

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS
AND BUSINESS LICENSING

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November 16, 2021
Start: 10:07 a.m.
Recess: 10:46 a.m.

HELD AT: REMOTE HEARING - VIRTUAL ROOM 2

B E F O R E: Diana Ayala
Chairperson

COUNCIL MEMBERS: Diana Ayala
Justin L. Brannan
Margaret S. Chin
Ben Kallos
Peter A. Koo
Karen Koslowitz
Brad S. Lander
Carlos Menchaca
Kalman Yeger
Vanessa L. Gibson

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

Peter Hatch
Commissioner
Department of Consumer and Worker
Protection

Ben Holt
Deputy Commissioner
Office of Labor Policing and Standards
Department for Consumer and Worker
Protection

Steven Ettannani
Executive Director for External Affairs
Department for Consumer and Worker
Protection

Cassandra Gomez

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1 COMMITTEE ON CONSUMER AFFAIRS AND
AND BUSINESS LICENSING

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2 SERGEANT AT ARMS: Backup is rolling.

3 SERGEANT AT ARMS: Computer is good.

4 SERGEANT AT ARMS: Thank you. Cloud is
5 rolling as well. Once again, good morning and
6 welcome to today's New York City Council hearing on
7 Consumer Affairs and Business Licensing. At this
8 time would all panelists please turn on your videos.
9 To minimize disruptions please place all electronic
10 devices to vibrate or silent. Thank you. If you
11 wish to submit testimony you may do so at
12 testimony@council.nyc.gov. I repeat,
13 testimony@council.nyc.gov. Chair, we are ready to
14 begin.

15 CHAIRPERSON AYALA: Thank you. Good
16 morning. Ah, my name is Diana Ayala and I am the
17 chair of the Committee on Consumer Affairs and
18 Business Licensing. I would like to welcome you to
19 our remote hearing today. Before we get started, I
20 would like to acknowledge that we have been joined by
21 Council Members Menchaca, Brannan, Koo, and Yeger.
22 Today we will be hearing testimony on Introduction
23 2448 by Council Member Gibson in relation to
24 providing paid time to employees who accompany a
25 child to receive a COVID-19 vaccination injection or

3 care for a child with COVID-19 vaccine side effects.

4 The development and efficiency of COVID-19 vaccines

5 have been miraculous in their prevention of

6 infections, hospitalizations, and deaths from the

7 virus. Epidemiologists at Yale University estimated

8 that New York City's vaccination campaign has

9 prevented about 250,000 COVID-19 cases, 44,000

10 hospitalizations, and over 8000 deaths from COVID-19

11 infections since the start of the vaccine campaign

12 through July 1, 2021. For those vaccinated, life in

13 the city has begun to return to normal. Live, ah,

14 live theater and arts have reopened, our restaurants

15 are operating at 100% capacity, and the vibrancy and

16 vitality of the city has reemerged. Unlike this time

17 last year, next week families will gather for

18 Thanksgiving without the fear of endangering loved

19 ones. For those that remain unvaccinated, however,

20 COVID-19 has continued to spread and impact their

21 daily lives. This is especially true for children.

22 During the early months of the pandemic children were

23 considered very low risk of contracting, spreading,

24 or becoming sick with COVID-19. However, as new

25 strains of the virus have developed and as new

research has been analyzed it is clear that children

3 are not only carriers and spreaders of the virus but
4 may also fall sick due to COVID-19, even if that
5 happens less frequently than it does for adults.

