

COMMITTEE ON CONSUMER AND WORKER PROTECTION
CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AND WORKER
PROTECTION

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December 9, 2024
Start: 1:03 p.m.
Recess: 2:04 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Julie Menin, Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Amanda Farías
Chi A. Ossé

OTHER COUNCIL MEMBERS ATTENDING: Sandy Nurse

A P P E A R A N C E S

Vilda Vera Mayuga, Commissioner of the New York City Department of Consumer and Worker Protection

Elizabeth Wagoner, Deputy Commissioner for the Office of Labor Policy and Standards at the New York City Department of Consumer and Worker Protection

Carlos Ortiz, Assistant Commissioner for External Affairs at the New York City Department of Consumer and Worker Protection

Antonio Soliz, deliverista and also leader of Los Deliveristas Unidos

Alejandro Grajales, delivery worker

William Medina, organizing leader with Los Deliveristas Unidos

Luis Cortes, Director of Los Deliveristas Unidos

Dan Ocampo, attorney at the National Employment Law Project

Ruth Whittaker, Director of Civic Innovation Policy at Chamber of Progress

Husein Yatabarry, Executive Director of the Muslim Community Network

Raul Rivera, TLC driver and TLC driver advocate

2 SERGEANT-AT-ARMS: Mic check, mic check,
3 on Consumer and Worker Protection. Today's date is
4 December 9, 2024, in the Chambers, recorded by Walter
5 Lewis.

6 SERGEANT-AT-ARMS: Good afternoon, and
7 welcome to today's New York City Council hearing for
8 the Committee on Consumer and Worker Protection.

9 At this time, we ask that you silence all
10 electronic devices and at no time is anyone to
11 approach the dais.

12 If you would like to sign up for in-
13 person testimony or have any other questions
14 throughout the hearing, please see one of the
15 Sergeant-at-Arms at the back.

16 Chair, we're ready to begin.

17 CHAIRPERSON MENIN: [GAVEL] Good morning,
18 everyone, or I should say good afternoon. My name is
19 Julie Menin, Chair of the Committee on Consumer and
20 Worker Protection. Thank you so much for joining us
21 for today's hearing. I first of all want to
22 acknowledge my Colleagues who are here, Council
23 Member Abreu and Council Member Nurse.

24 In recent years, e-commerce has
25 transformed the way that New Yorkers shop for food,

2 for groceries, and for other products. Delivery
3 services were gaining traction before the COVID
4 pandemic, but the pandemic certainly supercharged
5 their growth as consumers embraced online shopping
6 and delivery as a safe and convenient alternative to
7 in-store shopping. Although the pandemic has
8 subsided, the use of delivery services has not. Many
9 delivery services rely on independent contractors to
10 complete deliveries. When delivery services classify
11 their workers as independent contractors instead of
12 as full-time employees, they are not required to pay
13 delivery workers minimum wage, overtime, or other
14 benefits such as, of course, health insurance. In
15 2021, the Council passed a package of legislation to
16 provide better wages and better working conditions
17 for third-party food delivery workers, the largest
18 segment of contracted delivery workers with an
19 estimated 60,000 workers. Among other protections,
20 these laws require the delivery services to provide
21 delivery workers the opportunity to set a maximum
22 distance per trip and the ability to decline to
23 accept trips over bridges or tunnels, establish a
24 minimum pay rate for third-party food delivery
25 workers, and require that the food delivery

2 applications include a provision in contracts with
3 restaurants requiring them to make their toilet
4 facilities available for delivery workers use as long
5 as the delivery worker seeks to access the facilities
6 while picking up a food or beverage order for
7 delivery. That legislation had an impact on pay. In
8 the second quarter of this year, third-party food
9 delivery worker pay per hour averaged \$19.88, a 279
10 percent increase from the same quarter just a year
11 prior when the minimum pay standard had not gone into
12 effect. However, the delivery worker legislation only
13 covered those workers that contract with third-party
14 food delivery platforms. The legislation we are
15 hearing today will expand the protections we've
16 afforded food delivery workers to cover all
17 contracted delivery workers. Intro. number 1133
18 sponsored by Council Members Gutiérrez and Nurse
19 would expand delivery worker protections to cover all
20 contracted delivery workers who deliver goods for a
21 delivery service. Intro. number 1135 sponsored by
22 Council Members Nurse and Gutiérrez would require
23 third-party grocery delivery services to pay their
24 grocery delivery workers a minimum pay rate that
25 would meet or exceed the minimum pay rate established

2 by the Department of Consumer and Worker Protection
3 that must be paid to food delivery workers.

4 I look forward to this afternoon's
5 hearing. I look forward to testimony from the
6 Commissioner and the Administration and other
7 stakeholders who have come today.

8 I'm now going to turn it over to Council
9 Member Nurse for her opening statement. Thank you.

10 COUNCIL MEMBER NURSE: Thank you, Chair.
11 Good afternoon, everyone. I'm proud to present Intro.
12 1135 which is a straightforward yet critical bill
13 designed to ensure grocery delivery workers receive a
14 fair wage for their labor and achieve parity with
15 other delivery workers operating under remarkably
16 similar conditions. In my view, all delivery workers,
17 whether they drive cars, ride e-bikes, operate
18 trucks, whether they work directly for a company or
19 through third-party platforms, deserve a standard
20 wage that accounts for their cost as independent
21 contractors and the lack of benefits they face. And
22 just as a quick reminder, when workers lack health
23 benefits or earn too little to afford health
24 insurance, it is the taxpayer who shoulders the
25 burden, and this is corporate welfare in action. A

2 system where companies profit by exploiting their
3 workforce while the public picks up the tab, and such
4 a model is truly unacceptable and unsustainable.

5 As consumer habits evolve, driven by
6 rapid advancements in technology, it is imperative
7 that our laws keep pace to protect workers in
8 emerging economic sectors. What we can all agree on
9 in this room is that the cost of living for low wage
10 workers in New York City has reached an untenable
11 level. This legislation provides immediate relief for
12 grocery delivery workers, and I look forward to
13 hearing testimony from the apps later today that
14 focuses on this urgent need. The numbers tell a very
15 clear story. Over the past year, revenue for first-
16 and third-party grocery delivery services has surged
17 by 45 percent. The number of delivery workers has
18 grown as well, particularly since Instacart expanded
19 its platform in 2022 to include individuals using e-
20 bikes and mopeds. If revenue is increasing, it is
21 only fair that the workers driving this growth are
22 adequately compensated. Some have argued that grocery
23 delivery workers should not receive the same
24 protections as those delivering food from
25 restaurants. However, the working conditions for

2 these groups are strikingly similar. Both groups
3 operate with minimal protections, often in
4 challenging circumstances, and this bill seeks to
5 close the gap and establish equity by guaranteeing
6 wage standards and support that upholds workers'
7 dignity. Looking forward to conversation today. Thank
8 you, Chair.

