

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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June 27, 2013
Start: 1:28pm
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HELD AT: 250 Broadway
Committee Rm, 16th Fl.

B E F O R E:
Michael C. Nelson
Chairperson

COUNCIL MEMBERS:
James F. Gennaro
Melissa Mark-Viverito
Letitia James
Steven Levin
Brad Lander
Robert Jackson

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

Shaneda Simon
Fast food worker

Laquasha La Grande
Fast food worker

Rosa Gujone
Fast food worker

Joseph Rivera
Fast food worker

Hazel Dukes
President NAACP

Anastasio Allera
Fast food worker

Lenore
Fast Food Campaign

Okian Joseph
Fast food worker

Gregory Renoso
Fast food worker

Steven Kim
Attorney
Make the Road New York

Dorian Warren
Associate Professor
Political Science and International Affairs
Columbia University

Sidai Goverserlasti
Attorney
National Employment Law Project

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

Connie Arasma
Director of Strategic Research Initiatives
Center for Popular Democracy

Francisco Garcia

Prince Jackson
Security Officer
JFK Airport Workers

Raul Secsena
Restaurant Opportunities Center of New York

Skip Roseblood
Communities for Change

Reverend Sherry Croon
Associate Minister
Flatbush Reformed Church in Brooklyn

Morris Hanes
The Clergy Network

Terrance Sobrana
Community Concerns Network Immigrants Responding to
Crisis

Richard Blum
Attorney
Legal Aid Society

Josh Kellerman
Alliance for Greater New York

CHAIRPERSON NELSON: I apologize for the late start. It's no good for any of us. Good afternoon. I am Council member Mike Nelson. Chair of the Civil Service and Labor Committee. Today the Committee will hold a hearing entitled Oversight, Wage Theft and the Fast Food Industry: Are Vulnerable New York City Workers at Risk? As anyone who lives in the city knows there are an abundance of fast food restaurants in the city. Further, it has been estimated that there are over 50,000 fast food workers in New York City.

The Committee stands to examine allegations and incidents of wages being wrongfully withheld from employees in the food industry and by the hour and the crowd I imagine that we are going to be revisiting this shortly. Hopefully in July. Wage theft can occur in different forms and can include such scenarios as being required to perform work related tasks when not clocked in. And you all know that. Not being paid on time. Not being paid overtime. Being paid less than the legally mandated minimum wage. Receiving a check with elusive deductions or missing hours that are getting more frustrating

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2 than that. Or being required to work while you
3 are on a break, which is also I think potentially
4 psychologically harmful. Some of us need breaks
5 here and there. When fast food restaurants failed
6 to pay their workers or the wages due to them, it
7 diminishes the worker's ability to support their
8 families and increases their reliance on public
9 benefit programs.

10 During the hearing the Committee
11 intends to listen to the testimony presented by
12 workers, and fast food restaurant owners and their
13 representatives. The committee requests and
14 intends to ensure that everyone is given the fair
15 opportunity to speak no matter what side of the
16 issue they are on. The Committee also hopes to
17 examine the practices of fast food restaurants as
18 it pertains to wages and to understand the impact
19 these practices have on workers, their families
20 and public safety net programs. Witnesses invited
21 to present testimony before us today include
22 public policy groups, fast food restaurant owners,
23 trade organizations, advocates and other
24 interested parties. I want to acknowledge Yvette
25 Carlin, our Counsel who worked so hard to put

1
2 these meetings together and Faith Corbett, our
3 Policy Analyst and I would like to acknowledge
4 some of my colleagues when they get here. So
5 having said that, we will call the first panel
6 which would be Shaneda Simon, if Ms. Simon is
7 here? Sure. You can come right up here, ma'am.
8 Na Quisiel La Grande? Is that close? If Ms. La
9 Grande is here. Rosa, it looks Surliane? Good.
10 Come on join us please. And Joseph Barrera. By
11 the way, Mr. Barrera is from the New York NYCC,
12 Community for Change. And East Food Forward, we
13 have representatives and Fast Food Workers. Okay,
14 thank you. And you want to start from the left
15 and work our way down? Fine. [off mic] And if
16 it's red, it's on.

17 SHANEDA SIMON: Hello, my name is
18 Shaneda Simon. I am going to just a prepared
19 summary thing.

20 CHAIRPERSON NELSON: Sure.

21 SHANEDA SIMON: Hi, my name is
22 Shaneda Simon. I live in Brownville, Brooklyn.

23 CHAIREPERSON NELSON: Oh, is that
24 on, ma'am? I am sorry. [off mic] So it goes on
25 the record properly. And I hope unfortunately

1
2 because the crowd, if everybody could try to
3 condense it into about two minutes if possible.

4 Thank you.

5 SHANEDA SIMON: Okay. Hi, my name
6 is Shaneda Simon. I live in Brownsville,
7 Brooklyn. I have my husband, my three daughters,
8 9, 5 and 4 months. I work in KFC, Picken Avenue.
9 When I started at KFC at 25, approximately two
10 years ago. I got promoted within four months of
11 being, to the Shift Supervisor, excuse me. I got
12 paid \$7.75 per hour. I was told I was supposed to
13 get 8.25. But that's still not enough to support
14 my family.

15 At KFC, I have worked off the
16 clock. I have been shorted my hours off my check.
17 If the register was short it would have to come
18 out of my pocket. To avoid paying me my overtime
19 my manager, I had worked off the clock or she
20 would clock me in when I wasn't even in the store.
21 And that was at the regular rate. That was not at
22 the overtime rate. When I talked to my husband
23 about it, he was surprised to know that KFC was
24 doing this illegal actions.

25 About a year ago when I was working

1
2 out of the kitchen at KFC, I got scalded with 190-
3 degree water on both of my hands. When it
4 happened my manager had no idea what to do so when
5 she found out, you know what to do, what have you,
6 they had refused to pay me medical care. In turn
7 I had to discharge myself from the burn unit due
8 to the fact they don't accept my insurance and go
9 to another hospital. I couldn't even pick up my
10 children. I was immobile as far as my hands go.
11 I couldn't work for approximately three weeks.

12 At my job as a Shift Supervisor, I
13 don't usually get breaks. Even when I was seven
14 months pregnant I rarely got breaks. About I
15 would say, 65% of the time I would work through
16 the day approximately ten hours per day. Due to
17 complications I had to leave my job due to
18 hemorrhaging and so on and so forth. I ended up
19 in the hospital approximately three times during
20 my pregnancy. They wanted me to work through nine
21 months and I couldn't do it so I had to come back
22 after eight weeks of pregnancy even though my
23 complications through my pregnancy. I rent two
24 rooms for my mom.

25 CHAIRPERSON NELSON: [off mic]

1
2 Sure. Go ahead. That's all right.

3 SHANEDA SIMON: I rent two rooms
4 for my mom to room with my family. And that's
5 still not enough to on the 7.75 per hour. I just
6 would like to complete that with saying what we
7 are getting paid is not enough and the actions
8 that's being held against us are illegal and they
9 should be accountable for that actions. Thank
10 you.

11 CHAIRPERSON NELSON: That's the
12 main part. That's right. Yes, ma'am.

13 LAQUASHA LA GRANDE: Hi. My name
14 is Laquasha La Grande. I was born and raised in
15 Brooklyn. I live in Canarsie with my aunt and my
16 grandmother and my fourteen-year-old cousin. And
17 I live in a two bedroom apartment and right now I
18 work at two KFCs, one in Brooklyn and one in
19 Queens where my commute is like probably like an
20 hour and a half maybe two hours in between each
21 other. Because some days I do work both jobs.
22 And at my job at Brooklyn I make 7.70 and in
23 Queens I make \$8, which is not barely enough to
24 between the two jobs to get the daily basic needs
25 that I need.

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2 At KFC pretty much I prep food,
3 cashier, I clean chairs, benches, wash dishes,
4 floorboards, I also clean vents. If I have to go
5 outside I have to clean outside maybe or whatever
6 I do, also to help my co-workers too but this is
7 some of the things I do for 7.70 or \$8.

8 KFC doesn't just pay us low wages
9 for all the work we do they also take their money
10 out of our checks. For example, it was times
11 where I had to like make sure I got to work on
12 time but yet I was waiting in the lobby for an
13 hour and a half to an hour before I clock in and
14 you think they need consideration of waiting,
15 paying me. No, I didn't get that hour. I lost
16 that hour. So that means I lost that hour off my
17 check.

18 And also, in the past I had worked
19 over forty hours and didn't get paid for it so
20 pretty much in Shaneda's case you know, they go in
21 and they probably put in a break that I never took
22 or they would take out, or they would have me
23 pretty much working off the clock. And we and our
24 fellow fast food workers struggle, we struggle
25 earning such a low wages in fast food. My co-

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2 workers such as who is a single mom had to bring
3 her child to work some days because she is not
4 affording enough money for childcare. And these
5 fast food companies are making billions of dollars
6 and they couldn't afford to pay me and my co-
7 workers properly houred for our hard work. If I
8 made a better wage I could be able to depend on
9 myself and not have to rely on others.

10 I would love to be in my own
11 apartment and not living with my aunt and my
12 grandmother and my little cousin. I am 22 years
13 old. I deserve a little privacy. You know every
14 now and then. There's nothing wrong being with
15 family but a two bedroom apartment is not going
16 kill it for somebody who's an adult and you know
17 wants to have me time. And I would think 15, and
18 just because today, people have jobs doesn't mean
19 that everybody is doing good so not just 7.25, \$8,
20 \$9, \$10. It's still not enough for living in New
21 York City.

22 Just for example, just last week I
23 had to decide either to eat or to get a Metrocard
24 and get to work or to pay my phone bill or get to
25 work. It's like I should be able to pay my bill,

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2 feed myself and get to work. At least be broke
3 but at least I know I am getting to work, feeding
4 myself and my family. And being that I don't have
5 the money to feed my family I have to take out on
6 public assistance such as food stamps to feed four
7 mouths. Feed four grown mouths. And that's still
8 not cutting it. And there also come with the
9 times where I just have to make sure as far as
10 like health care. I had to make sure that you
11 know, I don't get hurt on the job or get hurt on
12 the streets because I don't have the insurance to
13 pay for my health. So I am just here today to
14 show support for my fast food workers on getting a
15 better wage for the community and for our family
16 too.

17 CHAIRPERSON NELSON: Thank you Ms.
18 La Grande. You said it very well and it really
19 was descriptive. I think it sunk into everybody
20 here. I want to also mention a real fighter also
21 for the working person is here. Melissa Mark-
22 Viverito. Thank you and yes, ma'am. Were you
23 setting that or? Who's got the hand on the
24 button? Thank you ma'am.

25 ROSA GUJONE: Hi. Good afternoon,

1 ladies and gentlemen. My name is Rosa Gujone. I
2 working for McDonald's for 21 years. I finished
3 high school, I going to college and I got three
4 little children. And that's not fair that
5 McDonald's got a lot of money and to do it like
6 that to the employees, okay? I got one daughter
7 finished school and got one week to go. And I
8 don't have no money for my daughter going to
9 college because \$10.75 is no money. Okay. It's
10 no money. It's not enough for people. All right?
11 I got 15 manager and this is my raise. More than
12 5 year. Okay? So you have to do something.
13 Please. I can't have two jobs because I am sick.
14 I can't. Right now McDonald's give me the less
15 hours. 25 and 20. And that's not fair. That's
16 not fair. So you have to do something quickly.

18 CHAIRPERSON NELSON: Well, you are
19 all evidence of people who are proud. Who want to
20 work. You don't want to just sit home and collect
21 something. You may have to collect something on
22 the side because it's just not, it just doesn't
23 pay for you and your family. But you are out
24 there working hard so really my hat's off to you.
25 I appreciate that. Thank you Ms.-

2 ROSA GUJONE: Every Thursday I got
3 maybe Camsa in my blood. You see I got black and
4 blue all over my body. Every Thursday I got to a
5 Lincoln Hospital do like medicine for have my
6 blood up and everything and that's no fair. Maybe
7 tomorrow I am dying. Who going to take care of my
8 kids. They are living alone.