6 Children's ability to carry and transmit the virus is
7 concerning, as well as it is, as it is, ah, has
8 hampered the ability for the city to return to

9 normal. In the past week two schools in question
10 were closed with COVID-19 outbreaks. The closure of
11 schools due to COVID-19 outbreaks impede students'

12 learning and forces parents to provide childcare on a
13 moment's notice. Thankfully, children can now access
14 safe and effective vaccines. The FDA issued an

15 emergency use authorization, or, ah, EUA, for
16 children reaching the ages of 12 and 15 this past

17 May. On October 29, 2021, the FDA issued an EAU for
18 the use of vaccines for children between the ages of
19 5 and 11. The vaccine's safety was studied with over

20 3000 children, ages 5 to 11, who received the vaccine
21 and no serious side effects have been detected in the
22 ongoing study. The nearly 2 million of city

23 residents under the age of 18 who can now get
24 vaccinated will be a major boost to the city's

25 recovery from the pandemic and will further protect
those most vulnerable to serious illness from COVID-

3 19. Nonetheless, parents accompanying their children
4 to get a vaccine should not have to choose between
5 the vaccination of their children or going to work,
6 and going, ah, a workday unpaid. More than a
7 thousand sites were opened this month as schools
8 across the city for, um, to offer vaccinations to
9 children. However, there have already been reports
10 of extremely long wait times. Outside Public School
11 40 on East 19th Street a child reported waiting six
12 hours in line to get the shot. Not every parent or
13 guardian has the luxury of taking six hours out of
14 their day to accompany their child to get the
15 vaccine. As the mayor has said, you shouldn't have
16 to choose between your paycheck and the health of
17 your family. We must ensure that every city parent
18 and guardian has the ability to get their child
19 vaccinated. The mayor has provided the ability for
20 all city employees and contractors to receive four
21 hours of sick pay, ah, leave per child, which allows
22 parents and caregivers, ah, to care for their
23 children should the child experience side effects
24 from the vaccine. This same right must be extended
25 to private workers as well. Intro 2448, which we are
hearing today would, ah, update the, ah, Earned Safe

3 and Sick Time Act to include requirements for
4 employers to provide employees who are parents with
5 paid COVID-19 child vaccination time. We will hear
6 feedback from the administration and advocates today
7 on this important bill. I will now turn it over to
8 Council Member Gibson, if she is here. Is she here?
9 She is not here. Um, I want to recognize that we've
10 been joined by Council Member Kallos. So I assume
11 that we will then go to testimony from the admin.

12 COMMITTEE COUNSEL: Thank you, Chair.

13 Um, we will be turning to testimony from the admin.

14 Um, I am Stephanie Jones, counsel to Committee on
15 Consumer Affairs and Business Licensing and I will be
16 moderating. Before we begin I'd like to remind
17 everyone that you will be on mute until you are
18 called on to testify, at which point you will be
19 unmuted by the host. During the hearing I will be
20 calling on panelists to testify. Please listen for
21 your name to be called. At this hearing we will
22 first be inviting testimony from the Department of
23 Consumer and Worker Protection, followed by testimony
24 from members of the public. During the hearing, if
25 council members would like to ask a question of the
administration or a specific panelist, please use the

3 Zoom raise hand function and I will call on you in
4 order. We will be limiting council member questions
5 to five minutes, which includes the time it takes to
6 answer your questions. For all panelists, when
7 called on to testify please state your name and the
8 organization you represent, if any. We will now call
9 representatives of the administration to testify. We
10 will be hearing testimony from Peter Hatch,
11 commissioner of the Department of Consumer and Worker
12 Protection. We will also be joined for questions by
13 Ben Holt, deputy commissioner of the Office of Labor
14 Policing and Standards at DCWP, and Steven Ettannani,
15 executive director for external affairs at DCWP. At
16 this time I will administer the affirmation.

17 Administration panelists, please raise your right
18 hands and I will call on each of you individually to
19 respond. Do you affirm to tell the truth, the whole
20 truth, and nothing but the truth before this
21 committee and to respond honestly to council member
22 questions? Commissioner Hatch.

23 COMMISSIONER HATCH: I do.

24 COMMITTEE COUNSEL: Thank you,
25 Commissioner. Deputy Commissioner Holt.

DEPUTY COMMISSIONER HOLT: I do.