9 CHAIRPERSON MENIN: Great, thank you so
10 much.

11 So, we are now going to call on
12 representatives of the Administration to testify. We
13 will be hearing testimony today from Commissioner of
14 the Department of Consumer and Worker Protection,
15 Vilda Vera Mayuga, Deputy Commissioner for the Office
16 of Labor and Policy Standards, Elizabeth Wagoner, and
17 Assistant Commissioner of External Affairs, Carlos
18 Ortiz, and I'll now turn it over to Committee Counsel
19 to administer the affirmation.

20 COMMITTEE COUNSEL SWAINE: Do you affirm
21 to tell the truth, the whole truth, and nothing but
22 the truth before this Committee and to respond
23 honestly to Council Member questions?

24 ASSISTANT COMMISSIONER ORTIZ: I do.

25 COMMISSIONER VERA MAYUGA: I do.

2 DEPUTY COMMISSIONER WAGONER: I do.

3 COMMISSIONER VERA MAYUGA: Good afternoon,
4 Chair Menin and Members of the Committee on Consumer
5 and Worker Protection. My name is Vilda Vera Mayuga,
6 and I am the Commissioner of the Department of
7 Consumer and Worker Protection. I am joined by
8 Elizabeth Wagoner, our Deputy Commissioner for the
9 Office of Labor Policy and Standards, and Carlos
10 Ortiz, our Assistant Commissioner for External
11 Affairs. Thank you for the opportunity to testify
12 today on Introductions 1135 and 1133 relating to the
13 expansion of minimum pay protections and other rights
14 to all contracted delivery workers.

15 DCWP provides fundamental consumer and
16 worker protections and financial empowerment
17 programming in our city. In the past three years, we
18 have helped deliver more than 1 billion dollars back
19 to New Yorkers. We strive to ensure that consumers
20 who have been deceived or exploited have recourse,
21 that workers have a passionate defender of their
22 rights, and that all New Yorkers have the support
23 they need to improve their financial health. Over a
24 year ago, the City announced the nation's first of
25 its kind minimum pay rate for third-party app-based

2 restaurant delivery workers that apps classify as
3 independent contractors. This has been the most
4 significant investment of workers' rights in New York
5 City in the 21st century. To implement this
6 groundbreaking protection, DCWP conducted a
7 comprehensive study of the industry and considered
8 thousands of comments from delivery workers, apps,
9 restaurants, researchers, elected officials, and
10 other members of the public. Before the minimum pay
11 rate was implemented, these workers received poverty-
12 level compensation for their work, averaging
13 approximately 5 dollars per hour before tips. After
14 we began enforcing the minimum pay rate, tens of
15 thousands of workers saw their pay increase to
16 today's average of \$19.56 per hour before tips. This
17 has resulted in apps paying their workers 500 dollars
18 million more than they did the year before. This
19 money not only supports some of the lowest-wage
20 families in New York City, but also goes directly
21 back into our local economy. My agency will continue
22 to stand shoulder-to-shoulder with delivery workers
23 and ensure their rights to fair and dignified pay are
24 protected.

2 Moving to today's bills, I would like to
3 enthusiastically commend the Council, and
4 specifically Council Members Nurse and Gutiérrez, for
5 recognizing that there are many more New York City
6 delivery workers in need of DCWP protections.

7 Introduction 1135 would immediately require third-
8 party grocery delivery apps to pay their workers the
9 current minimum pay rate. Introduction 1133 would
10 require all other delivery services to meet minimum
11 pay obligations for their independent contractors
12 within approximately 18 months after DCWP analyzes
13 the industry to set an appropriate rate and pay
14 method. The legislation would also extend other key
15 rights to all contracted delivery workers, including
16 the right to receive specific disclosures about trip
17 offers before accepting them and the right to set a
18 maximum distance in the app. Currently, the minimum
19 pay rate only applies to independent contractors
20 engaged by third-party food delivery services or
21 third-party courier services that provide restaurant
22 delivery. The law does not cover thousands of other
23 workers classified by apps as independent contractors
24 who perform deliveries of other goods, goods like
25 groceries and household items, who lack employee

2 benefits, and who also bear the cost of the vehicles
3 they need to conduct their work. This package of
4 bills would close that gap, expanding minimum pay
5 protections to cover at least 20,000 more delivery
6 workers immediately and thousands more within 18
7 months, and creating a more level regulatory playing
8 field for delivery companies. It would also allow
9 DCWP to set a rate that appropriately compensates
10 workers for the vehicles and for the lack of employee
11 benefits. Finally, the bills would correct a 2023
12 misinterpretation of the minimum pay law, which
13 resulted in an unfair exemption for Relay Delivery, a
14 third-party courier service. This exemption allows
15 Relay to pay thousands of its workers only 13.50 per
16 hour, far below the 19.56 per hour required for other
17 apps. In April 2024, Relay was acquired by Wonder, a
18 delivery app that specializes in delivery from
19 footholds that it manages. Wonder recently raised 700
20 million dollars in a round of funding, valuing the
21 company at 3.5 billion dollars. Wonder also recently
22 announced a deal to purchase GrubHub. The judicially
23 created exemption just for Relay unjustly enables
24 this major industry player to evade minimum pay
25 protections to workers' detriment. It also violates

2 Council's original intention to cover all restaurant
3 delivery workers classified as independent
4 contractors with minimum pay protections and to
5 include companies like Relay that do not offer a
6 consumer-facing platform.

7 Delivery workers provide essential
8 services to New York City and its residents, and we
9 look forward to finalizing this legislation with the
10 Council. We also continue to support Council
11 legislation addressing issues such as unfair tipping
12 methods and arbitrary deactivations on apps that
13 prevent workers from accessing ours. Thank you for
14 the opportunity to testify today and for your
15 partnership in supporting working New Yorkers. We are
16 happy to answer any questions you may have.

17 CHAIRPERSON MENIN: Great. Thank you so
18 much. Before I begin my questions, I want to say
19 we've been joined by Majority Leader Farías, and I'll
20 recognize additional colleagues as they join.