9 CHAIRPERSON NELSON: That's very
10 descriptive and PBS should do something on this
11 honestly. This should be cameraed. This should
12 be actually on TV so that people at home can see
13 this. Not just us here. Well, thank you very
14 much ma'am. Yes, sir.

15 JOSEPH RIVERA: Hello. My name is
16 Joseph Rivera. I am 23 years old and I have
17 basically been in New York City my entire life. I
18 am currently living with my Uncle and that's
19 really not by choice. It's kind of just by
20 circumstances. I would love to live on my own.
21 Be able to support myself and like you said, I am
22 someone who is proud. I wake up everyday and I
23 want to work to earn my right. I don't want to
24 depend on public assistance and because of the
25 fact that I don't take any public assistance I

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2 think it's mostly out of pride and a promise to
3 myself that I made when I was little that I would
4 be a self-sufficient human being. You know, be a
5 man about it and I wasn't going to just take
6 handouts. I have seen my mother dependent on it.
7 My father dependent on it. And I guess in my
8 neighborhood a lot of people say you know we work
9 the system, depend on that but that's not how I
10 want to live my life. I want to work and I want
11 to earn it and I want to get paid a fair wage so
12 that I can actually survive in the city I live in.

13 I worked at the same franchise
14 owner as she does. My location is in Brooklyn. I
15 have worked there for about a year and a month.
16 And I earn 7.25. About three months into my job I
17 was promoted to Shift Supervisor and I was told
18 that I was going to get a raise, a starting raise
19 at \$8 and hour and then from then it would go up.
20 I was told that also I needed to get a qualifying
21 certificate in the food protection from the New
22 York City Department of Health and Mental Hygiene.
23 I inquired about I guess if they would pay for it.
24 They told me that they wouldn't. So I decided to
25 invest in myself the \$114 that was necessary even

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2 though I am pretty sure that KFC has to pay for
3 that type of training. I asked the boss why he
4 wouldn't pay for it and he said that if I felt
5 inclined to somehow when they go to a different
6 store, a different franchise, that it would no
7 longer benefit him. So that's why they were not
8 going to invest in that. A bunch of BS but oh
9 well, whatever.

10 I also never got the raise really.
11 I was doing the job as a supervisor I was
12 responsible for I guess handling Spanish speaking
13 customer, customer service, boxes, taking food in,
14 putting it in the freezer, assembling the orders,
15 changing the syrup in the machine, cookies,
16 basically anything and everything that needed to
17 be done because I was a Shift Supervisor and the
18 Manager. I had to answer to the boss and I had to
19 make sure that everything was done. If no one
20 wanted to do it, I had to do it. I even spent two
21 days mopping up the floor in the grease trap that
22 spilled and exploded in the basement. That's
23 probably someone who has HAZMAT experience and
24 should have taken care of it but the boss was so
25 cheap that he paid me two regular days at regular

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2 rate to do it for him. I needed the money so
3 that's why I did it honestly. I had all this
4 extra responsibility but KFC still pays me 7.25 an
5 hour. After basically like three or four months
6 of this I told the boss that I would no longer do
7 it. I said I want to go back to 7.25 and just be
8 a regular cashier without all the extra
9 responsibilities.

10 As a Shift Supervisor I was working
11 about 45 hours at two different locations by the
12 same owner. And I wasn't getting paid overtime.
13 I was getting two separate checks to split my
14 hours down so they would avoid overtime and after
15 I demoted myself from Shift Supervisor they are
16 now only scheduling me to \$19 an hour. I mean I
17 had a hard time you know living my life at 200,
18 300 dollars a week. Now I am basically living at
19 \$120 a week. So my life has basically, I have to
20 budget myself even more and stretch the dollar
21 even thinner when it's not possible. Like she
22 said, I have to choose sometimes the necessities
23 and make the luxuries and go without them like
24 food and Metrocards, rent, you know, everything.

25 I guess we need to be paid living

2 wage because it's one of the fastest growing
3 issues in New York and we need to be able to
4 support ourselves and not have to rely on family,
5 friends or public assistance. Thank you
6 everybody.

7 CHAIRPERSON NELSON: Very well
8 said, Joseph. And as well the whole panel.
9 Melissa Mark-Viverito has a question.

10 COUNCIL MEMBER MARK-VIVERITO:
11 Well, probably if you allow me, Mr. Chair, more of
12 a comment I think. Because first of all, I want
13 to thank everybody that's here. And taking the
14 time. And I see members of the clergy and I see a
15 lot of the workers that have taken time to be here
16 and it's incredibly appreciated. And it's a real
17 shame that we even find ourselves having to have
18 this hearing. And what we are missing here at the
19 essence and the core is true leadership obviously.
20 At the state level when we talk about the
21 discussion that happened earlier about the minimum
22 wage and the vote that was taken. It's scaling
23 it. It doesn't even talk about immediate upgrade
24 in terms of the wage, the minimum wage. But I
25 want to thank all of you because I think what we

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2 are seeing nationally and what we are seeing here
3 in New York is really bold in terms of people
4 organizing on the ground which is what we really
5 need to do, to do a wholesale change. Not only in
6 New York but in this country. And what we are
7 seeing in the city is what we are seeing in this
8 country about the growth in the low wage jobs, the
9 retail jobs, the fast food industry, continues to
10 grow but the wages aren't growing. And the basics
11 of economics is if we want our economy to grow we
12 need to put money in people's pockets and help
13 really uplift everyone. And so that's this
14 campaign has really inspired me because I see it
15 happening and it take courage. You all, you go to
16 the rallies, I have been to the rallies. You
17 know you are taking the time. I know a lot of
18 these bosses sometimes can be intimidating. Not
19 only do they pay low wages but on top of that they
20 are stealing your wages. Right? They are docking
21 your hours or they are making you do multiple jobs
22 you should be compensated for. So those are
23 obviously interventions that we need to do with
24 the Attorney General's Office to make sure that
25 they are abiding by the laws. But at the end of

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2 the day I think what we are looking to do and I
3 support it wholeheartedly is that we have got to a
4 shift in the paradigm of how we treat workers and
5 respecting work and respecting what you do each
6 and every day. And so I think this hearing is
7 important not only to raise light in terms of your
8 personal experiences and to look at from the point
9 of view of those that are doing business in this
10 city, how egregious they have been. And trying to
11 come together to ensure that we respect and that
12 we work to protect your rights but to also
13 increase the wage. There is a lot different
14 levels. It takes all levels of government. As a
15 city we have a role to play. The state but
16 obviously at the federal level. It's a real
17 shame. So again I am glad to be here. I thank
18 you for taking the time. And I am hoping that
19 united we can make some sort of change at the
20 national level. So thank you very much for your
21 patience.

22 CHAIRPERSON NELSON: Council
23 member, and we are joined by Council member
24 Letitia James as well. Again, very impressive
25 panel. I just wish it could be this shown in

2 commercials, actually because it gets the point
3 across so well. Thank you. Thank you Joseph.
4 [off mic] Hazel Dukes is here with us and we are
5 very happy about that. Ms. Dukes.

6 HAZEL DUKES: My name is Hazel
7 Dukes. I am President.

8 CHAIRPERSON NELSON: Is your red
9 button on, ma'am?

10 HAZEL DUKES: Sorry Councilman.

11 CHAIRPERSON NELSON: That's okay.
12 We heard you anyway. But we want to make sure the
13 mic hears you.

14 HAZEL DUKES: Okay. Good afternoon
15 Council members and my neighbors and my friends.
16 My name is Hazel Dukes. I am President of the
17 NAACP for New York State. 104-year-old national
18 civil rights organization. I come this afternoon
19 Council members. It is because it's been said
20 that crime waves in this city and while it is a
21 crime wave unlike those we normally hear about in
22 our daily papers or on the evening news, it is a
23 crime wave nonetheless. As you said, we wish we
24 did have this on national TV instead of the
25 Housewives.

2 CHAIRPERSON NELSON: That's right.

3 HAZEL DUKES: Low waged workers in
4 the fast food industry workers who are primary
5 people of color or immigrants are having their
6 wage stolen from them. In fact, according to a
7 recent survey, 84% of the fast food workers said
8 they have experienced wage theft at least once and
9 you heard it for yourself. 30% said they have
10 experienced at least four instances of wage theft.
11 They have worked off the clock. They have been
12 denied overtime pay. They have been forced to
13 skip their breaks. This is the workforce that is
14 both well known to us standing behind the
15 counters, serving many of us our food during hour
16 lunch hour and also marginalized. And because
17 they are marginalized they have been allowed to
18 suffer under this type of treatment with few
19 willing to stand up with them to fight back. I
20 have been standing with them for over the last
21 five years. I have not missed a rally. I have
22 not missed a hearing because these are my brothers
23 and sisters. These are my grandmothers. These
24 are the arches, these are the persons that work
25 all day and then come back to our community and

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2 care for our children. And some of them do not
3 have the energy when they come home and so our
4 children are left without proper care and without
5 proper food. Along with low wage workers like
6 those in the car wash industry, those who are home
7 cared for our elders and disabled residents,
8 grocery store workers, airport workers, retail
9 workers and other, these workers struggle to make
10 ends meet while their employers make millions and
11 billions of dollars a year. This is unacceptable
12 and I am here to stand with them and I am urging
13 the members of this City Council to stand with
14 them too.

15 I have been inspired by the amazing
16 courage that many of these fast food workers have
17 shown putting their jobs on the line to go an
18 strike. The movement that is growing here in New
19 York City is inspiring not just to me but also to
20 familiar workers across the country. They have
21 taken the example that fast food workers have set
22 when they took action twice over the last seven
23 months. They have built a movement of low
24 wageworkers, demanding respect, better wages and
25 the right to form a union. 45 years ago the

2 Reverend Dr. Martin Luther King Jr. lost his life
3 fighting for basic fairness for sanitation workers
4 in Memphis, Tennessee. At the time he said, it's
5 a crime for people to live in this rich nation and
6 receive starvation wages. And he was right. He
7 still is.

8 I am glad to hear that Attorney
9 Jones is looking into cases of wage theft among
10 fast food employees. The franchise and especially
11 the parent corporation must be held accountable
12 when they break the law. This crime wave must
13 stop. Now I am asking the members of the City
14 Council to join this fight by speaking out
15 publicly against employees that are breaking the
16 law.

17 And I want to thank you all for
18 taking the time to come and listen to these
19 workers and while, yes, we are not at the federal
20 level but we do have some power in this city.
21 People come, I serve on the community board.
22 People have to come to you for the property.
23 People have to come to you for many other things
24 that they need, codes and all of that. You must
25 get the commitment from them right here in New

1
2 York City. What are they going to do for our
3 residents and for our citizens? When they get a
4 decent wage, we in New York are better off. We
5 don't have to have social service, we don't have
6 to give them food stamps. We are better off when
7 they become productive citizens. Then our city
8 lives much better and all of us are treated with
9 dignity and respect. That's why I stand with you.
10 Wherever you are, you have my support because you
11 are my neighbors, you are my sisters and brothers,
12 regardless of how you came here. Whether you came
13 by the boat or by the ship, whether you speak
14 English or non-English. You are still, you got
15 off that boat or that ship, that lady of liberty
16 stand there. She said, bring me you your tired
17 and your poor and she said bring it to you and we
18 have a right here to respect it. Thank you very
19 much.