1 COMMITTEE ON CONSUMER AFFAIRS AND
BUSINESS LICENSING

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2 COMMITTEE COUNSEL: Thank you. Executive
3 Director Ettannani.

4 EXECUTIVE DIRECTOR ETTANNANI: I do.

5 COMMITTEE COUNSEL: Thank you. At this
6 time I'd like to invite Commissioner Hatch to present
7 his testimony.

8 COMMISSIONER HATCH: Thank you, Counsel.
9 Good morning, Chair Ayala and members of the
10 Committee on Consumer Affairs and Business Licensing.
11 I'm Peter Hatch, commissioner of the Department of
12 Consumer and Worker Protection, or DCWP. As
13 mentioned, I'm joined by Ben Holt, our deputy
14 commissioner for the Office of Labor Policing and
15 Standards, and Steven Ettannani, our executive
16 director for external affairs. It's a pleasure to
17 testify before you for the first time, and I look
18 forward to our work together. DCWP protects
19 consumers and workers through enforcement of consumer
20 protection and key workplace laws. We also promote
21 New York City's economic recovery by supporting small
22 businesses and encouraging a culture of compliance.
23 As the lead for the Small Business First initiative,
24 DCWP continues to make great strides to streamline
25 the licensing process with a focus on customer

3 service and to increase transparency through expanded
4 outreach and education to businesses to ensure
5 equitable enforcement and to reduce the number and
6 cost of violations. In 2020 we joined with sister
7 agencies to promote the safe reopening of our city's
8 businesses and more recently have been one of the
9 primary agencies assigned to implement Key to NYC as
10 part of our city's ongoing recovery efforts. In 2014
11 when Mayor de Blasio signed Council Member Chin's
12 paid sick leave legislation into law he declared that
13 New York City was leading the nation in guaranteeing
14 access to sick leave for employees and that this law
15 is about "making our businesses run better and
16 protecting the health and welfare of their
17 customers." Our first media campaign about paid sick
18 leave reminded employers that if their employees feel
19 100% they'll work 100%. Those priorities for
20 consumers, for workers, and our businesses remain
21 ours at DCWP today. While some criticize the 2014
22 law as too burdensome for small business, evidence
23 shows it's been a success for our city's workers at
24 low or no cost to the vast majority of city
25 businesses. That's why this administration has been
proud to partner with the council on expansions of

3 the law. The 2017 expansion provided crucial safe
4 leave for our workers and during the pandemic further
5 expansions provided more hours of leave and greater
6 access, including to domestic workers, ensuring
7 robust protections for the more than 3.6 million
8 private sector employees in total eligible for paid
9 safe and sick leave, PSSL. From the beginning we
10 knew that for this law to be effective and to empower
11 workers we would need to be committed to ongoing
12 outreach and education about these rights. So since
13 2014 we've held more than 2400 events on the
14 requirements and protections of PSSL, reaching more
15 than 120,000 New Yorkers. And when we launched our
16 first public awareness campaign we invested
17 significant resources in language access and ethnic
18 media, and we continue to do so to this day to reach
19 our city's vibrant communities and diverse workforce.
20 We also have been committed to ongoing outreach in
21 education for employers about how to comply with
22 PSSL, providing them with tools and training to make
23 that easy. During the initial implementation of PSSL
24 in 2014 we even instituted a six-month penalty-free
25 grace period to alleviate concerns about costs
related to this new law. Just as we did in 2014,

