come from all  
18 trades and backgrounds from low-wage office worker—I  
19 mean from low wage to office workers, immigrants and  
20 citizens. We come together to stand up against  
21 exploitation—exploitation that we face on the job or  
22 where we live. MS (sic) supports the right to  
23 disconnect bill as a step in the right direction  
24 towards workers giving them the right to control  
25 their time. We were founded on a mission to organize

2 workers against sweatshop conditions that we face in  
3 our country and to gain control of our lives. In our  
4 23 hist—in our 23-year history with our members,  
5 homecare workers, service workers, nail salon  
6 workers, deli workers, factory workers and office  
7 workers have stood up against sweatshop conditions  
8 such as wage theft and long hours. Many say that  
9 long hours have been particularly destructive robbing  
10 them of their health and time with their families.  
11 In effect, long hours have robbed many of their  
12 lives. That's why injured workers of all trades have  
13 come together to call an end to mandatory overtime.  
14 Homecare workers are demanding an end to 24-hour  
15 shifts. So, this right to disconnect these workers I  
16 think a chance to take control of their time as well,  
17 and I think that the fact that someone says that, you  
18 know, it's—like it's voluntary, it's a response to—  
19 like it's a voluntary thing to respond to your boss  
20 after. I think it's crazy. Thank you.

21 CHAIRPERSON ESPINAL: Thank you.

22 JULIA: Hello. I am here representing  
23 freelancers and other creatives working in the  
24 advertising industry. I know many of them can't make  
25 because it's 10:00 in the morning, and usually people



1 are working and in our industry. And I'm fortunate  
2 enough to be here because I have my own creative  
3 agency. I started out as Junior Art Director. I  
4 moved up to Creative Director in advertising working  
5 for very large firms in the city over the last 10  
6 years and 12 years, and I've seen the sweatshop laws  
7 not enacted in this age of technology,. And I want  
8 to bring to light the conversations that we have with  
9 our full-time employees, and freelance employees.  
10 Just because you're paying somebody a freelance rate,  
11 does not mean that they cannot go home after 7:00. If  
12 you work a 7 to 8-hour day, you should be able to go  
13 home, and you should not be able to work a double  
14 shift. And I am—I myself have worked endless hours,  
15 14-hour days, 18-hour days at these agencies, and  
16 once I've requested time off, I can be backlisted. A  
17 lot of my friends have been blacklisted for having a  
18 job after work teaching advertising. There are a few  
19 agencies that have blacklisted a few of my friends  
20 who have a teaching job at 7:00, which is a normal  
21 time to teach. I have another friend who was a  
22 single mom and she was blacklisted for leaving at  
23 5:00 to pick up her daughter, and my voice is shaking  
24 because it affects me and my friends, and it's not  
25

1 legal to have people working two shifts back to back.  
2 That is not our problem as a creative. It is the  
3 creative agency problem, and nobody talks about it,  
4 and it's very taboo, and I'm actually a little  
5 nervous to be here and that's why my voice was  
6 shaking because nobody talks about it. It's very  
7 whispered about, and you have people like Martin  
8 Sorell, a JWUT who was just laid off for sexual  
9 harassment making \$13 million a year on the backs of  
10 people who are making \$80,000 a year especially  
11 junior art directors coming in maybe with a salary of  
12 \$60,000. How many hours do you work for \$60,000 a  
13 year? Is that 40 hours? What happens if you work 60  
14 + 80 hours consistently on the job for a year or two  
15 years without a raise? Do you get placed as much?  
16 Do you get \$160,000 for working twice as much as we  
17 do, weekends, missing Christmases? Technology has  
18 moved on. The industrial era brought about  
19 sweatshops and union regulations to control so  
20 children won't be working at a sewing machine. But  
21 these days the sewing machines have been replaces  
22 with computers and laptops, and there is nothing  
23 mandating what the workers, you know, rights are  
24 except for Rafael. And I think this law is really  
25

1 important especially with Amazon coming into town.  
2 That is a whole Jewish corporation that is known for  
3 timing workers. Jeff Bezos gets up at 10:00 in the  
4 morning after he has workout. I bet he goes home at  
5 decent time. What about the workers? And these are  
6 the conversations that we have to have in New York  
7 City because this city drives on sweat—it thrives on  
8 sweatshop labor. I worked a job this past summer. I  
9 took a month off to recuperate because I worked for  
10 three months, but the hours that I actually worked  
11 for 4-1/2 months worth of work in three months. I  
12 had heart palpitations at the end, and I went to my  
13 boss and I said, Hey, I love working here. I just  
14 need like three days off because I'm having heart  
15 palpitations and I'm doing the work of three people  
16 and I know we're short staffed and somebody just had  
17 a baby, but like we need to bring on people. I'm  
18 having heart palpitations. So, they don't like me  
19 complaining, which is complaining right. You're not  
20 a team player. You're going against the grain and  
21 you're speaking up. So, I got replaced, which is  
22 fine. As a freelancer whatever. I kind of expect  
23 it, but I'm speaking up for other people who don't  
24 have their own creative agency and are not in my  
25