20 CHAIRPERSON NELSON: Stay there,
21 Ms. Dukes for a second. I am sorry. You have a
22 question from Letitia James, ma'am. Audience

23 COUNCIL MEMBER JAMES: thank you,
24 Mr. Chair. It's really not a question but more of
25 a comment. Obviously Mrs. Dukes is my hero and I

1
2 will also speak for Council member Mark-Viverito,
3 we love you dearly. We both stand on your
4 shoulders and would not be in this position but
5 for you. But going forward, obviously and I know
6 that there are perhaps greater minds in the
7 audience and one of the recommendations that just
8 popped into my head and I don't know whether or
9 not we could do it legally but obviously we need
10 to expand living wage going forward. We are
11 seeing the suburbanization of New York City. We
12 are seeing all of these malls and all of these
13 fast food restaurants. You know we are moving
14 more towards the service-oriented economy. And so
15 obviously going forward whenever we provide any
16 public subsidies for any franchises they need to
17 pay a living wage. But in addition to that, if in
18 fact there are any lawbreakers in these franchises
19 because most of these franchises are owned
20 privately, they should be vendexed and they should
21 not be allowed to get any public subsidies and/or
22 be included in any projects going forward. So if
23 there are any legal minds out there, any
24 individuals who obviously know about legislative
25 drafting. I would love to work with you on doing

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2 something like that. We need to use our vendex
3 system so that any of these franchises and/or
4 owners of these franchises, it's indicating in
5 their vendex that in fact they have violated the
6 law with respect to the wages of their employees.

7 HAZEL DUKES: Just let me say this,
8 Chairman. I sat on the community board TN in
9 Harlem, and you know Harlem is expanding. We are
10 just getting a Red Lobster in Harlem. We are
11 getting a Joe Crab, I think it's called Joe Crab
12 Shack. He's coming to Harlem. [off mic] What we
13 have done, Council members, when they come before
14 us, they have to come ULURP, they have to come for
15 codes and that. We make it a point to talk about
16 employment for people in Harlem. We make it a
17 point, now Joe Shack and Lobster have unions and
18 they pay a better wage than McDonald's and KFC but
19 we shouldn't let them off the hook. KFC makes
20 just as much money than Joe Crabs going to make
21 because the prices are going to be higher so they
22 are not going to put KFC out of business. They
23 are still going to be there and so we need to find
24 a way each time they come before City Council for
25 any relief, subsidy or anything they want to. I

1
2 think there should be some commitments, some
3 accountability to hold these persons in. We are
4 doing that at the community board and we had good
5 backup from our Borough President, Scott Stringer.
6 I was appointed by C. Virginia Field and I have
7 been there and so we talk with Manhattan Borough
8 President Scott Stringer about all these
9 corporations coming into Harlem and he is still
10 with us putting some accountability into them.
11 And so I would recommend Council member Rodriguez
12 is right, there is the federal level, there is the
13 state and then there is the city but some things
14 we can do here in this city. Thank you very much
15 for hearing from me.

16 CHAIRPERSON NELSON: Thank you.

17 Okay, more workers. This group would be Anastasio
18 Allera, Anastasio is here? And Gregory Renoso and
19 Linda Archer and Kian Joseph. Thank you. You
20 don't have to have written testimony. You can
21 speak right off the cuff from your heart,
22 whatever.

23 ANASTASTIO ALLERA: Buenos Tardes.

24 CHAIRPERSON NELSON: Buenos Tardes.

25 [off mic]

ANASTASIO ALLERA VIA INTERPRETER:

Good Afternoon. My name is Anastasio Allera, I am 45 years old and I am from Mexico. I arrive to New York on the 23rd of May of 2007. I have been here for six years. I have two daughters, one is 22 and the other is 20. They both live in Mexico and I send them both money when I can. So currently I cannot afford to pay rent so I am staying in a basement with the Super. The way that he allows me to stay in the basement is because I help him to mop and to take out the trash and that's how he lets me stay. I have a roof over my head but it's not adequate living conditions for a human being. So I currently work at Papa John's on 179th Street I Washington Heights. I have been working for the company for five years. I have worked at four different Papa John stores. I have delivered pizzas from 95th Street all the way to 247th Street. So aside from delivering pizzas I also mop, I take out the trash, I clean, I also put the ingredients together. Currently I am getting paid \$5 an hour. Five years ago I was getting paid \$5.50 an hour. So about a week ago I had the opportunity to go

1 talk to the Attorney General about these issues.
2 So it's unjust what's happening to me at my job
3 because I don't even get 40 hours currently. I am
4 getting more between 25 and 30 hours. Some of my
5 co-workers who do get to work more than 40 hours
6 get paid in cash after the 40 hours and do not get
7 paid the overtime. And what I am about to talk
8 about is not a violation, a wage violation, but I
9 consider it a crime. Papa John's is always giving
10 away free pizzas on television. During Yankees
11 games and the Super Bowl, thousands of pizzas are
12 given away. So if we want a slice during our work
13 hours we have to pay for it just like any customer
14 would. So because of my low wages I am forced to
15 go to different churches and ask for food. I
16 don't see a doctor because I don't have
17 healthcare. Just last week I sliced my finger
18 open and I had to go to the emergency room and
19 they helped me, they gave me stitches. I travel
20 all across the city on my bike to save money
21 because I can't afford a Metropass. And we are
22 putting our lives on the line. These millionaires
23 don't see it that way however. During Hurricane
24 Sandy, we were delivering pizzas. And our
25

1
2 managers told us to cover the pizzas well so they
3 wouldn't get wet. The pizza was more important
4 than our health. Being able to make \$15 would
5 completely change my life. I would be able to
6 achieve my goals and take care of myself as a
7 person. In my country I studied architecture but
8 I could not finish my studies because of economic
9 situations. I like to draw and I currently do
10 make drawings. So I also do construction so I
11 find any way possible to make more money on the
12 side. Thank you for listening. I hope that you
13 can help.

14 CHAIRPERSON NELSON: Thank you. I
15 allowed it to go longer because it was a
16 translation and I was afraid he would be insulted
17 if I cut it off. He wouldn't understand but I
18 would appreciate it if we could try to keep it
19 close to two minutes as possible. Otherwise we
20 will be here until the Tonight Show and I am not
21 crazy about David Letterman, all right? Okay.

22 LENORE: My name is Lenore, I am a
23 Chair member of the Fast Food Campaign. I am
24 employed at McDonald's at 220 West 42nd Street,
25 Times Square in Manhattan and I am making \$8 an

1
2 hour with not benefits and no job security. When
3 I started they told me that we would get a raise
4 every six months and that hasn't happened. I
5 lived in New York all my life and I reside in the
6 Bronx with my mother and I contribute to the house
7 for my living expenses and I had bills to pay
8 which leaves me basically nothing to save in my
9 account after each pay period.

10 The stereotype is that most of the
11 workers that are young at fast food are young
12 people trying to get themselves to a school to pay
13 for their education as well as telephone bills.
14 That's incorrect. Many employees at the work site
15 are grown adults with children. And I believe
16 workers should be paid enough to meet the basics
17 needs such as food, clothing and rent and not be
18 dependent on public assistance for food stamps and
19 homeless shelters. This is an insult, these
20 multimillion-dollar corporations are making huge
21 profits. It's unfair and it's unequal. And
22 that's why I decided to stand up. I work very
23 hard at a fast pace. It's very hot and there is
24 no air conditioning but I am willing to fight for
25 \$15 an hour expect and the right to form a union

1
2 with no intimidation.

3 CHAIRPERSON NELSON: Thank you very
4 much, ma'am. Yes, sir. Ohm before, I am sorry, I
5 wanted to mention that we have Steve Levin from
6 Brooklyn who has joined us. Also, a real fighter
7 for he working people and Brad Lander, the same,
8 as Tish James is. You got a strong panel here,
9 strong supporters. You got the right group of
10 Council members.

11 OKIAN JOSEPH: Hi, my name is Okian
12 Joseph. I am 20 years old. I am currently in
13 Brooklyn, NY. I lived in Brooklyn all my life and
14 I currently live with my mom and my two brothers,
15 one that is older and one that is younger. Right
16 now, I am studying computer information technology
17 in Bronx Community College and I want to go to
18 earn my Bachelor's in Computer Science. Because
19 my mother is unemployed, I am forced to work in a
20 fast food restaurant earning \$7.25. I actually
21 try to provide for my household with the
22 assistance of food stamps, etc. but honestly
23 working in a fast food restaurant is honestly like
24 it keeps you on the level where you just can't get
25 out with being paid so low. For the past two

1
2 years I have been working at Burger Kings around
3 Brooklyn, New York and I do a lot than just cash.
4 I make food. I take care of drinks. I clean the
5 lobby. I do a lot of maintenance. And for 34
6 hours, at the end of my paycheck, at the end of
7 taxes, at the end of everything when I am actually
8 getting my money, it's only \$200 flat per week.
9 At 34 hours.

10 When I started at Burger King I was
11 actually in High School and I was in a store that
12 wanted me to close. This was the only spot that
13 they needed. This was the only spot that they had
14 for somebody to work and the store closes at 3am.
15 So leaving that store at 3am, having to be at High
16 School at 8am, my grades significantly dropped and
17 pushed back my graduation a year and a half.
18 Burger King, they really didn't care about the
19 schedule. They didn't care about nothing like
20 that. All they wanted you, they just wanted you
21 there. They just wanted, they just wanted your
22 time. And at the Burger King I am currently
23 working at now, or like the clocks are boldly
24 wrong. The clocks are boldly wrong so when you
25 are clocking in, you are clocking in or out on a

1
2 wrong time. You may think like at the end, you
3 calculate your hours before, you say, I am making
4 35 hours. At the end of the week, you actually
5 see 30, 31 and you don't know and you clocked in
6 on time, you clocked in off time. Everything was
7 on time and you just don't know how. My check is
8 often short. At my job we receive direct deposit
9 and we don't receive pay stubs and when we do
10 receive pay stubs it's probably a month after we
11 receive that pay and so you really don't know like
12 how that pay went for that pay period.

13 These companies make billions of
14 dollars but can't afford to pay people at a living
15 wage. I think that's just wrong. What I want in
16 life, I am trying to receive an education but I am
17 trying to support my family but being paid so low
18 is taking so much time out of my education and
19 stuff like that. It just keeps you on a level and
20 I just think that we need to make a change.

21 CHAIRPERSON NELSON: Okian, you had
22 us at hello. You don't have to go on. You are a
23 very impressive young man and you are going to
24 wind up, I might be working for you in ten years.
25 But point well taken. And there's other people

1
2 who cannot express themselves quite as well as you
3 can. And they are going to have more difficulty
4 and that's one of the reasons we had two, not just
5 for you. That's very good. Thanks.

6 GREGORY RENOSO: Hi, my name is
7 Gregory Renoso. I live in Brooklyn, New York with
8 my wife and my three-year-old daughter. I move to
9 the United States from Santa Domingo around seven
10 years ago trying to find a better future, you
11 know, better opportunity like thousands of people
12 in this city in and around the country. Since
13 like one year and a half, in New York City, I
14 started working at Dominos Pizza earning \$7.25 an
15 hour. When I realized I worked in Dominos Pizza,
16 we no raise, we no benefits. It was like little
17 late, I was already into the company. And I was
18 like I got this paycheck now, I just got a gig
19 going but this company like all the companies in
20 the fast food industry be with the people, treat
21 with the people like machines with no raise, with
22 not benefits. We have to do so many jobs, so many
23 types of jobs inside the store and I have people,
24 we got co-workers in my store. They have been
25 working in Dominos since 2000. 13 years, almost

1
2 14 years with no raise making the minimum wage.
3 But I think this is not really fair because even
4 if you are a worker, you want to work. You don't
5 have vacation. That's not mean that you don't
6 deserve a raise. I work hard to provide for my
7 family. It is really impressed how you work
8 really straight. You work so much and you really
9 can complete, you meet the ends, because the
10 living wage is too low and in the fast food
11 industry, we don't have no opportunities to really
12 grow up like a person. The rent is going to go
13 up, the cost of gas is going to go up. Everything
14 goes up in this city except our checks. We,
15 people like me around the city struggling just
16 because we don't have no more opportunities, we
17 don't have exactly the chance. We don't receive
18 what we deserve. But we really work hard. At
19 Dominos, at my job, we have to use our own cars.
20 We have to cover cost of gas about half. We have
21 to provide insurance. Also, we have to do so many
22 jobs, customer services, doing boxes, cleaning the
23 store, for \$7.25.