3 DCWP continues to host business round tables and
4 trainings. In this past year alone we reached nearly
5 3000 participants working in partnership with our
6 city's chambers of commerce, business improvement
7 districts, and other key business advocates. DCWP
8 enforces paid safe and sick leave through our Office
9 of Labor Policing and Standards. And since 2014
10 we've secured more than 14 million dollars in
11 restitution civil penalties related to PSSSL
12 violations, which has helped more than 38,000 workers
13 in our city. Just a few weeks ago we announced
14 settlements with major airlines, totalling more than
15 \$235,000 in restitution for ground crew workers whose
16 PSSSL rights had been violated, including one worker
17 who was illegally fired just for taking sick leave.
18 Through our efforts that worker was reinstated with
19 their position and awarded back pay. Paid sick leave
20 during COVID-19. So throughout this pandemic we've
21 seen how important sick leave is to keeping our city
22 healthy and putting us on the road to recovery. In
23 2020 this administration was proud to partner with
24 the council to expand PSSSL to 56 hours for more than
25 1.8 million eligible private sector workers and to
provide greater coverage to more than 200,000 of our

2 city's paid care workers to make it easier for them
3 to accrue and utilize this leave so that many more
4 workers had the leave time they needed to keep
5 themselves and their loved ones safe from COVID. At
6 the outset of the pandemic DCWP prioritized educating
7 workers on their right to use PSSL for COVID-19
8 testing, for quarantine, recovery, and finally to get
9 vaccinated once the vaccines became available. DCWP
10 developed guidance summarizing new COVID-19-related
11 protections that were passed at state and federal
12 levels to provide workers with additional leave for
13 quarantining, taking care of their children with
14 schools closed, and to recover from any effects of
15 COVID. To get this information to the public we
16 worked through our traditional outreach partners,
17 including community-based organizations and elected
18 officials. And we also expanded our efforts to work
19 with the city's Department of Health and Mental
20 Hygiene and Test & Trace Corps so that we were
21 providing PSSL materials at COVID-19 test sites,
22 vaccination sites, and even in a door knocking
23 campaign in communities most impacted by the
24 pandemic. This spring we continued to raise
25 awareness about PSSL and recent amendments to the law

3 through paid media campaigns targeting healthcare
4 settings and also neighborhoods where violations of
5 the PSSL were reported. The second phase of that
6 campaign launches this month and will run through the
7 end of the year to coincide with flu season. During
8 the pandemic we also worked to help businesses
9 understand how to safely navigate reopening after
10 months of closures and to remind them that their
11 employers could use the PSSL benefits as needed for
12 COVID-19. This education not only stressed how
13 important this was to employers' and their workers'
14 safety, but also to keep their customers safe. In
15 2020 we held more than 30 business education days all
16 across the city, visiting thousands of businesses to
17 help them understand best practices for being safe as
18 work, as well as informing their workers about PSSL
19 rights. DCWP also conducted 9000 inspections for
20 health and safety as a part of a larger interagency
21 coordinated effort to promote compliance. At the
22 outset of the pandemic we adopted a fast track
23 enforcement process to get workers impacted by COVID-
24 19 faster results. For example, securing pay for
25 workers who took leave due to COVID-19 or affirming a
worker's ability to take leave, ah, to care for a

3 child whose school closed. We knew that making sure
4 workers had access to this leave during the pandemic
5 meant we were not just protecting them, but also, as
6 you mentioned, Chair, their families, their
7 coworkers, and their employers. Now we also know
8 vaccination is essential to protecting New Yorkers
9 and the city's recovery. So when the mayor appointed
10 me commissioner of this agency I committed that DCWP
11 would enforce our paid sick leave law to boost
12 vaccination rates among working New Yorkers.

13 Regarding Intro 2448. Mayor de Blasio has noted
14 consistently that the only reason New York City is
15 having such a strong recovery is vaccination. For
16 that reason, this administration had pursued policies
17 to get as many shots in arms as possible, as fast as
18 possible, by reducing as many barriers to access as
19 possible. Last week the mayor issued a personnel
20 order granting city employees four hours of
21 additional sick leave per child up to age 18, per
22 COVID-19 vaccination, so parents or guardians have
23 the leave they need to take their children to get
24 vaccinated or to care for them should they experience
25 side effects. Today we're proud to partner with the
council on Intro 2448 which would provide those same