21 A number of questions. So, how many
22 complaints have you received this year related to
23 violations of delivery worker protections?
24
25

2 COMMISSIONER VERA MAYUGA: Thank you,
3 Council Member. We have received a total since 2022,
4 1,156 complaints.

5 CHAIRPERSON MENIN: And what is the most
6 common complaint type?

7 COMMISSIONER VERA MAYUGA: The most common
8 complaint relates to the pay, being paid below the
9 minimum pay rate.

10 CHAIRPERSON MENIN: What percentage of the
11 1,166 would you say are related to that?

12 COMMISSIONER VERA MAYUGA: I would say
13 about 50 percent. It's 452 complaints exactly.

14 CHAIRPERSON MENIN: And how are the
15 complaints getting processed, and how long is it
16 taking the agency on average to close out the
17 complaints?

18 COMMISSIONER VERA MAYUGA: So, it's going
19 to depend on the cases, depends on sometimes it's
20 about just the minimum pay rate, sometimes it's other
21 laws that are also other protections that they're
22 alleging violations, the workers so we're going to
23 take a look at those first and see if it's only one
24 worker, a few workers, a lot of workers, because we
25 will combine this and that would depend, that would

2 impact how long the case takes, and then after that,
3 once we ask for the information from the companies,
4 the length may be impacted by how cooperative the
5 company is once we request the records and engage
6 with them in trying to resolve the issue so it
7 varies, the length of time that it takes, just like
8 it varies with other of our worker protection laws.

9 CHAIRPERSON MENIN: But is there a metric
10 by which you could tell us? I mean, like for the MMR
11 report, what is the metric of the average time it's
12 taking to resolve the complaint?

13 COMMISSIONER VERA MAYUGA: I can say that,
14 let me look at some information I have here. Last
15 year, the median number of days to resolve a case was
16 85 days, but our larger cases may take more than a
17 year to work out and resolve.

18 CHAIRPERSON MENIN: And what, I mean,
19 obviously additional resources would be the answer,
20 but what, if anything, would reduce the amount of
21 time it's taking to resolve these larger cases?

22 COMMISSIONER VERA MAYUGA: Yes. Thank you,
23 Council Member. I mean, it is more resources. I think
24 with this type of legislation, we are definitely so
25 proud of all the work that we've done and how much

2 we've accomplished with this groundbreaking
3 legislation that we really thank the Council, right,
4 to have that vision to put it into place, and now to
5 expand it as it should be, we definitely will need
6 more resources for our team to be able to take it all
7 in. We have a dedicated group of attorneys,
8 investigators, data scientists that are committed to
9 this work within DCWP, and we certainly want to make
10 sure that we have the proper tools so we will want to
11 engage in that discussion with the City Council, with
12 OMB, with City Hall to make sure that we can get what
13 we need.

14 CHAIRPERSON MENIN: Absolutely. Now, what
15 factors is the agency utilizing when they determine
16 that a complaint then results in a full-blown
17 investigation?

18 COMMISSIONER VERA MAYUGA: So, every
19 complaint that we receive, we do investigate it so
20 that's the first thing, and then it's going to vary.
21 It's going to depend. We are going to look in terms
22 of, is there a violation of the law, is it only one
23 worker that is impacted or multiple workers. We are
24 looking at broader investigations to make sure that
25 the company compensates all of the workers' harm and

2 comes into compliance so that we don't do it one by
3 one, right? We can take them all in and look into any
4 issues that are workplace-wide, and certainly we have
5 received also some complaints where the worker may
6 feel that there is a violation of the law but there
7 isn't so we will take the time as another opportunity
8 to educate and make sure that if there is a proper
9 referral that is necessary because maybe it's a
10 violation of another law but that we don't enforce,
11 we can also tell the worker where to go to resolve
12 their complaints.

13 CHAIRPERSON MENIN: Now, I know you
14 touched on this in your testimony, but if you could
15 just repeat it here for the record. From the
16 inception of the law, when it first went into effect,
17 what is the total amount of restitution that you have
18 recovered for food delivery workers?

19 COMMISSIONER VERA MAYUGA: Thank you. I
20 think in the testimony where we're talking about the
21 500 million dollars that the workers have received in
22 terms of the increase in the pay that they receive.
23 In terms of restitution, we have been able to return
24 to workers close to 30,000 dollars.

2 CHAIRPERSON MENIN: Say the last statistic
3 again. You've been able to return?

4 COMMISSIONER VERA MAYUGA: Almost 30,000
5 dollars in restitution for violations of the worker
6 protection laws.

7 CHAIRPERSON MENIN: How many workers does
8 that cover? I'm asking because I thought that number
9 would be higher. You're saying \$30,000 since the law
10 went into effect?

11 COMMISSIONER VERA MAYUGA: So, yes, since
12 the law went into effect. What I did highlight in my
13 testimony is that 500 million dollars have gone back
14 into the pockets of workers.

15 CHAIRPERSON MENIN: Increased wages.

16 COMMISSIONER VERA MAYUGA: Correct,
17 because of the apps paying the new minimum pay rate.

18 CHAIRPERSON MENIN: But the 30,000 in
19 restitution, is that number so low because you feel
20 compliance is high, or is that number so low because
21 the agency needs more resources to be able to
22 properly investigate the complaints?

23 COMMISSIONER VERA MAYUGA: Council Member,
24 so the number that we share, the close to 30,000,
25 right, that is mostly going to be not the minimum pay

2 rate cases. Those cases, we do have some open
3 investigations. That's going to be the larger cases
4 that are still outstanding that we're working through
5 so that amount of money is not going to really be
6 reflected at this time.

7 CHAIRPERSON MENIN: But have any of the
8 open investigations on the pay rate been concluded,
9 or they're all still open?

10 DEPUTY COMMISSIONER WAGONER: We have a
11 limited number of investigations on that issue of the
12 minimum pay rate, and they are still open and
13 pending.

14 CHAIRPERSON MENIN: How many staff members
15 do you have working on these issues?

16 COMMISSIONER VERA MAYUGA: So, we have
17 just under 40 staff in the Office of Labor Policy and
18 Standards. They're not assigned solely to delivery
19 worker protection laws and their enforcement. That is
20 for all of our worker protection laws.

21 CHAIRPERSON MENIN: Yeah, I'm just
22 concerned about that 30,000 metric. It's very, very
23 low, so I'd want to better understand why it's so low
24 and what can be done to increase that number, whether
25 it's an increase in re... you don't have the staff that

2 you properly need because you're being asked to go
3 and pulled into a lot of different directions, I
4 know, on a lot of these labor policies so that is of
5 concern so I'd want to better understand that.

6 DEPUTY COMMISSIONER WAGONER: I do want to
7 also emphasize with this law, it was designed in a
8 way, with the minimum pay rate specifically, it was
9 designed to allow us to monitor compliance, and so we
10 are receiving monthly reports from the apps where
11 we're able to see exactly how much money they are
12 paying workers, the amount of trip time, on-call
13 time, etc., a number of statistics that show us that
14 we are not getting in other types of enforcement that
15 we do, and so it's with confidence that we are able
16 to say that workers are being paid 500 million more,
17 or have received 500 million more.