24 Presently, Dominos Pizza raised 25
25 cents to every worker just because we doing this

1
2 not because they want to do it.

3 CHAIRPERSON NELSON: Well, thank
4 you Mr. Renoso. I appreciate it but I would like
5 to point out some of the Council members here are
6 not members of the Committee. They don't have to
7 be here. They want to be here which doesn't
8 happen all the time. And one of those
9 aforementioned Council members is here right now.
10 Council member Levin.

11 COUNCIL MEMBER LEVIN: Thank you
12 very much, Mr. Chairman. Thank you, sir, for your
13 testimony. I just want to ask you, does your wife
14 work as well. How do you make it? How do you pay
15 your rent? How do you pay your food? How do you
16 do it?

17 GREGORY RENOSO: It's really hard.
18 Sometimes when we pay the bill, we cannot pay the
19 other. You know, it's like we cut the money this
20 month. We really short to pay one bill so we
21 leave this bill to pay the next month because I
22 mean we got late fees. It's really frustrating
23 but that's the way we complete. Some months we
24 really pay all the bills, of course you have to
25 pay rent or you are going out. This is the type

1
2 of bill that you cannot leave it out but some
3 other bills you cannot pay it because some times
4 it's really strong. You cannot, you don't have
5 the money or you calculate it, you say okay, I
6 don't want to pay this credit card this month so
7 next month.

8 COUNCIL MRMBER LEVIN: How about
9 food?

10 GREGORY RENOSO: Without food
11 stamps, no meat. A lot of people in the city
12 don't food put on the tables. Without food stamps
13 I don't put food on my table because the money
14 that I make is only to pay for bills. How are we
15 going to eat? We got to ask the government.
16 That's the main problem right now. We don't
17 asking to be rich, we just asking to live. That's
18 what we want.

19 COUNCIL MEMBER LEVIN: Thank you.

20 CHAIRPERSON NELSON: Thank you so
21 much. Again, another good panel. Okay. Mr.
22 Steven J. Kim? Dorian Warren from Columbia
23 University representing. First gentleman is from
24 Make the Road New York, Elise Gould from Economic
25 Policy institute, Constance Araza and Sidai

1
2 Getduclose? I apologize for butchering the name.

3 You will correct me. Good. [off mic] Start
4 right from the left and work your way.

5 STEVEN KIM: Honorable Council
6 members, thank you for this opportunity today. My
7 name is Steven Shaw Kim, I am a staff attorney at
8 Make the Road New York, which is a citywide
9 community based organization. Can you hear me?

10 CHAIRPERSON NELSON: Your
11 microphone is red? Okay.

12 STEVEN KIM: I do. Make the Road
13 New York has been at the forefront of this issue
14 of wage theft in New York for over 15 years. We
15 represent thousands of workers from across the
16 spectrum of the city's low wage industries,
17 construction, retail, home care, car washed,
18 restaurant and food services, to win back millions
19 of unpaid wages. Based on this experience we
20 played a key role in drafting New York State's
21 landmark 2011 Wage Theft Prevention Act.

22 Unfortunately these efforts and the efforts of
23 many other advocates are not enough on their own
24 in face of the ongoing economic realities that the
25 brave workers have already testified about today.

1
2 The fact that current wages even
3 when they comply with the law, which is rare, can
4 support someone at the poverty level. Wage theft
5 remains systemic in various pernicious ways.
6 Employers get ever creative in stealing wages.
7 And the fact that low wage earners are inherently
8 vulnerable. Who in this economy would risk their
9 jobs to complain? Even when it means they are
10 getting squeezed by their employers about things
11 as basics as proper safety conditions.

12 Today, I wanted to present the
13 findings of a recent comprehensive report. I
14 presented copies to the Sargent. This was
15 prepared by Fast Food Forward, which collected
16 fast food worker testimonials and hired the survey
17 firm of Angelo, Liston and Grove research. They
18 conducted a scientific survey of 500 fast food
19 workers in New York City. The findings are
20 startling even to hardened workers attorneys who
21 have seen their very worst in these kinds of
22 practices. 84% of fast food workers have reported
23 experienced at least one form of wage theft in the
24 city. 66% reported at least two abuses. 45% at
25 least three and 31% reported being victimized in

1
2 at least four different ways. 30% of fast food
3 workers in the city who work more than 40 hours
4 are being cheated out of the legally earned
5 overtime wages.

6 The workers' testimony revealed the
7 myriad ways in which employers are stealing wages.
8 Some simply refuse to pay the time and a half for
9 hours over 40. Others try to spread out pay for
10 employees for more than 40 hours across multiple
11 paychecks in order to avoid overtime. This is a
12 blatant fiction we see from industries across the
13 city. Others simply just remove any hours over 40
14 from a person's payroll and then they will hold on
15 to them and then they will add them to a specific
16 week when a person has worked less than 40. This
17 is all illegal behavior. Fast food workers also
18 reported with alarming frequency 36% that they
19 were being made to work either before clocking in
20 or after clocking out. This isn't just an
21 innocent phenomenon. Workers reported having to
22 spend up to 90 minutes a day cleaning, taking out
23 the trash, putting away boxes, organizing supply
24 rooms, counting money, all of it off the books.
25 If you think about it, at minimum wage this

1
2 amounts to over \$200 a month in wages, money that
3 is dearly needed for rent, food, bills, adding to
4 the strain is the fact that 30% of workers have
5 reported that their paycheck was either late or
6 bounced. It is an unfair burden that the employee
7 has to bear especially in terms of fees and bank
8 costs. I know my time is short. I want to just
9 mention that one subgroup of workers who are
10 particularly being victimized and that's delivery
11 workers. Every single delivery worker that was
12 surveyed reported experiencing some sort of wage
13 theft. It's really alarming the kind of stuff
14 that's happening to them. 93% of workers reported
15 that their employers refuse to reimburse them for
16 making calls. One in three reported being
17 assaulted or robbed at least once while making
18 deliveries. On top of that, a third of these
19 workers were required to pay their employer for
20 the cost of the pizza or money that was stolen
21 from them while they were on the job. And they
22 were attacked. This is a public safety issue as
23 well as moral issue. And I know my time is up and
24 I just really encourage City Council to heed the
25 report's findings and take the action that it can.

2 CHAIRPERSON NELSON: Thank you Mr.
3 Shaw Kim. I have to believe that there has to be
4 a lot of good decent employers out there, good
5 restaurant owners and managers. Hopefully some
6 people have encountered them because I am only
7 seeing a very dismal viewpoint here and I hope
8 it's derigorous so to speak.

9 COUNCIL MEMBER JAMES: So,
10 recommendations for the City Council. What role
11 can we play?

12 STEVEN KIM: Well, I think the City
13 Council has to recognize that in terms of labor
14 standards directly, its power is a little bit
15 limited because it's a state issue but I think
16 that doesn't mean that the City Council is
17 powerless. I think a good lesson from this is
18 that if these employers are skirting employment
19 laws like this, it's a good bet that they are also
20 skirting environmental, public safety, consumer
21 affairs issues. All of which the city has proper
22 oversight for. So I think a good place to start
23 is really taking a look at general consumer
24 affairs licensing laws in a particular industries
25 like the car wash industry where we are also

1
2 pushing for general consumer protection law
3 because I think the more you put the light on
4 these industries and their other practices, the
5 more they realize they can't get away with things
6 like this and the labor area as well.

7 COUNCIL MEMBER JAMES: Are we pre-
8 empted from ending the practice where if
9 individuals are victims of assault or robbery that
10 they have to pay for the food that's lost. We
11 exempted from required, preventing these owners
12 from requiring that employees use their own cars
13 and pay for their gas and the insurance. Are we
14 pre-empted from requiring that employees end this
15 practice of they have to pay for their own food.
16 Are we pre-empted from all of that? Trying to
17 level the playing field? I mean this is really
18 immoral.

19 STEVEN KIM: I mean to me the issue
20 of these delivery workers who are getting
21 assaulted and robbed and are being forced to pay
22 out of pocket for the pizza that's stolen from
23 them and they are beaten up too in too many cases,
24 I think that's a valid public safety issue that
25 the City Council has absolute power to address.

2 COUNCIL MEMBER JAMES: So if there
3 is any legislative remedies that you could
4 possibly think of I would love to work with you.
5 Obviously the three members here, we are founding
6 members of the Progressive Caucus of the City
7 Council. We want to lead on this particularly in
8 the next Administration and I don't think that we
9 can waste a day. These workers obviously need
10 government and they need government now. And I
11 want to approach this with a full fist in
12 demanding justice for these workers. In a
13 progressive city like New York City, I can't
14 believe that we are allowing these conditions to
15 continue and this is under the radar of mainstream
16 media and out of the glare of most new Yorkers.
17 If most New Yorkers realized and recognized what
18 is happening, I am sure that they would use their
19 economic clout to boycott, not to boycott because
20 then they would lose their jobs but to send a
21 message to some of these owners that these
22 conditions have to change. They must be reformed.

23 COUNCIL MEMBER LANDER: A letter?
24 I am going to send you a letter, Mr. Chairman.
25 Anyway, thank you Mr. Chairman for convening this

1
2 important hearing and thanks to all of the workers
3 who have the courage to stand up as part of the
4 Fast Food Forward campaign in general and to come
5 share their stories with us today. We really
6 really appreciate it and to this panel of experts
7 and I don't know whether others are going to
8 address it but I do believe that in addition to
9 legislation and regulation, thinking about
10 organizing consumers, it is one thing that I would
11 like to hear. If people have ideas on, we did on
12 one of the other low wage worker campaigns going
13 on right now is around green grocers and I was
14 certainly very proud in my district that around
15 the golden farm struggle that the community of
16 Kensington did a community boycott of Golden farm
17 and ultimately the owner went to the table and sat
18 down and is negotiating a contract with them. And
19 it seems to me that in Park slope where I am
20 people would have their consumer decisions
21 affected by the willingness of either whole chains
22 or individual managers to sign some sort of code
23 or step up as employers or they are in conjunction
24 with the state labor oversights. So you know who
25 the bad actors are, who the good actors are and

1
2 who the in between actors are. So I am curious
3 whether you, that's part of the campaign where
4 there's places around the country that people are
5 doing those things where they have ideas of
6 things. I know that Roc New York has certainly
7 led on this on the non-chain realm. It seems like
8 most of the good actors are non-chains so I don't
9 know how that relates to fast food but if you have
10 ideas for things that we can do, we would of
11 course be eager to know them.

12 CHIARPERSON NELSON: Yes, sir. I
13 know that you had your hand on the gavel. I had
14 no idea this meeting would be this long. I
15 promised my wife I would pick her up at school
16 where she works. She doesn't go to school. I
17 personally thank everybody for being here. I wish
18 I could listen to everybody but I don't want to
19 have to listen to my wife tonight if I don't pick
20 her up so I thank you all so much. I'll see you
21 at the next meeting.

22 [off mic]

23 COUNCIL MEMBER LANDER: So let me,
24 we want to make sure even though it will just be a
25 few of us who are here, this is obviously on the

1
2 record and we want to make sure we get to as many
3 people as possible but we are at 3:00 so what I am
4 going to do is just ask people to keep to a two
5 minute time limit so we could get to as many
6 people as we can that we will listen to and get on
7 the record as part of this hearing so. So you are
8 Mr. Warren.