2 position who are being taken advantage of on a daily  
3 basis, and most of these people are creative. And I  
4 want to bring up Nelly Bly who in the 1920s went into  
5 the box factor and wrote a whole entire posse about  
6 sweatshop workers in a box factory, and I want to say  
7 that women are the ones who get the blunt of this  
8 abuse at the workforce. It's usually male managers  
9 who put a lot of work on the people below them, and I  
10 want to bring attention to the women and the young  
11 people that tend to suffer and ageism is a whole  
12 different discussion I won't even get into right now,  
13 but I think that corporations need to take a very  
14 hard look at the hours that they make their worker  
15 respond. I had an email at 2:00 in the morning asking  
16 me to turn it around by 9:00 a.m. I left work at  
17 1:00. I passed out. I did not see that email and I  
18 got into trouble the next day for it. That's 2:00 in  
19 the morning. That is ridiculous. This summer I went  
20 home at 5:00 in the morning from finishing up a  
21 project that another co-worker screwed up that they  
22 put me onto fix because I'm a bad ass. You can quote  
23 this, I'm a freaking bad ass and I deliver. So I  
24 worked until 5:00 in the morning finishing this  
25 project and then I was back at work at 9:00. So

2 between 5:00 in the morning I went home, too, a nap  
3 for an hour and then I was back at work at 9:00 in  
4 the morning cranking until 5:00 to deliver another  
5 presentation to the client. Then I went home and had  
6 heart palpitations and feel asleep, and then I went  
7 into the agency the next day at 9:30 in the morning.  
8 So, there are cases like these that are not  
9 regulated, and we need to take a hard look at those.  
10 Nobody is talking it except for the Public Advocate  
11 and I'm here because I have a creative agency.

12 [laughter] Well, hey, I'm just saying that hopefully  
13 [laughter] because there is nobody advocating for us,  
14 and I'm here and I'm not dead ye, and by the way, I  
15 have an account executive drop dead of a heart attack  
16 in my office because he was being overworked. He was  
17 50 years old. He was in cubicle. Luckily somebody  
18 walked by and saw him on the floor. He had a heart  
19 attack. Somebody had to resuscitate him because we  
20 were working on a launch, and this is just one story.  
21 Do you know how many I have? This is just this past  
22 year. I have so many stories. I was on a launch of  
23 a really big drug that I won't name and I was working  
24 'til 4:00 in the morning in Chelsea Market like every  
25 night with a bunch of team members. Sometimes I

1 would stay by myself to like 2:00, you know, and one  
2 day I decided to go home because I was like you know,  
3 what I'm exhausted and I went home at 9:00 and that  
4 night that--some people pulled up a Loree-Loree a  
5 truck to the Loree and robbed the whole entire  
6 agency. This is where the new Google is right now.  
7 That's where my old agency used to be, and I was  
8 like, Oh, my God, if I was at this ad agency all  
9 alone doing work at 2:00 in the morning, and who the  
10 hell--I don't know who that was. Like these people  
11 brought a truck and they took out like 20 laptops and  
12 like computer equipment. Like I would be murdered.  
13 Like I don't want to work late ever again alone.  
14 It's dangerous. As a woman coming home late at night,  
15 it is dangerous. I could take a taxi, now there's  
16 Uber, but I should--I should have to be able to go  
17 home and be with my family at 6:00 at night like  
18 everybody else in the whole entire world. That is  
19 legal. I put something on my calendar this summer--  
20 final rant and I'm over. My boyfriend had a very  
21 important event and I put it on the calendar two  
22 weeks in advance and I said, you guys at 7:00 I'm  
23 leaving work. I'm leaving work because this is a  
24 family event. It's really important to me. I'm  
25

2 leaving. I'll be back at like 5:00 in the morning if  
3 you need me, whatever. At 6:00 they gave me 9 hours—  
4 no, they gave four hours worth of work, and I made  
5 the—I missed seeing that basically because I had to  
6 stay there and complete the work, which wasn't even  
7 like a rush anyway, but people were like we've got to  
8 get this done. So, I really want to talk about who  
9 is benefitting from all the work that I'm doing and  
10 all the other people are doing who are getting paid  
11 whatever they are a year. It's definitely not \$13  
12 million like Martin Sorrell. So at the end this city  
13 is focused on making sure that companies like Amazon  
14 and WPP and all these other huge companies are making  
15 a profit, but whose back are they making the profit  
16 on? The end.