18 CHAIRPERSON MENIN: Okay. So, you
19 mentioned the 30,000 and the restitution. What about
20 civil penalties? What is the amount of civil
21 penalties related to violations of the minimum pay
22 law?

23 COMMISSIONER VERA MAYUGA: We are at
24 10,500.

2 CHAIRPERSON MENIN: So that also is low
3 so, again, I would raise the same concern about the
4 agency's enforcement. The Council obviously worked
5 really hard on the passage and enactment of these
6 laws. Now we've got to make sure that they're being
7 properly enforced.

8 ASSISTANT COMMISSIONER ORTIZ: Thank you,
9 Chair. And I think generally we have seen some
10 compliance in this sector. That said, to the point
11 that our Deputy Commissioner mentioned, I think we're
12 actively monitoring folks. We have active
13 investigations pending. Again, I think if we're
14 expanding these protections as well, resources is an
15 important question for us to ensure our capacity
16 keeps up to pace, but I think certainly we've seen
17 the amount of pay increase dramatically for workers
18 and, when it comes to enforcement, I think we're
19 going to keep a vigilant eye on these businesses to
20 ensure they're complying.

21 CHAIRPERSON MENIN: Okay. I want to
22 mention we've been joined by Council Member Ossé.

23 So here we are having a hearing on these
24 two laws. I guess the concern, again, that I would
25 have is if we're going to expand the agency's purview

2 in these new areas, we don't want to do it and then
3 not have enforcement so, related specifically to
4 these two pieces of legislation, how would you
5 propose doing enforcement, given the resources you
6 currently have?

7 COMMISSIONER VERA MAYUGA: We do need more
8 resources I think to be effective, I think it's
9 important to remember, right, any new mandate or any
10 expansion, we are going to want to be properly
11 resourced to accomplish the goal of the legislations,
12 and we 100 percent support this expansion because we
13 have seen during the last year what a tremendous
14 positive impact it has had in the life of real New
15 Yorkers on individuals receiving this increase in pay
16 and make sure that they can have a roof over their
17 heads and food on their table, right, so as we move
18 forward, one of the key components of this
19 legislation as we know it right now and that will be
20 expanded is the use of our data scientists, right? I
21 mean, when we are proactively monitoring, we are not
22 relying solely on complaints. We are requiring these
23 apps to submit reports to us that show us the data
24 that we need to have so that we can monitor and be
25 attentive to any issues that we see raised. We have

2 accomplished, you know, those numbers that we shared
3 before, yes, on the restitution and the penalties,
4 and we are ongoing with some of the investigations so
5 we will continue to do this data-driven approach so
6 that we can be vigilant as to any violations and take
7 any proper actions. There are outstanding issues that
8 we do look forward to address with this Council as it
9 relates to, for example, some tipping and like
10 deactivations, things like that that we want to make
11 sure that are addressed as well so I think we started
12 with quite the legislation groundbreaking, making an
13 incredible impact and difference in the whole
14 industry, all positive, and now we're going to keep
15 adding to it together with the City Council on
16 addressing the issues that come up.

17 CHAIRPERSON MENIN: So, would that then
18 mean that you would favor a delayed enactment period
19 for these two new laws to go into effect or the prior
20 pay law did take some time for it to go into effect,
21 for companies to be able to ramp up for compliance.
22 Would you then recommend a similar treatment for
23 these two pieces of legislation?

24 COMMISSIONER VERA MAYUGA: Absolutely not.
25 We 100 percent agree with the bills as they are

2 drafted with those timings. We have had this one-year
3 plus to look at the industry and already put into
4 place the groundbreaking legislations for food
5 service delivery workers, and now it's just a matter
6 of expanding that coverage to other workers. There is
7 no need to delay it as it is Intro. 1135 to go into
8 effect immediately for the grocery delivery workers.
9 And then we are looking into the full suite of the
10 protections for the workers in all contracted
11 delivery workers, and then at the 18-month when we
12 have committed that we would have studied and issued
13 any updated minimum pay rate for all contracted
14 delivery workers so we are confident that this is
15 sufficient time in the bills as drafted.

16 CHAIRPERSON MENIN: Okay, couple more
17 questions before I turn it over to my Colleagues. How
18 many delivery workers have brought civil actions
19 under the delivery worker protection laws?

20 COMMISSIONER VERA MAYUGA: Thank you,
21 Council Member. We don't have that number. Delivery
22 workers not necessarily sharing with us when they
23 file civil complaints.

24

25

2 CHAIRPERSON MENIN: Okay, okay. And how
3 many more delivery workers in total would be covered
4 by Intro. 1133 and 1135?

5 COMMISSIONER VERA MAYUGA: So, we estimate
6 that at least 20,000 more delivery workers will be
7 impacted immediately with Intro. 1135. We don't know
8 enough about all of the other areas to look and have
9 a number to share at this time but certainly
10 thousands.

11 CHAIRPERSON MENIN: Okay, great. Thank
12 you.

13 I'm now going to open it up to my
14 Colleagues. I do have more questions, but I want to
15 be respectful and go to my Colleagues so Council
16 Member Nurse.

17 COUNCIL MEMBER NURSE: I was just going to
18 throw my name on the list. Thank you.

19 I have some general questions and then I
20 just have a few, I feel like I'm not clear. How many
21 investigators do you have within your agency to deal
22 with these cases specifically?

23 COMMISSIONER VERA MAYUGA: Thank you,
24 Council Member. We have 36 total in the team of the
25 Office of Labor Policy and Standards.

2 DEPUTY COMMISSIONER WAGONER: Doing
3 enforcement.

4 COMMISSIONER VERA MAYUGA: I'm sorry,
5 doing enforcement, and that includes the
6 investigators and also attorneys and our data
7 scientists. I can get you a specific breakdown if you
8 want it, but that's the whole team that is doing it.
9 I don't want to just focus only on investigators
10 because a lot of our investigation enforcement is
11 very data driven so we do rely on our data scientists
12 as well and, obviously, the attorneys, depending on
13 where the cases are at so it's like a whole team that
14 is looking at this. Now, yes, those 36 are not only
15 dedicated to the worker delivery laws, but also the
16 other laws that we enforce.

17 COUNCIL MEMBER NURSE: What would you say
18 is, if I was looking at a pie chart, what's the
19 percentage of what your team is working on as it
20 relates to the delivery workers and cases of wage
21 theft around delivery workers? Like is it a 50
22 percent of the work is being done by that team or
23 more or less?