9 DORIAN WARREN: Yes.

10 COUNCIL MEMBER LANDER: All right.

11 Go ahead.

12 DORIAN WARREN: Good afternoon.

13 Thank you distinguished members of this committee
14 for allowing me to testify on this topic. My name
15 is Dorian Warren. I am currently and Associate
16 Professor of Political Science and International
17 Affairs at Columbia University. And I am going to
18 provide a very brief overview of the role of low
19 wage work and the fast food industry in
20 exacerbating income inequality. Simply put, the
21 fast food industry is one of the leaders in the
22 proliferation of low wage jobs in New York City's
23 economy leading to rising levels of poverty and
24 inequality affecting not only the workers we heard
25 from this morning but all of us as residents. We

1
2 know from social science research that income
3 inequality has risen over the last 40 years. It's
4 unequivocal much like the 1920's the top 1% now
5 takes more of the nation's income than ever
6 before. But in New York City, the top 1% share
7 of overall income in 2012 was 38.6%. So top 1%
8 took roughly 40% of the city's overall income last
9 year.

10 This growing economic inequality
11 over the last three decades of course affects all
12 of us but it affects New Yorkers and especially
13 people of color living in this city. The poverty
14 rate in New York City is now 21.3%. So one in
15 five residents live below the poverty line but
16 it's much higher for Blacks, Latinos and Asians.
17 And one in four children in the city live in
18 poverty. Now this thirty-year trend in rising
19 economic inequality is the result of many factors
20 but three of the most important have been the
21 changing structure of the economy, the rise of the
22 service sector and fast food is a core part of
23 that.

24 First, second, public policies that
25 advantage the wealth and disadvantage Americans

1
2 and the bottom two thirds of the income
3 distribution. And third, the declining power of
4 workers to bargain collectively for higher wages
5 and benefits. So this is the broad context in
6 which New York City's workers particularly in the
7 fast food industry find themselves and we know
8 that they find themselves in the situation when
9 their employers make record profits in the
10 billions of dollars. So in conclusion, the fast
11 food industry is leading the proliferation of low
12 wage jobs in New York City, draining our city's
13 vital resources to support these workers and their
14 families and while this testimony is far from
15 exhaustive, I hope to provide in the longer
16 written version. It provides some broader trends
17 of inequality throughout the country and
18 especially in our city and we can do something
19 about it. Thanks.

20 COUNCIL MEMBER LANDER: Thank you
21 very much.

22 FEMALE VOICE: Good afternoon.
23 Thank you for the opportunity to discuss the
24 pressing issues facing workers and their families
25 in New York City. I am an Economist for the

1
2 Economic Policy Institute where I have worked for
3 nearly ten years on research related to wages,
4 health insurance and economic inequality. The
5 Economic Policy Institute is a non-partisan, non-
6 profit organization devoted to research on low and
7 moderate income workers. For the last couple of
8 years I have worked in my team to update a series
9 of metrics to measure what it takes to live in
10 various communities across the United States. The
11 ability of families to obtain an adequate but
12 modest standard of living is an important measure
13 of economic performance. While poverty thresholds
14 generally sit at the national level, our use to
15 evaluate the extent of serious economic
16 deprivation in our society. Our family budget
17 calculator offers a broader measure of economic
18 welfare. The family budgets we developed measure
19 the income of family needs to secure a safe and
20 decent yet modest standard of living in the
21 community in which it resides. It includes
22 expenses for housing, food, childcare,
23 transportation, healthcare, other necessities such
24 as clothing and taxes.

25 In the interest of time, I am going

1
2 to give you some of the results so what our
3 calculator does, we look at 615 specific
4 communities across the U.S. We are looking at six
5 different family types from one child and one
6 parent up to two parents and three children. And
7 we are using cost of living differences that are
8 built into the budget calculations by
9 incorporating regional, state and local variation
10 in prices. And these are not extravagant budgets
11 even not what you might consider middle class
12 budgets. For one, they don't include savings.
13 Not savings for retirement or social security, not
14 savings for a rainy day, not savings for college.
15 It includes just the six items that I said before.

16 So here are our findings related to
17 New York City. For a family of four, two parents,
18 two kids, it costs more to live in New York City
19 than anywhere else in the United States. A family
20 of four in the median family budget area, median
21 family budget area takes about \$63,000. In New
22 York City it takes about \$93,000. This is the
23 most expensive budget across the U.S. for this
24 type. Housing, childcare, healthcare are the
25 largest components of family budgets. Together

1
2 they make up more than two thirds of a four
3 person's family budget in New York City. What it
4 costs to live in New York City is far higher than
5 was suggested by the official poverty line. All
6 six family budget types that we measured for New
7 York City are at least 400% higher than the
8 official poverty line for each of those family
9 types. Which was, let's say \$23,000 for a family
10 of four.

11 This brings me to my last point.
12 Even in the best of times many parents in low wage
13 jobs will not earn enough market-based income to
14 meet their family's basic needs. A full time full
15 year worker in New York City who is paid \$7.25 per
16 hour will earn about \$15,000 which is even far
17 below the official poverty line. And it's
18 encouraging that the minimum wage will go up but
19 even with a minimum wage of \$9 an hour, two full
20 time workers making \$9 an hour make an annual
21 salary of \$37,000, still short of the \$39,000 of
22 the \$77,000 needed for the smallest two parent
23 family. Thank you very much.

24 COUNCIL MEMBER LANDER: Thank you.
25 And I don't want to be rude to people in cutting

1
2 them off. I just want as many people as possible
3 to get to be able to testify so that's my only
4 interest in parading folks along. Thank you.
5 That was very powerful.

6 SIDAI GOVERSERLASTI: Thank you
7 members of the Committee for allowing me to
8 testify. My name is Sidai Goverserlasti, I am an
9 attorney at the National Employment Law Project.
10 I submitted much longer written testimony but
11 basically the four points that I wanted to make in
12 these next two minutes is I want to talk about the
13 demographics of the fast food industry and in
14 particular the fact that these are mostly adults
15 and there's very limited opportunity contrary to
16 the myth of the industry for upward mobility in
17 the industry.

18 Second, our city and our country
19 have a growing good jobs deficit and what I mean
20 by this is that we are hemorrhaging jobs in
21 industries that pay decent wages and what's taking
22 their place are jobs in very low wage occupations
23 like fast food and that points to the need to
24 raise pay in these industries if we want our
25 economy to recover and families to survive in this

1
2 city and in this country. The third thing I want
3 to talk about is that the corporations that are
4 employing these millions of workers have enjoyed
5 record profits. They have fully recovered from
6 their session and in most cases, their profits are
7 actually higher than they were before the
8 recession. McDonald's for example posted 5.5
9 billion dollars in profits in 2011 but they are
10 paying their workers \$7.25 an hour. Poverty
11 wages.

12 The fourth thing I want to talk
13 about a little bit as to what Council member James
14 was saying was that we need to figure out a way to
15 allow New York City to enact higher local wage
16 standards to reflect the fact that New York City
17 is a very expensive place to live. And currently,
18 unfortunately due to an accident of history there
19 is essentially a ban that prevents New York City
20 from taking a lot of innovative wage steps that
21 other cities in California and New Mexico and
22 across the country are able to take. So just very
23 quickly I mean, I am just going to go towards my
24 last point and the committee can read the
25 testimony on the first three points but unlike

1
2 many other cities, New York City does not have the
3 power currently to raise wage standards above the
4 state level. A lot of other states have this
5 power. New York City doesn't because there was a
6 bad court decision 50 years ago when Mayor Robert
7 Wagner enacted the city minimum wage that was
8 higher than the state minimum wage. A lot of
9 other states do not ban their local cities from
10 doing this. So for example in California, the
11 state minimum wage is \$8 an hour but San
12 Francisco's' minimum wage is \$10.55 an hour
13 reflecting the fact that it is much more expensive
14 to live in San Francisco than it is in other areas
15 of the state. There are other states that do
16 this. New York does not. I would very much urge
17 the City Council to pass the resolution and
18 otherwise work with Albany law makers to give the
19 city the power to do this and raise pay for
20 literally 50,000 fast food workers in New York
21 City and more broadly, hundreds of thousands of
22 low wage workers in the city that are trying to
23 make ends meet on \$15,000 a year. Thanks.

24 CONNIE ARASMA: Thanks. Hi, my
25 name is Connie Arasma and I am the Director of

1 Strategic Research Initiatives for the Center for
2 Popular Democracy which is an organization that
3 promotes equity, opportunity, and a dynamic
4 democracy and partnership with innovative
5 community based organizations and local, state,
6 and national progressive networks across the
7 country. So you have heard from workers about the
8 challenges they face in the workplace and
9 researchers about the impacts of bad employment
10 practices on workers and on equality and equity in
11 New York City. I just want to say we are all here
12 today because we are optimists. We aspire to a
13 better New York City where everyone can secure
14 healthy food, have stable housing, access quality
15 healthcare, enjoy their leisure time and be
16 involved in their communities, schools and civic
17 lives. What if each of the 50,000 or so fast food
18 workers in the city were paid at least the current
19 average annual wage. What if instead of making a
20 theoretical \$19,000 assuming full time year round
21 work and being paid for all of those hours the
22 fast food workers made as little as \$31,000 which
23 isn't even enough to get to providing all of the
24 basic necessities that were talked about earlier.
25

1
2 But is the average annual wage. Surely an
3 individual worker would experience a significant
4 improvement in his or her quality of life but it
5 makes a huge difference to a city. I am just
6 skipping here. A single wage earner with a family
7 of two would be able to feed and shelter her
8 family on the one job while moving off many public
9 assistance programs. So rather than subsidizing
10 corporations drive, to diminish labor costs, we
11 would be able to concentrate public assistance on
12 those families with an adult unable to work or
13 unable to find work and we would free up public
14 resources for other purposes serving the common
15 good. And we would feed our local economies.
16 Bodegas in Bushwick, supermarkets in Staten
17 Island, hardware stores in High Ridge, just a few
18 examples of businesses that stand to gain and to
19 contribute more back to the city in return.

20 One of the points that we really
21 wanted to highlight was that these jobs sometimes
22 people say these are unskilled jobs, they don't
23 warrant such compensation. But at core that
24 objection raises the question of what we want New
25 York City to be. To build a city that resists

1
2 allowing the divide between the wealthy and the
3 workers to grow further we have to set clear
4 standards for how all our residents, individual
5 and corporate contribute to the common welfare as
6 well as how they benefit. And so to achieve that
7 we echo the recommendation that Sidai just made
8 that the City Council pass a resolution urging the
9 state to modify the city's home rule authority to
10 allow the city to enhance the state minimum wage
11 to reflect the higher cost of living in the city.
12 And further we offer our support in lobbying state
13 legislators to enact such a modification. So I
14 would like to thank the committee again for the
15 opportunity to present this testimony.

16 COUNCIL MEMBER LANDER: Thank you
17 very much. Any questions? Thank you very much
18 for your work and this panel. I am picking up in
19 the middle here so I don't know if these are the
20 panels that I am supposed to go to next but, panel
21 five? So I am going to ask to come up Kirsten
22 John Foy from the National Action Network,
23 Jonathon Weston from New York Communities for
24 Change, Raul Secsena from Roc, Restaurant
25 Opportunities Center of New York, Francisco Garcia

1
2 from Make the Road New York and the translator,
3 Maria Carrera. These are big panels so you may
4 need to decide on the chairs as well. Prince
5 Jackson from the JFK Airport Workers and also Skip
6 Roseblood from the New York Communities for
7 Change. So that's too many to sit at the table
8 but apparently you guys, it's all good. Let's go
9 ahead and get started with our first, whoever is
10 ready to go and up there first and we will keep
11 circulating the others. When you are ready.