17 CHAIRPERSON ESPINAL: Thank you.

18 FEMALE SPEAKER: Hi, I'm also  
19 representing myself and I agree with a lot of things  
20 Julia said. I have a lot—a 100 similar stories, but  
21 I'll just say that women to that point, women are the  
22 ones that are retaliated against, and I think the  
23 important thing about Rafael's bill is that you are  
24 not retaliated against, and there have been—I have  
25 worked in—for ten years in—for 10-person start-ups.

2 I worked at major media conglomerates over the past  
3 10 years, and there's never been a time where I've  
4 been retaliated against for not responding to your  
5 email. There's never been a time where it's been—has  
6 not been expected of me to respond to an email, and  
7 especially as a young person as a person who's making  
8 \$20-\$30,000 a year right out of college. You are—you  
9 want to be the best employee you can be. You want  
10 to—but if there is a bill, if there is a law, if  
11 there's a line in the sand, that people know about,  
12 if it is something—I mean I know about the law in  
13 France. That was highly publicized. If there's one  
14 in New York, I'm sure it would be infinitely  
15 publicized. It would be this—I think it would be the  
16 first one in the country yes. That is something that  
17 people would know about, and that's something where  
18 you can to your employer and negotiate with that. I  
19 love my job. I love every job I've ever had. I—and  
20 I've been out of work for two years because I have  
21 had severe mental health problems from working  
22 literally a 40-48 hours and with a boss standing over  
23 my desk saying this needs to be done come hell or  
24 high water. If I don't answer emails, if I don't go  
25 home at work and go work at home, things are not



2 going to get done, and then again these companies are  
3 making a ton of money. Hire more employees. If you  
4 can't have-if you are short staffed in order to make  
5 your employees work longer hours, hire more  
6 employees. I negotiated with my employer. I said  
7 I'll take a pay cut. I'll take a 25% pay cut if you  
8 hire me assistant because I cant do this alone, and I  
9 think that again women are the ones who are taking on  
10 a lot of this responsibility because, you know, we-we  
11 are expected to compete with male superiors and we  
12 have to be able to-to outperform them and  
13 outperforming means responding to our email 24/7.  
14 That is something that if there was a law that we  
15 passed even something that was modified in terms of  
16 just something that would be retaliated-you could not  
17 retaliate your employee. You could not fire an  
18 employee, you could not let got of a freelancer  
19 midway through a project because they aren't  
20 responding on call. That would be something that is  
21 immensely beneficial especially for the young people  
22 in this country, in this city especially for the  
23 women in the city across all industries, across low-  
24 wage workers, across, you know, people like me who  
25 work at media conglomerates. I haven't always, I

1 worked for the layout. Once I worked my way up, the  
2 retaliation got more and more severe. I've mused  
3 weddings. I have tried to go visit my grandfather in  
4 the hospital as he had a fourth open heart surgery,  
5 and eventually he passed away recently but when I was  
6 trying to get there to see him if, you know, right  
7 before I—because it could have been. It could have  
8 gone either way at that point. This is two years  
9 ago. My boss stood over my desk, and said, you know,  
10 can that that part—can I see that thing you're  
11 working on, and I said, I have to go. I have to go,  
12 and he said to me, You know what I mean. So, asking  
13 for a link to it constantly, and there is not one  
14 person I know at least in my immediate circle of  
15 people that has not had an experience like this. Who  
16 has not had ten experiences like this. The academia  
17 that I worked in, in media, policy, music. These  
18 seem like fund jobs. They seem like great jobs  
19 compared to—I'm very, very lucky compared to—to some  
20 people who don't have the opportunities that I've  
21 had, but I love—I love these jobs and I don't want to  
22 be retaliated against. I want to be able to work,  
23 and right now I can't because I'm scared to have that  
24 interaction. I had a temporary job right after I  
25

2 left my other job, scared to death of email  
3 communication. Scared to death. So, I support this  
4 bill. I support this bill wholeheartedly. I believe  
5 that what Julia said that nobody is talking about it.  
6 Nobody is speaking about it and there are countless  
7 studies, countless that came from a media program at  
8 today's school. I have read countless studies on  
9 technology affecting mental health across all-across  
10 the board on social media, the effect on TV, on  
11 communications, on workers. This is a widely known  
12 problem and yes we do have to correct our own  
13 behavior. I mean a lot of this has been put on me.  
14 I want to be the best in play I can make, but of this  
15 is that expectation, and a lot of it is about the  
16 amount of work that we do in the city as people. We  
17 should have the right to work a 9:00 to 5:00 job if  
18 that is what is required of us, and that should be  
19 able to be brought. No-no company I've ever worked  
20 for has had a set in stone policy. Not a single one.  
21 I don't know who said that but, you know, know  
22 companies usually have employees. Not a single one I  
23 worked for, for a major conglomerate to startups,  
24 absolutely not. I've worked at five TV networks.  
25 None of them has--none of them has had a policy. We

2 are expected. So, thank you so much for allowing me  
3 to speak and I hope something about this conversation  
4 will continue.