24 DEPUTY COMMISSIONER WAGONER: It's hard to
25 say exactly that way. I can say that the three

2 biggest laws that we enforce are Paid Safe and Sick
3 Leave, Fair Work Week, and Delivery, and Delivery
4 includes nonpayment and minimum payment but also
5 obviously all the protections in those laws. I would
6 say between those three categories, our enforcement
7 staff is a little less than a third, a third, a
8 third, and then there are, of course, other issues
9 that come in as well.

10 COUNCIL MEMBER NURSE: Okay. I know that
11 you all might be unwilling to say how many people you
12 need, but I think in the follow-up, it would be
13 really great just to have that number, maybe you said
14 it, I don't know if you did, but it would be really
15 helpful just to get a concrete number how many people
16 would you need to take on all this because I imagine
17 there have been a lot of challenges implementing the
18 laws that you've already done, I have a question
19 about that, but we want to be able to support
20 advocating for what you need and really encourage you
21 to consider putting that on the public record, if not
22 now, at a future date.

23 COMMISSIONER VERA MAYUGA: We can share
24 that later. I don't think we have it in front of us
25 right now. Thank you, Council Member.

2 COUNCIL MEMBER NURSE: Okay. Can you just
3 generally, you know, what are some of the biggest
4 challenges you faced with implementation of all these
5 laws that you have passed related to delivery workers
6 so far?

7 COMMISSIONER VERA MAYUGA: I would say the
8 biggest challenge is actually the false narrative in
9 the media that gets put up oftentimes by apps sharing
10 that there is a negative impact on the industry, but
11 yet we have been reporting with data of the very same
12 apps how the number of deliveries is still increasing
13 per week and I can't get away from that 500-million-
14 dollar number of increase in pay in just one year for
15 delivery workers. We're talking about 11 million
16 dollars more a week. That is real change in someone's
17 life so I would say that that is our biggest
18 challenge, honestly, is just countering the false
19 narrative and, you know, we need to keep fighting
20 that to make sure that the workers know to come
21 forward and understand what is that they should be
22 expected from the companies that are contracting them
23 for this work.

24 COUNCIL MEMBER NURSE: And what is your
25 experience, if you're willing to share, of working

2 with these apps and their willingness to sit down and
3 come to the table or be proactive to protect their
4 own workers who are generating such revenue for them?

5 COMMISSIONER VERA MAYUGA: Council Member,
6 we've had varied experiences with the major players.
7 I think it also depends on the issue itself that gets
8 brought up. If I may, I can give you an example of
9 something that unfortunately is not right now
10 covered, but we do look forward to working with the
11 Council and addressing such as the tipping, for
12 example, right, deactivations. Those are issues that
13 I know we get, you know, Uber, DoorDash have
14 proactively taken steps to remove options for
15 consumers, and that certainly has impacted the amount
16 that consumers tip but yet, again, can't get away of
17 the 500 million, which we're happy because certainly
18 we don't want these workers to be relying on tips for
19 their livelihood, but it would be nice to not have to
20 worry, as a consumer, to just have the ease that
21 there used to be for tipping.

22 COUNCIL MEMBER NURSE: So there have been
23 a number of reports from delivery workers about
24 deactivations from third-party food delivery service
25 platforms, and can you just lay out for the public,

2 what is deactivation, and what are you seeing in
3 terms of increases around this practice, you know,
4 are you investigating it, and how do you determine if
5 deactivation is considered retaliation?

6 COMMISSIONER VERA MAYUGA: I'm just going
7 to have our Deputy Commissioner to give you the
8 details on that issue.

9 DEPUTY COMMISSIONER WAGONER: So, what we
10 hear from workers are about a number of different
11 practices related to not being able to access the
12 app. You know, deactivation, what that usually means
13 is the worker is cut off from accessing the app
14 altogether and cannot get trip offers. We also see
15 other problems, though, with accessing work hours,
16 such as not getting preferential access to schedules,
17 you know, because of something that wasn't the
18 worker's fault, like not delivering an order quickly
19 enough, where, you know, from the worker's
20 experience, it might have been unsafe to, you know,
21 weave in and out of traffic to get the order there on
22 time, and so, you know, I think we are concerned
23 about both of those types of things, which are
24 related to each other, workers being able to get

2 enough hours, not being penalized for things that
3 weren't their fault.

4 COUNCIL MEMBER NURSE: And you think, have
5 you seen that as you've started implementing the laws
6 that we've passed recently, this is a growing
7 practice?

8 DEPUTY COMMISSIONER WAGONER: We are not
9 seeing, you know, mass deactivations, which obviously
10 was something that apps said would happen. That is
11 not something we've seen. You know, we are seeing a
12 shift towards apps moving towards scheduling. Some
13 apps were doing that before the minimum pay rate went
14 into effect. More apps are doing it now, and with
15 scheduling practices do come some more restrictions
16 on app access. We are hearing from the workers about
17 that issue.

18 COUNCIL MEMBER NURSE: Thank you so much.

19 CHAIRPERSON MENIN: Okay. We're now going
20 to call on Council Member Abreu.

21 COUNCIL MEMBER ABREU: Hey, Commissioner.
22 Just wanted to get on the record the Administration's
23 position on the tipping. We had a hearing earlier
24 this year where you testified in support of our bill
25 that would provide tipping at checkout. Is this

2 something that still remains a priority for the
3 Administration?

4 COMMISSIONER VERA MAYUGA: Definitely. We
5 still support those bills and would like to see the
6 issue addressed.

7 COUNCIL MEMBER ABREU: Thank you very
8 much.

9 CHAIRPERSON MENIN: Great. I'm now going
10 to go back to Council Member Nurse to finish her
11 questioning.

12 COUNCIL MEMBER NURSE: Thanks. Just one
13 more question. I had a question here about what does
14 a pattern or practice of violations of delivery
15 worker protections look like, so what triggers an
16 investigation into a pattern or practice of
17 violations, and has the City brought any actions for
18 pattern or practice violations?

19 COMMISSIONER VERA MAYUGA: Thank you,
20 Council Member. We have not brought yet any pattern
21 or practice type of case, but that generally means
22 kind of the literal meaning of the words, right?
23 There is an action by an app that is impacting all of
24 the workers in their workforce because it is just a
25 practice to do so and they will do so regularly so we

2 have two options, right, for a pattern or practice,
3 we can certainly bring the cases ourselves. If we
4 don't resolve them, which we try to do through
5 settlement, if not, we'll take the case to OATH, and
6 if not, we will work with the Law Department to bring
7 a pattern and practice case in state court.