2 benefits to New York City's approximately 3.6 million
3 private sector employees. This proposed expansion of
4 PSSL comes at a time when there are approximately
5 7000 children newly eligible for COVID-19 vaccine and
6 their parents may have little or no leave left this
7 close to the end of the calendar year. Intro 2448 is
8 an opportunity to reduce a significant barrier to
9 taking your child to get vaccinated for fear of
10 losing a paycheck, or worse a job. Like past
11 amendments to the PSSL, it gives employees increased
12 flexibility at work and cultivates a safe and
13 productive work environment for employees and
14 employers. I encourage this committee and the
15 council to do what it has done many times before when
16 presented with an opportunity to support working New
17 Yorkers and their families by expanding this
18 important law. Pass Intro 2448 quickly and help
19 ensure that this city's recovery is a recovery for
20 all of us. Thank you for the opportunity to testify
21 today, and I look forward to any questions that you
22 may have.

23 COMMITTEE COUNSEL: Thank you,
24 Commissioner. Before we move on to questions we'd
25 like to turn it over Council Member Gibson, prime

3 sponsor of Intro 2448, to provide an opening
4 statement on her bill. Council Member Gibson?

5 COUNCIL MEMBER GIBSON: Thank you so
6 much. Good morning, ladies and gentlemen. Good
7 morning, Commissioner. Good morning, Chair Ayala,
8 and all of my colleagues on the Consumer Affairs
9 committee. I'm grateful to join all of you.
10 Apologies for the delay. I was at a school this
11 morning. Um, but I really wanted to take this
12 opportunity to say thank you to our chair, Diana
13 Ayala, for holding this very important hearing on
14 this very important topic. I am proud to work with
15 Mayor Bill de Blasio at his request to introduce
16 Intro 2448 of 2021, ah, which would relate to
17 amending our city's, ah, paid sick leave. Ah, as we
18 continue as a city to fight against COVID-19, keep
19 New Yorkers safe in our city, it's really important
20 that we continue to encourage all New Yorkers to get
21 vaccinated and, and ensure that every New Yorker is
22 safe and getting the access to the vaccine. During
23 the onset of this pandemic as a legislative body, the
24 City Council, we've acknowledged so many of our first
25 responders and essential workers and front-line staff
who were out in the trenches providing services,

3 continuity of care in a culturally responsive and
4 sensitive way to make sure that many New Yorkers were
5 getting access to not just COVID-19 testing, but also
6 the vaccine. Intro 2448, which is on today's agenda,
7 would expand the city Earned Sick and Safe Time Act
8 by including paid leave for any employee who is a
9 parents or legal guardian accompanying a child to
10 receive a COVID-19 vaccination or care for a child
11 with COVID-19 vaccine side effects. Not only is this
12 important to keep our children and their families
13 safe from COVID-19, but it will also ensure that no
14 one has to choose between a paycheck and what is best
15 for their children's and their children's health.
16 Ah, unlike adults, children are not able to navigate
17 the vaccine appointments alone, so they need their
18 caregivers, they need their parents, and they need
19 their guardians. And so this option to take time off
20 from work in order to care for their children will
21 really address a lot of the issues that we've been
22 facing. Ah, we must expand New York City's earned
23 safe and sick time act to support all of our parents
24 and all of our children in their overall efforts to
25 become vaccinated without fear of losing their
income. I again want to say thank you to our

2 commissioner. Thank you, Commissioner Hatch, for
3 your leadership. Ah, welcome to our hearing and I'm
4 really looking forward to working with you as someone
5 who has been fully vaccinated, who is about to get
6 the booster shot, ah, who has small children in my
7 own family, I want to make sure that we're doing our
8 part. And this bill, Intro 2448, is a step forward
9 in providing the access and opportunity that New
10 Yorkers will need to get their children vaccinated.
11 So let's continue to work together to keep New
12 Yorkers safe, to provider access and opportunity for
13 all New Yorkers by passing Intro 2448. Thank you so
14 much again, Commissioner, to you and your team, and
15 certainly thank you to my wonderful and amazing
16 chair, my Bronx colleague and sister, Chair Diana
17 Ayala. Thank you so much to the staff.