5 CHAIRPERSON ESPINAL: Thank you. Thank  
6 you.

7 Just one note. I'm sorry if there was any  
8 confusion, but I actually have a testimony  
9 opposition. [laughter]

10 CHAIRPERSON ESPINAL: Yeah, I just saw-I  
11 just saw-I just saw that. Sorry.

12 I happy to defer it to later if you would  
13 like.

14 CHAIRPERSON ESPINAL: I think--no I think  
15 we're done. No, you're the last one.

16 OREN HYME: Okay. So my name is Oren  
17 Hyme (sic). I'm speaking on behalf of the Bryant  
18 Park Corporation the 34<sup>th</sup> Street Partnership. So, we  
19 oppose this legislation currently being considered by  
20 the Council. We believe this legislation will put  
21 excessive constraints on our organization's ability  
22 to operate effectively and will negatively impact  
23 streets conditions and businesses in New York City.  
24 As Business Improvement Districts our organizations  
25 manage two active, dynamic neighborhoods in the town

1 of Manhattan. The sidewalks, streets and public  
2 plazas in these neighborhoods function 24/7 and our  
3 companies must retain the ability to do the same.  
4 The ability to communicate with staff around the  
5 clock is crucial to maintaining high standards of  
6 sanitation, security, public programming and capital  
7 maintenance of which routinely require work as that  
8 of regular business hours. Restricting the ability  
9 of our employees to be reached during these times  
10 will hamstring operations and impede our capacity to  
11 keep these districts safe, secure and active at all  
12 times. Although our organizations perform  
13 traditional government functions, we operate  
14 completely independently of government financial  
15 support. Instead we rely in part on our vendor  
16 revenues and sponsorship fees to finance these public  
17 services at no cost to the taxpayer. Planning and  
18 executing these public events must often be done last  
19 minute during odd hours and under intense time  
20 pressure. Operating within these constraints require  
21 that we communicate effectively and reliably, but the  
22 right to disconnect legislation threatens our ability  
23 to do so, and without these major sources of revenue,  
24 we fear that the free services and programs that we  
25

2 provide to millions of people in New York City might  
3 be threatened. Additionally, we work with  
4 contractors and vendors from all over the world many  
5 of whom operate in different time zones and business  
6 hours. If we are limited in our ability to  
7 communicate with each other during—outside of regular  
8 Eastern Standard Time work hours, such relationships  
9 might become difficult if not impossible to maintain.  
10 We would the Council to clarify how these issues  
11 specifically will be addressed if the legislation  
12 were to continue, and beyond our own concerns, we  
13 believe that the right to disconnect legislation will  
14 do harm to all businesses in New York City by  
15 imposing an operational handicap that businesses in  
16 other cities won't have to contend with, this  
17 legislation will limit the ability of local  
18 businesses to react to opportunities, contend with  
19 obstacles and move business forward. This in turn  
20 will dis-incentivize businesses to operate in New  
21 York City and perhaps will lead them to relocate  
22 elsewhere. We as the Council vote against the Right  
23 to Disconnect Legislation. Thank you very much.

24 CHAIRPERSON ESPINAL: Thank you. Any  
25 questions from my colleagues? No. Well, thank you

1 all for sharing your testimony. I appreciate it.

2 Very impactful stories. I'm sure stories that people

3 are going to take to heart moving forward. With that

4 said, this concludes the hearing. We hope to have

5 further discussions on what's the best way to move

6 forward, but I thought it was important that we start

7 this dialogue and think about how technology has

8 seeped into the workplace, and what we can do to kind

9 of figure out ways that we can apprise them at least

10 to—to employees, but also improve just the employer

11 and the employee conversation and relationship. This

12 is the first bill introduced in—in the nation. So,

13 hopefully we in New York can—can start this

14 conversation and lead on this conversation. This is

15 not a new idea. It's happening in other countries in

16 Europe and—and in Asia. So, I just thought it was

17 time for us to have this similar conversation as

18 well. Thank you all. The meeting is adjourned.

19 [gavel]

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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 February 5, 2019