12 FEMALE VOICE: Okay, he is going to
13 make everything in Spanish. I give the copies of
14 the testimony in English just to make time.

15 FRANCISCO GARCIA: [in Spanish]

16 PRINCE JACKSON: Well, I want to
17 thank the Council for letting speak today. My
18 name is Prince Jackson and I am the security
19 officer. I work at JFK Airport for a contractor
20 called air serve. We provide security for Delta
21 Airlines. I started out three years ago making \$8
22 an hour and today I still make \$8 an hour. No
23 health insurance, no sick days. At JFK there are
24 over 8,000 low wage workers like me employed by 35
25 different contractors providing crucial services

1
2 such as cabin cleaning, terminal security, baggage
3 handling, wheelchair assistance and Sky Cap
4 services. Many if not most of them make near the
5 minimum wage. Now how did we get there. It's
6 because Airlines and terminal operators to cut
7 costs long ago outsourced these jobs. They used
8 to fill them directly with middle class jobs that
9 paid good wages and benefits like sick days and
10 vacation and health insurance. They outsourced
11 out jobs to subcontractors and this is how it
12 works. Contractors who bid the lowest get the
13 contracts. It's a race to the bottom that
14 destroys individual lives and whole communities.
15 For those of us caught in this situation in a
16 recession like atmosphere with few other job
17 opportunities, our backs are against the wall.
18 Nobody listens to us. We have filled petitions
19 and complained and no one takes our concerns
20 seriously. It doesn't have to be this way. These
21 jobs at the airport performing these vital
22 services could be a way not only a way giving
23 workers pathways to the middle class but it could
24 help rebuild our communities. So put money in our
25 pockets and we can buy food from the corner

1
2 bodega. Just like the lady said before, you put
3 more money into our pockets then that money will
4 go right directly back into the community.

5 COUNCIL MEMBER LANDER: And let me
6 just note first you were the first to mention sick
7 days and I do want to at least note that last
8 night at 2:00 in the morning, the City Council
9 overrode the Mayor's veto on a bill that will
10 extend at least five sick days to a million New
11 Yorkers I think including you and your colleagues
12 and while that is nowhere near enough to address
13 the issues it is at least a step forward. The
14 Council can mandate-

15 PRINCE JACKSON: Is that going to
16 happen anytime soon?

17 COUNCIL MEMBER LANDER: 90 days I
18 believe, right? 90 days. Yes, that's the law and
19 the other thing I would just like to note is that
20 I know that there cities like Los Angeles where
21 they have really taken meaningful steps at their
22 airports. Our airports are regulated by the port
23 Authority and not by the city so we will have to
24 work together to figure out how else we can help
25 but let me again say thank you for your testimony.

2 PRINCE JACKSON: Okay. Thank you.

3 RAUL SECSENA: Good afternoon.

4 Thank your for having me. My name is Raul Secsena
5 and I am with the Restaurant Opportunities Center
6 of New York. ROC New York organizes restaurant
7 workers across the city to improve working
8 conditions in the restaurant industry. Our
9 members work in all kinds of restaurants from fast
10 food to fine dining and while today's hearing is
11 focused on wage theft and other issues in fast
12 food establishments I can assure you from the
13 stories we hear from our members from the research
14 and data we collected and our allies have
15 collected over the past ten or so years that the
16 issues that we are talking about today, low wages,
17 wage theft, lack of benefits, all forms of
18 exploitation are not limited to the fast food
19 sector. It's just that it pervades the industry
20 as a whole. So in my written testimony I have
21 listed a bunch of data. I am not going to go
22 through it because you have heard lots of data and
23 most importantly you have heard a lot of very
24 compelling stories from workers. So I am going to
25 skip that part. Feel free to read it. I am going

1
2 to move on to the section where I talk about
3 possible solutions. So you know, a lot people
4 have talked about how, well in my eyes to tackle
5 the situation, to tackle the problems the
6 restaurant industry faces you need a multi-prong
7 approach. You need to organize workers the way
8 that ROC New York is doing, the way that Fast Food
9 Campaign is doing but you also need the help of
10 policy makers to pass and strengthen worker
11 friendly laws and equally if not more importantly
12 we need stronger enforcement. As we have talked
13 about a lot of those issues fall on the state
14 government not on the city government but there
15 are things that the city government can do. I
16 have listed three in my testimony and obviously
17 there is probably a lot more but three is a
18 starting point I think.

19 The first, which Sidai from the
20 National Employment Law Project mentions was
21 working with the state legislature to authorize
22 the city to pass its own minimum wage. And
23 related to that is helping us, helping advocates
24 including Roc New York with our upcoming campaign
25 to abolish the tip minimum wage in New York State.

1
2 It's ridiculous that people are working for \$5 an
3 hour in this state. Nobody should be working for
4 \$5 an hour, nobody should be relying on tips. I
5 am going to move on to point number two which is
6 paid sick days. I rally commend the City Council
7 for overriding the Mayor's veto yesterday. The
8 paid sick days bill is a huge step forward but it
9 needs to be strengthened. There are too many
10 workers who are left out of it. And for
11 restaurant workers in particular, there is a
12 really shift swap provision that will prevent many
13 shift workers, restaurant workers and otherwise
14 from being able to access their five paid sick
15 days. And we at ROC New York look forward to
16 working with you to strengthen that bill in the
17 future.

18 And finally the City Council can
19 and should support community groups like ROC and
20 the other organizations that are here today in our
21 efforts to educate employers about their
22 responsibilities under the law. We at ROC conduct
23 sexual harassment trainings, health and safety
24 trainings for employers at restaurants across the
25 city. We also in the past have teamed up with the

1
2 Mayor's office to publish this book called the
3 Restaurant Owner's Manual which lays all the
4 responsibilities under the law that employers have
5 and we used this in the past to disseminate to
6 other restaurant owners and we would love to team
7 up with the City Council moving forward to do
8 similar things like this so we welcome your help.
9 We really appreciate you taking the time out of
10 your day to put on this hearing and we look
11 forward to working with you in the future. Thank
12 you.

13 COUNCIL MEMBER LANDER: Thank you.

14 [off mic]

15 SKIP ROSEBLOOD: My name is Skip
16 Roseblood and I am a long time leader with New
17 York Communities for Change. I would like to
18 thank the Council for hearing on this subject so
19 important to low waged workers and to the economic
20 recovery of our city. 50,000 low wage workers are
21 having a difficult time seeing new York as the
22 city of American dreams when the personal norm is
23 struggling to make a decent living, part time
24 work, poverty wages, wage theft and little hope
25 for an upward mobility. Those working in these

1
2 low wage industries have to apply for food stamps
3 and other forms of public assistance to sustain
4 themselves and their families. This means that we
5 the taxpayers are subsidizing multi-million
6 dollars corporations such as McDonald's, Burger
7 King and others by paying for food and healthcare
8 for their employees. Corporations receive plenty
9 of tax breaks and other incentives. We shouldn't
10 have to subsidize the employees as well. The
11 average low wage worker working full time grossed
12 about the average cost of one bedroom apartment.
13 Factor in the fact that the worker's gross wages
14 before taxes before the cost of food and before
15 car fare and other incidentals and you being to
16 see that he or she is hundreds of dollars in the
17 hole before paying rent. Hundreds of these fast
18 food workers are seeking the ability to sustain
19 themselves and their families have joined New York
20 Communities for Change in calling upon the
21 industry to agree to \$15 an hour and the right to
22 form a union. For those who question the \$15 goal
23 wage it's important to put it into perspective.
24 In 1938, our government established a minimum wage
25 deemed that people in America should not be forced

1
2 to toil for weekly or monthly wage that would not
3 cover their rent, food, and occasional luxuries
4 such as a doctor's bill, a stick of furniture, a
5 scrap of clothing. In other words, just a little
6 more than scraping out an existence. Over decades
7 the economy, cost of living and other factors have
8 eaten away at the minimum wage to the point they
9 had to eek out the very same existence today, the
10 minimum wage would have to be \$12-13. To put it
11 to perspective the \$2-3 being asked for would just
12 about allow workers to keep their heads above
13 water. Ultimately we are just asking you to give
14 these workers a chance to keep themselves and
15 their family above water. Thank you.

16 COUNCIL MEMBER JAMES: Mr. Chair,
17 so let me say three action items that I think we
18 could work on in the new Administration. One,
19 expanding sick leave to cover more employees,
20 expanding living wage and three, resolution-
21 putting pressure on the state legislature to allow
22 New York City to set its own minimum wage in light
23 of its cost of living increases. Those are three
24 action items. If there is any other action items
25 please get it to either the four members of the

1
2 City Council as well as to the members of the
3 Progressive Caucus. Thank you. And again, I
4 apologize. As you know, last night was the
5 budget. I just wish we would have had this
6 hearing on a day when there were more members
7 here. I am a little annoyed that it was scheduled
8 today on a day in the afternoon after the budget
9 so I am not happy at this point in time. I think
10 you deserve a full-fledged hearing with more
11 members and the full attention of the full body of
12 the City Council. This is a disgrace.

13 COUNCIL MEMBER LANDER: And I have
14 one question for Raul. We had discussed at one
15 point the problem that you see in some other
16 jurisdictions of tip stealing essentially where
17 either because they are paid on the credit card or
18 in other ways businesses especially with either
19 deliveries wind up stealing the tips of workers
20 but we have state law that prevents that or?

21 RAUL: Yeah, I mean tip stealing is
22 illegal wage theft but that doesn't mean it
23 doesn't happen.

24 COUNCIL MEMBER LANDER: Do we think
25 there is much of that?

2 RAUL SECSENA: Yeah, there is a lot
3 of that. I think that in my written testimony I
4 have some data on numbers but I mean just
5 anecdotally I am sure that people who are tipped
6 workers in the room will say that yes, there is
7 tip stealing and it happens a lot. And it's
8 unfortunate. It's an unfortunate problem but.

9 COUNCIL MEMBER LANDER: And the
10 other thing that you had talked about was
11 essentially if there is a credit card processing
12 fee requiring the workers to wind up eating the
13 credit card processing fee instead of the
14 employer?

15 RAUL SECSENA: I mean credit card
16 the employer doesn't actually get the cash so
17 keeping account of how much you are getting in
18 tips some times is a problem.

19 COUNCIL MEMBER LANDER: Thank you
20 very much and thanks to all of you and I think I
21 just echo that we really appreciate the testimony.
22 Oh, did I leave Jonathon? You sure? I know the
23 organizers make sure that the workers and leaders
24 are the ones that get heard. All right. So we
25 have seven more, six more people to testify. And

1
2 they are Reverend Sherry Croon, Fast Food Workers,
3 Morris Hanes from the Clergy Network, Aposso
4 Guillermo Martino, Josh Kellerman, Richard Blum
5 and Terrence Brummel. Thank you, sorry. Go ahead
6 when you are ready.

7 REVEREND SHERRY CROON: Good
8 afternoon. My name is Reverend Sherry Croon. I
9 am the Associate Minister at Flatbush Reformed
10 Church in Brooklyn. I come to this movement as a
11 person of faith and as minister for whom working
12 for social justice is what I do everyday. My
13 church is located on the corner of Flatbush and
14 Church Avenues and we are literally surrounded by
15 fast food restaurants which means my neighborhood
16 has a high percentage of fast food workers.
17 People in my congregations, people who I see
18 everyday on my street, people who I see coming
19 twice a week to get hot meals at my soup kitchen.
20 As a minister I can't ignore the suffering of
21 those in my neighborhood and across the city.