8 COUNCIL MEMBER NURSE: Okay. Thank you so
9 much. Really appreciate it. Thank you, Chair.

10 CHAIRPERSON MENIN: Great. Thank you so
11 much.

12 So, I just have a sort of a question and
13 a comment in closing. Following up on Council Member
14 Nurse's question, so with the 36 members of the
15 Office of Labor Policy Standards that are working,
16 you said, in sort of investigatory roles, or
17 investigators, or attorneys, or in data. Still, I am
18 concerned about the lack of resources because
19 certainly when I was Commissioner of the agency and
20 we launched a Paid Sick Leave Division, you know, I
21 know how much work has to go into those cases and how
22 much time it takes to investigate and close those
23 cases and when you have to do that, Fair Work Week,
24 delivery worker pay issues, obviously, these are
25 time-intensive matters so I would recommend that that

2 go into the new needs because, you know, if you're
3 going to be getting anything on new needs, this would
4 be a wonderful area to expand the agency staffing so
5 I just wanted to close with that.

6 ASSISTANT COMMISSIONER ORTIZ: Thank you,
7 Chair, and I think, you know, one aspect I think we
8 like to describe ourselves as probably pound for
9 pound one of the most effective agencies in the city
10 in terms of being able to deliver results for New
11 Yorkers. I think you can see that in the
12 Commissioner's testimony about delivering more than a
13 billion dollars to folks across our entire portfolio,
14 and we only want to see that work increase and to
15 make sure that we have the resources for that work to
16 increase. Thank you.

17 CHAIRPERSON MENIN: Great. Thank you so
18 much for being here today. We really appreciate it.
19 That's it. Okay. Thank you.

20 ASSISTANT COMMISSIONER ORTIZ: We'll make
21 sure we have folks watch the rest of the hearing.

22 CHAIRPERSON MENIN: Oh, good. Yes, please
23 do. Okay. Thank you.

24 Okay. We are now going to open the
25 hearing for public testimony. So, I want to remind

2 members of the public that this is a formal
3 government proceeding and that decorum shall be
4 observed at all times. As such, members of the public
5 shall remain silent at all times.

6 The witness table is reserved for people
7 who wish to testify. No video recording or
8 photography is permitted from the witness table.
9 Further, members of the public may not present audio
10 or video recordings as testimony, but they can, of
11 course, submit transcripts of such recordings to the
12 Sergeant-at-Arms for inclusion in the hearing record.

13 If you wish to speak at today's hearing,
14 please fill out an appearance card with the Sergeant-
15 at-Arms and wait for us to recognize you. When
16 recognized, you will have two minutes to speak on
17 today's hearing topic, Intro. 1133 and 1135.

18 If you've got a written statement or
19 additional written testimony that you wish to submit
20 for the record, please provide a copy of that
21 testimony to the Sergeant-at-Arms. You may also email
22 written testimony to testimony@council.nyc.gov within
23 72 hours of this hearing. Audio and video recordings
24 will not be accepted.

2 So, I'm now going to call the first
3 panel, and if you could just please come up when your
4 name is called. Ligia Guallpa, Antonio Soliz, I
5 apologize, it's hard to read this card, and Alejandro
6 Grajales. Please come forward. Thank you.

7 ANTONIO SOLIZ: (SPEAKING SPANISH)

8 CHAIRPERSON MENIN: Okay. I'm just going
9 to ask you to please wrap up. Thank you so much.

10 INTERPRETER: So, my name is Antonio
11 Soliz, and I'm a deliverista and also leader of Los
12 Deliveristas Unidos, and I have been fighting for
13 fair pay. We understand the importance of having a
14 minimum wage and support this initiative to expand
15 this pay to grocery workers, but we are seriously
16 concerned that this legislation does not include
17 protections against deactivations and requires pay
18 transparency, and that specifically means obligating
19 the companies to explain how they're calculating
20 their pay. Without these additional protections, this
21 will negatively impact the working conditions of all
22 delivery workers. Tips are essential for grocery
23 delivery workers who rely on these tips specifically
24 when there is low demand. Our experience has been
25 that when we achieved minimum pay, the companies

2 eliminated the option of tipping for consumers at the
3 beginning of the order, significantly reducing our
4 income. Additionally, the companies started limiting
5 our hours, causing chaos, frustration, and
6 misinformation. The current paid method used by the
7 apps is the standard method, which mostly 100 percent
8 guarantees only the time that we're actively working.
9 The rest of the connected time is not secure, and
10 nobody really understands in the industry how the
11 companies pay us. The apps tell us that in order to
12 access this additional pay that the law mandates,
13 which, by the way, they consider as a bonus, we have
14 to have a high rating and we have to accept every
15 order, putting our safety at risk. If the intention
16 is to protect delivery workers from these abusive
17 apps, we need more than just a minimum pay. We need
18 real protections against deactivations. We need to
19 demand transparency in making sure that we can
20 guarantee and protect our flexibility. We look
21 forward to working with you all to making sure that
22 we bring real changes to all deliveristas and improve
23 our industry.

24 ALEJANDRO GRAJALES: Good afternoon. My
25 name is Alejandro Grajales, and I have been a

1 delivery worker for the past nine years. I appreciate
2 the opportunity to share my experience. I fully
3 support Intro. 1133 and 1135, which will establish
4 minimum pay standards for grocery delivery workers.
5 However, passing these bills without additional labor
6 protection would allow companies to continue
7 exploiting workers by prioritizing profit over fair
8 treatment. Delivery apps often underpay workers,
9 pressure us to accept all orders, and limit our
10 ability to earn unsustainable living. As a leader of
11 Los Deliveristas Unidos, I have fought for delivery
12 workers' rights, including minimum pay. Still, my
13 experience shows that protection against unfair
14 deactivations, mandatory pay transparency, and
15 safeguards for flexibility are essential. Without
16 these measures, delivery workers remain vulnerable to
17 systemic abuse and instability despite the promise of
18 minimum wage laws. For instance, two months ago,
19 DoorDash locked me out of my account after a delayed
20 delivery caused by an unexpected bridge opening. I
21 informed customer service and the customer who
22 understood, yet the app's algorithm unfairly
23 penalized me. Despite appealing the violation, my
24 account remains deactivated. This incident reflects
25

2 how delivery platforms exploit workers through
3 arbitrary systems, leaving us with no way to defend
4 ourselves. These examples illustrate the urgent need
5 for stronger labor protection. Companies prioritize
6 speed and profit over workers' safety and rights,
7 creating unfair conditions and pressure. While
8 minimum pay legislation is a step forward, it must
9 include protections that ensure fairness,
10 transparency, and flexibility for delivery workers.
11 Thank you so much.