18 COMMITTEE COUNSEL: Thank you, Council
19 Member. Ah, we will now turn it over to questions
20 from Chair Ayala. Panelists, please stay unmuted if
21 possible during this question and answer period.
22 Thank you. Chair Ayala.

23 CHAIRPERSON AYALA: Before I begin,
24 Council Member Gibson, do you have any questions?

2 COUNCIL MEMBER GIBSON: Yeah, ah,
3 actually just one.

4 CHAIRPERSON AYALA: OK.

5 COUNCIL MEMBER GIBSON: Awesome. Thank
6 you, Chair. Thank you for indulging me.

7 Commissioner, could you just provide my colleagues
8 and I with an understanding, um, with this particular
9 Intro 2448 on today's agenda, ah, what measures, ah,
10 will the department take to actually make sure that
11 parents are informed of this new law. Um, what, what
12 sort of assistance would you like from the City
13 Council to make sure that we can work with our, ah,
14 providers and parents and other organizations and
15 different leaders in our community so we can make
16 sure that people are very much aware of what this new
17 law will provide for themselves and their families?

18 COMMISSIONER HATCH: Council Member
19 Gibson, good morning. Thank you for that, ah, for
20 your opening statement, um, your leadership in being
21 the prime sponsor of this bill, and that question,
22 um, you know, speaking as both a New Yorker and a
23 parent of now vaccine-eligible children, um, I agree
24 with you. It's incredibly important that we make,
25 ah, eligible workers aware when this bill passes that

3 they have this incremental increase in leave time.

4 Um, otherwise all of our efforts, right, will, will,

5 will not come to, ah, what we want them to. So we

6 feel like we've begun to communicate to parents

7 already through, ah, the mayor's press conference,

8 ah, last week talking about, ah, the personnel order

9 and this proposed legislation to extend that to all

10 private sector workers in New York City, um, through

11 today's hearing, ah, with you and the committee, um,

12 and through, ah, sort of an acceleration of DCWP's

13 ongoing commitment to educate workers about paid safe

14 and sick leave law. Um, specifically, ah, for this,

15 ah, extension of the law we would want to continue,

16 ah, partnering with community-based organizations

17 that are trusted messengers in key communities, ah,

18 elected officials' offices, such as yours. Um, we

19 would implement, um, the use of, um, all of our

20 materials and translated into more than dozen

21 languages, um, the use of our staff who themselves

22 speak, ah, so many key languages, ah, in New York,

23 um, and we would also continue our expanded

24 partnerships, um, with our healthcare partners in the

25 city, the Department of Health and Mental Hygiene,

the Test & Trace Corps at New York City Health and

3 Hospitals, so that we are reaching parents and
4 families where they're looking for information, ah,
5 about vaccine. Um, we agree with you, this is
6 incredibly important.

7 COUNCIL MEMBER GIBSON: OK. Just another
8 question. Ah, what could we say to New Yorkers who
9 have children between the ages of 5 and 11 that have
10 underlying health conditions. So the Bronx has some
11 of the lowest vaccination rates. Chair Ayala and I
12 are working extremely hard with many of our CBOs and
13 our healthcare providers on the ground, um, because I
14 think, you know, there's been a resistance, there's
15 been a little bit of hesitancy and anxiety for many
16 parents of small children that may have underlying
17 health conditions. So what message are we giving to
18 those New Yorkers who have those children that may,
19 you know, live with asthma or may have childhood
20 diabetes? What are we saying to them in terms of the
21 vaccine, ah, that we want them to get their children
22 vaccinated because this can help with a lot of the
23 diseases that they may be living with today. What
24 are some of the messages around, ah, these specific
25 New Yorkers?