22 A few months ago I was protesting
23 outside of a Wendy's on Fulton Street in Brooklyn
24 and I learned that this particular restaurant was
25 guilty of frequently having their paychecks

1 bounce. So if you can imagine trying to budget
2 your money. Being told that you are going to work
3 30 hours a week which usually is cut down to 24
4 hours a week, going to find out that your check
5 bounces. And just as a matter of fact for you to
6 know that there are many checks cashing
7 establishments in the city as you probably
8 understand that many people who work in the fast
9 food industry do not have a checking account in a
10 bank but go to check cashing facilities. Many of
11 these in the cities have posted in their window a
12 sign that says we do not accept paychecks from the
13 following restaurants because they bounce.

14
15 In my work as a minister I talk
16 with people everyday who have been thrown away.
17 They are thrown away by family and they are thrown
18 away by jobs and they sometimes refer to low
19 wagers as an invisible workforce but fast
20 food workers are routinely considered by their
21 employers to be disposable. Just like the
22 packaging they wrap their food in. And employees
23 ask for a raise, they are thrown away. And why
24 would the company give an employer a raise when
25 they can fire that person and there are five other

1
2 people standing behind them that will take that
3 job for \$7.25 an hour. As our City Council,
4 please use the power that we have entrusted you
5 with to make the lives of tens of thousands new
6 Yorkers better. You have the power to bring them
7 out of poverty. You have the power to end a
8 practice that dehumanizes them and treats them as
9 disposables. Thank you for your time and
10 attention.

11 COUNCIL MEMBER LANDER: Thank you.

12 MORRIS HANES: My name is Morris
13 Hanes. I represent the Clergy Network directly
14 affiliated with Bedford Presbyterian Church in
15 Brooklyn. And I tell you right now I am not
16 experiencing a bone of spirituality. I listened
17 to fast food workers' stories before but today I
18 tell you I am experiencing every emotion of rage
19 because I am sure this is not the first time that
20 this panel and perhaps previous panels have been
21 made aware of the situations. And right now I am
22 experiencing a lot of skepticism. How far is this
23 going to go? I hope that after this meeting and
24 similar meetings that we can look forward to real
25 meaningful changes. I tell people that you know,

1
2 perhaps it will take maybe the passion and desire
3 of the civil rights movement to really get changes
4 done. Right now I am ready to move to the head of
5 the line and maybe some of us will have to lay our
6 lives down to get changes made. And I am prepared
7 for that because I wasn't born in this country. I
8 came here in '58 as a kid and I have experienced
9 over the decades a grand life. I used to hold New
10 York up. Hey, it's the greatest city in the
11 country but in the meantime I have lived in about
12 ten different cities and I think right now we are
13 no better than some third world countries. Not
14 the way we treat the people in New York City and
15 in the country. So I am going to wait, I am going
16 to do whatever I can to put these issues before
17 those that are willing to embark on change but I
18 am going to keep an eye on everything that's going
19 on because I am outraged. I am angry.

20 COUNCIL MEMBER LANDER: Let me just
21 add. I don't want to get this, the fact,
22 truthfully a hearing is often four or five people.
23 The challenge for us, we in the City Council see
24 ourselves, at least the ones who are here as
25 allies with these workers. A lot of us have been

1
2 out on the picket lines with fast food workers.
3 We have done walk backs with workers who have been
4 fired. We have met with managers and we want to
5 be part of that movement. Our tools for
6 regulating this set of businesses for wages and to
7 confront wage theft are limited because most of
8 these things are regulated at the state level.
9 But the point of that is not despair. The point
10 of this hearing is to be listening and gathering
11 stories and building more evidence and building
12 the case together so that all across the country
13 here and at the state level we are taking steps.
14 So that's not to say we have the answers. That is
15 to say that this is one of the steps in a growing
16 movement that truthfully only began less than a
17 year ago and has already inspired a lot more
18 people into action than many people thought. I am
19 not saying take your eye off the ball but I am
20 just saying don't despair, that's what I am
21 saying. Thank you. Go ahead.

22 APPOSSO GUILLERMO MARTINO: My name
23 is Apposso Guillermo Martino. I am the Senior
24 Pastor of the Tabernacle of the - - Church. I am
25 also Chaplain at the Veterans Administration

1
2 Hospital. Good afternoon, Councilmen and
3 Councilwomen and my fellow man and woman. I greet
4 you in the name of Jesus. I thank you for the
5 opportunity that you have given me to express a
6 green that is in the heart of America. Over the
7 past few months we have been witnessing a movement
8 of hundreds of fast food workers joined together
9 in a common cry recommending better wages that
10 they can live like decent human beings. They are
11 joined together with a common cause. The Fast
12 Food Work Campaign to cry out to this gigantic
13 industry that they have help to make billions of
14 dollars over the difficult time that this country
15 is facing. Their desire is to come to an
16 agreement of \$15 per hour and the right time to
17 form a union.

18 Workers from McDonald's, Burger
19 King, Dominos Pizza, Wendy's and others have been
20 verbally abused, physically strained and
21 emotionally put down and have been receiving a
22 mere \$8.71 per hour working odd hours just to
23 average sometimes 24 hours a week. That is not
24 even making \$11,000 a year. And if we dig deeper
25 we find out that some are still making less than

1
2 the minimum wage of only \$7.25 an hour. For some
3 reason that not even parents can figure out the
4 kids are magically attracted to these chains of
5 fried foods where we know that most of their
6 customers are of the family that they cannot even
7 afford it and these companies are some of the
8 wealthiest corporations in America. Could we
9 believe that most of the fast food workers are
10 forced to depend on public assistance to keep a
11 roof over their heads and a meal on the table?
12 Man should not live of burger alone. I have a few
13 members of the church who have been, by the way
14 they are not teenagers, they got children and they
15 got grandchildren. They got people of color and
16 immigrant that are afraid of missing a day from
17 work. They don't have a proper schedule that
18 allows them to earn enough so they can be
19 contributors to the economy of the communities for
20 the price of the groceries are above their
21 standard. A job is something very difficult to
22 obtaining America, especially in New York. We
23 have thousands of immigrants coming from every
24 country in the world and because of this we know
25 that they are trying to find another job and that

1
2 is impossible. What they need is fair wages and
3 benefits now. Better jobs means less crimes.
4 Better jobs means better vocations. Better jobs
5 means more love, peace, joy among families,
6 neighbors and people. Here we find that these
7 workers are in a great challenge and it's like the
8 bible describing David going against Goliath and
9 that you are the stone that will go in the
10 slingshot. We see that increasing the wages and
11 giving them good benefit will not only benefit to
12 them but also to the people of this beautiful
13 city. Why can't these billionaires companies see
14 this also? New York City is a great city and we
15 are not second to any one like San Francisco,
16 Albuquerque and San Jose. We the religious
17 community stand firm just like our Moses did with
18 the people of Israel. We are praying people but
19 now is not time to pray, it is time to take
20 action. We need new insight and this body of the
21 government is the sight of the bible. Because
22 people are perishing because there is no vision.
23 Today we pray to God and we ask that this body
24 will move accordingly to the need of the people.
25 Psalm 27:25 saying, I have never seen the right

2 are forsaken, nor to see begging for bread. May
3 God help us in this quest and that you will be
4 blessed everlasting. God bless you.

5 COUNCIL MEMBER LANDER: Amen.

6 TERRANCE SOBRANA: I am Terrance
7 Sobrana. I am representing the CCNIRC, that is
8 the Community Concerns Network Immigrants
9 Responding to Crisis, and that is a grassroots
10 organization. It came under the banner of the - -
11 Youth for Christ Ministries which is in Utica and
12 headed by Reverend Terri Lee. I have been
13 involved in a number of instances from Bay Ridge
14 to Williamsburg and all these communities we have
15 sympathized and we have stood with workers in the
16 fast food, car wash and all those who have been
17 unfairly treated. But our intention in which we
18 take serious responsibility for from birth to the
19 grave are the people whom we have to minister to,
20 whom we have to preach to, whom we have to
21 persuade so that not only their social lives could
22 be improved but also their total development. And
23 we are saddened when we see the injustices that
24 are met on a minute-by-minute basis and we can do
25 nothing about it. My brother here talked about

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2 David coming up against Goliath. I want to
3 endorse what he says. McDonald's and these top-
4 notch employers, they are the Goliaths in the
5 system. Whether intentionally or otherwise, they
6 have been given all the prerogatives for them to
7 do as they did and they are continuing to do but
8 we are seeing the City Council here now as the
9 means to a good end. And I trust that conscience
10 will prevail. That a City Council will take its
11 mandate including every last bit of the Councilors
12 and to beat the five stones. See, number five in
13 scripture means human limitations. But to you
14 rise above the limitations that you have. Whether
15 you are inhibited by those laws that inhibit you
16 or the state, that you would rise about the
17 inhibitions and that you would step up so that you
18 could be used like those five smooth stones not
19 any rough edges on you. You would bring your
20 intelligence to bear. You would bring your
21 knowledge, your expertise to bear and whomever you
22 have to work, work with. Whether the people from
23 Columbia and all these other community
24 organizations always included so that you can
25 really make improve the lot of these fast food

1 people and the others who are unfairly treated.

2 And before I close, I want to court this, he that
3 ruleth over men should be just, ruling in the fair
4 of God. And we believe that you have not only the
5 mandate and the privilege to rule over us as men,
6 us who have also voted you in but that you also
7 have the conscience to know that injustices are
8 done and fight it so that justice can actually
9 prevail. Thank you.

11 RICHARD BLUM: I feel like an
12 imposter in this group. I am just a lawyer. My
13 name is Richard Blum. I am staff attorney in the
14 Employment Law Unit of the Legal Aid Society where
15 I have worked for almost 23 years. And we
16 represent low wageworkers in unemployment
17 hearings, in discrimination actions and very often
18 in wage theft cases. And in fact I just wanted
19 today emphasize the work that we have been doing
20 since 2010. And in one particular case, there's a
21 class action on behalf of Dominos delivery workers
22 who worked at a franchise, or work at a franchise
23 in Manhattan and who received, had clocked off
24 about a third of their hours every week, maybe 20
25 or more hours a week or just weren't paid at all.

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2 For the rest of the time they were tipped, reduced
3 wage, even though they were spending half their
4 time doing non-tipped work. They also didn't
5 receive the right notices with their rights
6 attached to them and then they had to pay for
7 their own bicycles bicycle repairs, uniforms,
8 laundering and so forth. So to begin with the
9 lowest wage workers doing work where they are,
10 riding around in the city on bicycles at 2am
11 delivering pizzas in snow, rain, all sorts of
12 awful weather, getting mugged and so forth. So
13 and the appreciation is shown in stealing their
14 wages into huge amounts of money.

15 What's interesting in the case in
16 particular though is that we have managed so far
17 to bring in Dominos Corporation as a defendant.
18 This is not done very often but we think we have a
19 sound basis for doing that. And I think it's very
20 important apart from the legal issues about why
21 Dominos Corporation should be held responsible
22 under the law, that clearly, morally, and I guess
23 this point has been made now already over and over
24 again but can't be said enough. But clearly these
25 large franchise owners should be held accountable

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2 for the wage theft, for the violations of laws in
3 their franchises as well as their company owned
4 stores. And that legal sort of nicety should not
5 be a bar to enforcing laws against them. And I
6 think as far as the city is concerned. I have not
7 researched the pre-emption issues on this point
8 but it's interesting to look into. I mean the
9 fact that these businesses all do business with
10 the city and so the city is interacting with them
11 in a business capacity, not a regulatory capacity
12 and they have some authority to decide that it
13 does not want to be doing business with in
14 concession to businesses that are guilty of
15 stealing. And in fact actually the DA's office
16 has from time to time actually arrested owners
17 with, for wage theft so it is something, there is
18 a city role to play.