12 CHAIRPERSON MENIN: Thank you. Okay,
13 great. Thank you so much to that panel. We really
14 appreciate it. Thank you, and I'm going to call the
15 next panel, William Medina, Luis Cortes, Daniel
16 Ocampo. Please come forward. Thank you.

17 Okay, please begin.

18 WILLIAM MEDINA: Good morning. My name is
19 William Medina. I'm an organizing leader with Los
20 Deliveristas Unidos, and I've been a deliverista in
21 New York City since 2018. I'm here to support Intros
22 1133 and 1135 that we extend basic protection and a
23 living wage to deliveristas who deliver grocery store
24 goods. As independent contractors, delivery workers
25 have to pay for our own vehicles, our own operating

2 expenses, our own medical costs on top of our rent
3 and our living expenses. As a deliverista, I can tell
4 you how much we have struggled to afford those costs
5 before the minimum pay law was passed, and I can tell
6 you how transformative minimum pay has been. It has
7 allowed us to work without always wondering if we
8 were going to survive, if we were going to have
9 enough money to pay our expenses to do our jobs. The
10 minimum amount needed to survive and cover our
11 operating expenses is fair and just compensation
12 because we receive no benefits or help from the app
13 companies for our costs. All contractor delivery
14 workers deserve such fairness regardless of the kind
15 of goods we carry. While we fill in this loophole and
16 cover workers who deliver grocery goods, we also need
17 to fill in the loopholes that have allowed the app
18 companies to avoid compliance with the minimum pay
19 law since it began implementation. I see how multi-
20 billion-dollar companies like DoorDash, Uber Eats and
21 others routinely try to avoid complying with the law
22 by locking workers out their accounts so they don't
23 have to pay our on-call time, by creating unjust
24 scheduling systems to limit the amount we work, by
25 deactivating workers to avoid paying and blocking our

2 tips. As we extend minimum pay to grocery workers, we
3 have to be prepared for how the app companies covered
4 by this new law will also retaliate. Our concern is
5 that Instacart and other companies will have a
6 blueprint from DoorDash, from Uber Eats and from
7 others for retaliating and avoiding compliance with
8 the new law. We need to have a blueprint too. We need
9 to extend to all workers the tipping, pay
10 transparency, and deactivation protection bills that
11 have already been introduced and we need to pass them
12 now. Having the complete package to protection is the
13 way to ensure company compliance and the success of
14 the minimum pay. Thank you.

15 CHAIRPERSON MENIN: Thank you. Good
16 afternoon.

17 LUIS CORTES: My name is Luis Cortes. I'm
18 the Director of Los Deliveristas Unidos, LDU, the
19 organizing campaign launched by the Worker Justice
20 Project in 2020 to protect the rights and safety of
21 New York City's 65,000 app delivery workers. Thank
22 you to this community for providing the opportunity
23 to speak on this important matter. I'm here to speak
24 in support of Intro. 1133 and 1135. LDU is proud to
25 have pioneered the historic protection for app

1 delivery workers that are basis for the bill before
2 this Committee today. This is an opportunity to act
3 urgently. The longer we wait to provide such
4 protections, the more we expose these essential
5 workers to needless risk and labor abuse. In
6 particular, the minimum wage requirement through
7 Intro. 1135 will extend real material benefits to all
8 delivery workers, regardless of who contracts them or
9 what good they carry, just as it has done for app-
10 based delivery workers who deliver from restaurants.
11 Minimum pay is essential for delivery workers. As
12 independent contractors, deliveristas struggle to
13 afford their own operating costs while generating
14 billions of dollars in revenue for the app companies.
15 They do this without employee benefits, medical
16 insurance, or safety protections, relying on
17 themselves to purchase expensive vehicles and
18 equipment to ensure their livelihood. We strongly
19 support this bill as a critical extension of the
20 right to a living wage for all delivery workers.
21 However, our experience has taught us that the app-
22 based companies will retaliate against any attempt at
23 regulation. History has shown that they will find
24 ways to (INAUDIBLE) compliance with the minimum pay
25

2 requirement, including by introducing opaque payment
3 and scheduling systems, locking out workers,
4 deactivating them arbitrarily, and by making it
5 harder for customers to provide tips. We must be
6 prepared and respond to such retaliation, such as we
7 have with DoorDash, Uber, and Grubhub, by introducing
8 bills around tipping, pay, and special transparency
9 and deactivations.

10 CHAIRPERSON MENIN: I'm just going to ask
11 you to please wrap up.

12 LUIS CORTES: Thank you.

13 CHAIRPERSON MENIN: Thank you very much.

14 DAN OCAMPO: Good afternoon, Chairman and
15 Members of the Committee. My name is Dan Ocampo. I am
16 an attorney at the National Employment Law Project,
17 NELP, here in New York, and I'm here to testify in
18 favor of both of these bills.

19 As we've heard, the restaurant delivery
20 worker pay standard has been a demonstrated success.
21 Pay has increased significantly for this workforce,
22 and demand for delivery did not collapse, as some of
23 the companies had predicted, and it turns out that
24 these multibillion-dollar companies can afford to pay
25 their workers a minimum wage. As a result, New York

2 City is one of only a handful of jurisdictions that's
3 been able to enact meaningful protections for this
4 essential and growing workforce who've been cut out
5 of labor and employment laws by the companies that
6 classify them as independent contractors. Now, New
7 York should continue leading by extending these
8 protections to grocery and other contracted delivery
9 workers who are engaged in essentially identical work
10 and who also deserve a pay floor. As we've heard,
11 Intro. Number 1135 would extend the pay standard
12 specifically to grocery delivery workers who would be
13 covered under the existing standard, the idea being
14 that it wouldn't require a new rulemaking from the
15 department and so could go into effect right away,
16 and Intro. Number 1133 would extend the protections
17 to all contracted delivery workers but would require
18 a new rulemaking.

19 And then just a quick word about the
20 litigation over the pay standard. So just a few days
21 before the initial payrolls were set to go into
22 effect, Uber, DoorDash, Grubhub, and Relay all sued
23 the City. The lawsuits were essentially frivolous,
24 claiming that DCWP had exceeded its authority under
25 the legislation, which it didn't, and I think you'll

2 agree, but it did throw sand in the gears and won a
3 several-month delay and also an exemption for Relay,
4 and those were months during which delivery workers
5 continued to earn subminimum wages. I hope the
6 companies affected by this legislation don't try to
7 sue if it passes, but if they do, I think the
8 language is much clearer in this bill and the
9 legislative intent is made crystal clear. So, with
10 that, I'll close. Thank you.