19 COUNCIL MEMBER LANDER: Well, let
20 me first welcome my colleague who has just come in
21 because we had the last testifier. Thank you for
22 joining us, Council member- I will welcome Council
23 member Robert Jackson to hear the final word and
24 then we will make a few concluding remarks as
25 well.

1
2 JOSH KELLERMAN: Sure, sorry about
3 that. I am the closer here. I will try to be
4 quick. Thank you for sticking around. I was
5 thinking there was going to be nobody to hear what
6 I had to say but my name is Josh Kellerman from
7 Alliance for Greater New York. We are a labor
8 community coalition here in the city and we have
9 worked with a lot of the community groups and the
10 labor unions that are involved in this issue and I
11 am not going to reiterate what people have said
12 except to dive a bit deeper on a couple of
13 points. One is that New York has had an uneven
14 recovery since the Great Depression. We have
15 more jobs in the city than we have ever had in
16 the history of this city but the job growth has
17 been primary in low wage industries. And these
18 low wage industries are those that are projected
19 to grow the most over the next decade. So this
20 is, New York City is essentially destined to have
21 its primary employment in the low wage sector. So
22 it needs to be something that is directly
23 addressed. And the analogies to the manufacturing
24 sector across the United States at the turn of the
25 20th Century where it was a low wage industry. It

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2 was an industry where there was child labor, where
3 there was wage theft across the board and it was
4 only through worker organizing, through
5 progressive legislatures who made changes in that
6 industry to make it the middle class industry that
7 built the greatness of this country. And I am
8 here to say that the low wage sectors of today
9 need to become the middle class of tomorrow. We
10 need to make these jobs into jobs that are family
11 supporting and a few thoughts on how to do that,
12 not to reiterate what other folks said so a couple
13 of other ideas, looking particular at subsidies
14 not just discretionary subsidies but as the right
15 subsidies having very specific application
16 questions that ask specifically in detail whether
17 there are violations of these particular issues we
18 are looking at. And also better annual reporting
19 on subsidy recipients to see if they have actually
20 violated any of these laws over the prior year.
21 And then kicking them out of the program if they
22 have actually violated any of these low wage theft
23 laws or other laws. And then the last piece is
24 through our work with the Wal-Mart Food Coalition
25 in New York City. We have looked at something

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2 that we kind of called the Big Box Disclosure Act.
3 It could be similar for fast food industry where
4 as a condition of being permitted to operate in
5 the city there are specific disclosure on
6 violations of particular labor laws and other wage
7 related issues. And it wouldn't prevent them from
8 operating in this city but would actually give us
9 more essentially ammunition to be able to organize
10 the workers at these jobs. That's all. Thank
11 you.

12 COUNCIL MEMBER LANDER: Thank you
13 very much. And I would just add one thing. We
14 will give a hand for this panel. I will say a few
15 closing while I offer my colleagues the
16 opportunity and I will say a few closing words but
17 I do want to just add one thing because we have
18 worked with many of the clergy on this panel and
19 Alliance, some your members on the minimum wage
20 bill, which is a good step forward, making sure
21 that our subsidies which you mentioned are not
22 used for poverty wages. Unfortunately, two
23 things. First, the Mayor has thus far refused to
24 implement that bill and is in fact suing to block
25 its implementation despite having the Council

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2 overridden the veto but that bill as it was passed
3 does not cover the fast food franchise tenants in
4 subsidized malls and that's at least one of the
5 things that we could go back and once that bill is
6 implemented to change, which is to say where we
7 are providing subsidies even to a developer or a
8 mall. If what's in there is a national retail
9 chain, a hundred million dollars plus, they cannot
10 pay poverty wages to their workers so there are
11 some additional steps Council can take and that I
12 know will take. Let me recognize my colleagues
13 and then will close out.

14 COUNCIL MEMBER JAMES: So,
15 following up on your recommendations. Well, first
16 of all, let me start with Reverend Cheryl, who is
17 a good friend and she and I walked some workers
18 back in who engaged in a one day or a lunch time
19 walkout and so I want to thank Reverend Croon for
20 all of her work. But I want to particularly focus
21 on the Wendy's on Fulton Street and I think I know
22 where it is in Downtown Brooklyn not too far from
23 my district. Some of the restaurant was guilty of
24 having their paychecks bounce and some of their
25 cash checking establishments in Downtown Brooklyn

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2 and around the city have signs posted, we do not
3 accept checks from the following restaurants.

4 When I talk about the possibility of shaming these
5 businesses and perhaps doing some sort of event
6 where we list. A billboard of shame, a posting of
7 shame, particularly for certain establishments and
8 so everyone knows that in fact that they have a
9 history of in fact engaging in wage theft against
10 their employees. And so I am willing to work with
11 the coalition with regards to that.

12 Two, and this is something that I
13 really need to, Ricky Blum, obviously he and I
14 have a long history. I would love to work with
15 you obviously on any regulation in regards to wage
16 standards and if there is anything that we could
17 do as a City Council in areas where we are not
18 pre-empted I would love to work with you.

19 And lastly, in regards to the
20 recommendation that was put forth by the last
21 gentleman on the application process for fast food
22 restaurants that do business with the city that
23 receive tax breaks as a matter of right or some
24 sort of subsidies. And application process either
25 through the DOF, the Department of Financing,

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2 franchises that currently existed in HFC
3 facilities and I know that there are some
4 hospitals where there is fast food restaurants.

5 And two, any city owned buildings
6 where there is fast food restaurants. There
7 should be a process or an application process
8 where they disclose whether or not they have in
9 fact been involved in any violation of any wage
10 theft laws. That's something that I would love to
11 explore with you as well. And those are my
12 thoughts but obviously this is a great issues.

13 Reverends, thank you for blessing me this
14 afternoon. Thank you very much and this is a very
15 important issue and again, I want to apologize
16 that it was held on a day when most of us are
17 punch drunk because we were up until 4:00 in the
18 morning last night. You deserve like I said all
19 the members to be present and to have it during
20 the day and to receive the attention of mass
21 media. Thank you.

22 COUNCIL MEMBER LANDER: Council
23 member Jackson.

24 COUNCIL MEMBER JACKSON: Thank you,
25 Chair. Good afternoon to the panel. Let me just,

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2 I want to ask one or two questions. So when I
3 have attended rallies on behalf of workers at
4 various locations I had the opportunity to talk to
5 them about how much they earn, what are their work
6 hours, their work schedule and it appeared to me
7 and I want to ask whether or not you have any
8 knowledge of this that their employers do not give
9 them consistent schedule in order to in my opinion
10 as this is a clear way to keep them sort of like
11 indentured to their employer ship so they can't go
12 to school in order to upgrade themselves to get
13 either a High School or go to college or anything
14 like that to upgrade themselves. And in essence
15 they earning so little. All they are doing is
16 trying to work as many hours as they can in order
17 to help feed themselves and their families and/or
18 pay rent if in fact they have an apartment because
19 some of them live with their parents, others live
20 with other relatives. I have heard that. Have
21 you noticed that a pattern of these fast food
22 worker employers? If you can comment on that I
23 would appreciate hearing from quickly either one
24 of you or all of you regarding that? Because I
25 have noticed that in communicating with the

2 workers. Just identify yourself before you speak,
3 please, if you don't mind. Just identify yourself
4 before you speak.

5 MORRIS HANES: My name is Morris
6 Hanes and I am with the Clergy Network. We had a
7 young man earlier testify that he was put in the
8 closing shift. He was in High school at the time
9 and he had to close at 3am. Consequently to get
10 up to go to school at 8:00 his grade suffered so
11 much so that he was delayed approximately a year
12 and half from graduation and he had to pick up his
13 grades. Another young man mentioned that he is in
14 school and the fact that, basically the same thing
15 happens but I am sure that many others where this
16 is so, and I have never heard anybody say that
17 they have a like you were alluding to a regular
18 shift. No.

19 COUNCIL MEMBER LANDER: anybody
20 else? Just identify yourself before you speak
21 please.

22 RICHARD BLUM: Richard Blum from
23 Legal Aid Society.

24 COUNCIL MEMBER LANDER: Okay.

25 RICHARD BLUM: So a couple of

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2 thoughts. One is that in the retail sector, it is
3 rampant now that people have call in schedules or
4 they have to call in on a given day so they can't
5 take a second job. They can't make schedules for
6 doctor's appointments or doing anything else in
7 their lives so they have no idea day to day when
8 they will be working. That is a very serious
9 problem that the Retail Action Project has been
10 trying to address. What I have seen is that
11 cutting of hours, shifting of schedules, is used
12 as a weapon to retaliate against people who
13 complain. And that's a very common pattern. That
14 in fact actually the owner of the franchise we are
15 suing, whom we are suing individually, wrote a
16 book about how wonderful he is and one of the
17 things he talks about, if you don't have a good
18 attitude your hours will get cut. Well, a bad
19 attitude means that you have been complaining
20 about not getting paid for all of your hours
21 worked, not getting overtime, not getting minimum
22 wage and so forth and that's a weapon that's
23 deployed.

24 CHAIRPERSON JACKSON: So your
25 people have reported that to you or you observed

2 that or?

3 RICHARD BLUM: Well, we are suing
4 them for it.

5 COUNCIL MEMBER LANDER: Okay.
6 Anyone else?

7 JOSH KELLERMAN: Josh Kellerman
8 with Alliance for Greater New York. I just add
9 it's not just used as a weapon but it's also
10 essentially the new benefit in the industry where
11 if you do show up for your shift and you have the
12 right attitude then you are given additional hours
13 not on a set schedule but you are given additional
14 hours. So it is used both as a benefit in the
15 industry as well as the weapon for those who
16 aren't compliant.

17 COUNCIL MEMBER LANDER: So let me,
18 yes, just go ahead and identify yourself please
19 before you respond.

20 APPOSSOO MARTINO: Yes, I am
21 Apposso Martino and I could commend that by these
22 odd hours as being a shift in the spiritual life,
23 the social life of many of the members especially
24 the members, not everyone is teenagers like I said
25 before. That they are not able even to have the

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2 time for worship. They are not even able to make
3 enough to be having to be able to spend time with
4 their families because of these irregular hours
5 that they are being given so right there is like a
6 lose lose situation. They will go, they will not
7 be compensated. They will not come home and spend
8 quality time with their family and what they have
9 is their faith to hold on and the words of faith
10 say come by here and in the word of God and
11 because of all of this one thing comes up and then
12 it's discouragement so by the time you look around
13 it's no gain sometimes. And many of them give up
14 and that's where you find crime, you find abuse,
15 you find all these other things that have been
16 going on in the families.

17 COUNCIL MEMBER LANDER: So I want
18 to thank everyone on this panel and I really want
19 to thank everyone who came out today. This was a
20 very powerful couple of hours of testimony. I
21 want to thank a couple of people who just came to
22 support other workers, Midalia Maldonado, Relman
23 Bachs, Philip Dent, Grace Tao, the JFK workers who
24 came to support the fast food workers who
25 testified today and the community organizations,


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2 Fast Food Forward and Make the Road and the JFK
3 Workers and Restaurant Opportunities Center, ROC
4 New York and United New York and New York
5 Communities for Change and who else am I missing?
6 We can't have testimony from the floor, I am
7 sorry. And ALINE. There are organizations here
8 who have been leading this Fast Food Forward
9 movement but also the broader low wage movement
10 with the Car Rasherros, you have inspired a lot of
11 us and I think we will not be discouraged. My
12 mind today is also with John Kest, whose memory
13 inspires us in this effort and I want to say a big
14 big thank you. There's a lot for us to do moving
15 forward. So thank you for blessing all of us with
16 your stories and with your presence and with your
17 courage and with your struggle. Thank you.

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C E R T I F I C A T E

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

Signature

A handwritten signature in cursive script, appearing to read "Sung Bin Park", written over a horizontal line.

Date __July 10, 2013