11 CHAIRPERSON MENIN: Thank you. Okay. Thank
12 you to this panel.

13 Now I'm going to call the next panel.
14 Give me one second. Okay. This is the last panel, is
15 Ruth Whittaker, Husein Yatabarry, Raul Rivera. If you
16 could all three please come up. Thank you.

17 I'm just told there's also a Zoom panel
18 that will go after.

19 Okay. Please begin. Thank you.

20 RUTH WHITTAKER: Good afternoon, Chairman
21 and Members of the Committee. My name is Ruth
22 Whittaker, and I'm the Director of Civic Innovation
23 Policy at Chamber of Progress, a tech industry
24 coalition promoting technology's progressive future
25 and ensuring that all Americans benefit from

1 technological leaps. Our partners include many app-
2 based delivery companies, but our partners do not
3 have a vote or veto over our positions. I'm here
4 today to raise concerns about proposals to implement
5 minimum pay standards for all categories of delivery
6 workers without properly considering the downstream
7 consequences. After implementing minimum pay
8 standards for food delivery workers last year, prices
9 increased for consumers and earning opportunities
10 decreased for drivers. Expanding these standards to
11 cover more drivers without a full understanding of
12 their impact risks undermining the goals of these
13 proposals. Minimum pay standards typically raise
14 prices for consumers. After the City implemented its
15 minimum pay standards for food delivery drivers last
16 year, consumer fees increased by an average of 46
17 percent per order. Expanding the existing rules to
18 include grocery delivery would likely have similar
19 effects. Increasing the prices of groceries would be
20 particularly harmful for the estimated 14.6 percent
21 of New Yorkers who are food insecure or those living
22 in food swamps without access to fresh, healthy food.
23 For these communities, food and grocery deliveries
24 can mean access to a wider variety of healthier food
25

2 options. Minimum pay standards also typically result
3 in reduced earning opportunities for workers. Higher
4 prices typically result in fewer orders and lower
5 tips, which declined by 60 percent for food delivery
6 drivers since December. The minimum pay standards for
7 food delivery workers also resulted in food platforms
8 instituting schedules to align driver supply with
9 high demand periods. The combination of fewer orders
10 and limited schedules can limit earning opportunities
11 for drivers. One driver reported a 60 percent
12 decrease in earnings since the pay standards went
13 into effect. Nationwide, 69 percent of workers said
14 app-based work helped them to make money in an
15 emergency situation, and 63 percent said the income
16 from app-based work allowed them to cover rising
17 costs. Minimum pay standards also threaten the
18 flexibility that workers value. App-based workers
19 consistently report that the ability to control their
20 own schedules is one of the most valuable benefits of
21 app-based work. The City's analysis of minimum pay..

22 CHAIRPERSON MENIN: Okay, I'm going to ask
23 you to please wrap up. Thank you.

24 RUTH WHITTAKER: Our concern is that the
25 flexibility will be eliminated, which is one of the

2 primary benefits of delivery work in addition to the
3 other concerns as well. Thank you.

4 CHAIRPERSON MENIN: Okay, thank you.

5 HUSEIN YATABARRY: Good afternoon, Chair
6 Menin and Members of the Committee on Consumer Worker
7 Protection, Council Member Nurse, and Council Member
8 Ossé. My name is Husein Yatabarry, and I'm the
9 Executive Director of the Muslim Community Network.
10 I'm here to express our strong support for Intro.
11 1133 and Intro. 1135. Delivery workers are the
12 lifeblood of New York City. Every day, they transport
13 our meals, groceries, and essential goods, often in
14 the rain, like today, snow, or intense heat. They
15 ensure that the city functions smoothly, and yet many
16 of the workers are excluded from basic protections.
17 Unfortunately, the narrow scope of the current
18 minimum pay rules mean that some delivery workers are
19 being left behind. It only covers food delivery
20 workers on platforms serving restaurants while
21 excluding grocery delivery workers. At MCN, we've
22 heard from constituents who use a variety of delivery
23 platforms. Many are frustrated by the disparity in
24 the pay and protections for what is fundamentally the
25 same work to them. Whether delivering restaurant

2 meals or groceries, these workers face the same
3 challenges—long hours, dangerous conditions, and
4 limited access to safety resources. So, passing these
5 bills will create economic equity and safety across
6 the economy. Intro. 1133 guarantees workers basic
7 protections, such as the ability to set maximum
8 distances and access trip information and right to
9 restrooms, while 1135 ensures grocery delivery
10 workers and food delivery workers are in an even
11 playing field when it comes to pay. Delivery workers,
12 many of whom are immigrants or from underserved
13 communities, deserve the same protections and
14 opportunities, no matter what platform they're
15 working on. Chair Menin and Members of the Committee,
16 these bills address a fundamental issue of fairness.
17 By passing Intro. 1133 and 1135, you will ensure that
18 no worker is left behind and that all New Yorkers can
19 earn a dignified and living wage. Thank you.

20 CHAIRPERSON MENIN: Thank you very much.

21 RAUL RIVERA: Good afternoon. My name is
22 Raul Rivera. I'm a TLC driver and a TLC driver
23 advocate with over 23,000 trips. One of the main
24 problems we have here in the city with these apps is
25 that our status as independent contractors are not

2 being respected. When you have elected officials like
3 Brad Lander and Jessica Ramos disrespecting the
4 status, you're going to get deactivations time and
5 again. I personally know a driver that almost hit
6 29,000 trips, 29,000 trips with Uber. Not easy to do.
7 One complaint and he was deactivated. We asked that
8 New York City eliminate these apps. They're
9 exploiting people of color. They're exploiting
10 workers with a language barrier. It's been more than
11 a decade that Uber's been around. We asked at the
12 Committee on Transportation to remove Uber. We asked
13 the Taxi Limousine Commission to remove Uber. Better
14 pay is always good, but the status is not respected,
15 and that's what's going on here. We're going to make
16 our way down to Washington, D.C., and we're going to
17 testify in Congress, and we're going to let them know
18 that this Council is not protecting workers.

19 CHAIRPERSON MENIN: Okay. Thank you to
20 this panel. Thank you, and now we're going to, on
21 Zoom, we have one person who has signed up.

22 I'll see if he is on. Christopher Leon
23 Johnson. If you can hear us on Zoom.

24 No.

25

2 Okay. Great. That concludes the public
3 testimony. If we've inadvertently missed anyone who
4 has registered to testify today and is yet to be
5 called, please speak with a Sergeant, or if you are
6 remote, use the Zoom hand function, and you will be
7 called in the order that your hand has been raised.

8 Okay. Seeing none, we are now going to
9 close the hearing. Thank you all. [GAVEL]

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C E R T I F I C A T E

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



Date December 12, 2024