2 COMMISSIONER HATCH: Council Member,
3 we're, I'll leave the, the healthcare advice, ah, you
4 know, to...

5 COUNCIL MEMBER GIBSON: OK.

6 COMMISSIONER HATCH: ... my colleagues at
7 the Department of Health and, and Health and
8 Hospitals. Um, the message that we're gonna focus on
9 from our agency is potential other sources of
10 hesitation that parents may feel that concern the
11 taking that bit of time off to protect their children
12 through vaccination, or to care for a child that may
13 not be, feel well afterwards. Um, that they have to
14 worry about lost wages or worse, possible termination
15 at work. We want to remove that barrier, that form
16 of hesitation among many things that may be on
17 parents' mind at this mind, so they will move rapidly
18 to get their kids vaccinated, which is the most
19 important way we feel as a city to protect children,
20 to protect families, including older members of our
21 households, plus our communities.

22 COUNCIL MEMBER GIBSON: OK.

23 COMMISSIONER HATCH: I will make sure
24 that, that the materials we disseminate have the best
25 public health messaging the city has to offer.

2 COUNCIL MEMBER GIBSON: OK, definitely.

3 Well, I look forward to working with you and your
4 team as well as DOHMH and Health and Hospitals, ah,
5 to disseminate as much information, ah, in an
6 accurate way, in a real create way, meeting residents
7 on the ground. Um, I also talk about faith and
8 clergy leaders. Many of our houses of worship, you
9 know, they can encourage their parishioners to also
10 get their children vaccinated. I mean, I think, you
11 know, we have to always be creative in getting the
12 message across because there will always be those New
13 Yorkers that are hesitant. But I do think a majority
14 of our New Yorkers are excited and will take
15 advantage of this. So I look forward to working with
16 you and your team. And thank you again, Chair Ayala,
17 for allowing me to ask questions before you, Madam
18 Chair.

19 COMMISSIONER HATCH: Thank you, Council
20 Member.

21 COUNCIL MEMBER GIBSON: Thank you.

22 CHAIRPERSON AYALA: Those were really
23 good questions, Vanessa. Thank you. Um, so I'm
24 assuming, just, just to piggyback off of Council
25 Member Gibson's questions, um, is there a partnership

3 with the, the, the, the New York City, ah, Department
4 of Education? I mean, we have, ah, parent
5 coordinators that are really reliable, ah, sources of
6 information for parents. Is that, is that
7 partnership, does it, is existent or is that part of
8 the plan?

8 COMMISSIONER HATCH: Ah, Madam Chair,
9 that is a great question. Ah, just in the, in, in
10 the last few weeks DCWP has partnered with the
11 Department of Education to disseminate, ah, through
12 the channels that you just described information
13 around the Child Tax Credit, for example. Um, so we
14 absolutely intend to, ah, to implement, ah, the,
15 using all of the department's channels direct to
16 parents and through parent coordinators and the many,
17 ah, staff they have that work, ah, with families that
18 we want to be aware of, ah, this important new, ah,
19 leave that we hope will become available when we pass
20 this law quickly.

21 CHAIRPERSON AYALA: I appreciate that.
22 Now should the, should this bill become law, which I
23 have no, no, ah, reason to believe that it wouldn't,
24 um, are there any type of employees in the city that
25 would not receive paid child COVID vaccination leave?

2 COMMISSIONER HATCH: Thank you for that
3 question. In, in the interest of, um, meeting this,
4 ah, time-sensitive challenge quickly, that is new
5 cohort of children available to be vaccinated and the
6 possibility that many workers may be short on leave,
7 um, to work expeditiously we, we set this expansion
8 within the context of the existing, ah, PSSL law.
9 Ah, that law covers, ah, private sector employees, as
10 defined, ah, defined by state law. Um, so there may
11 be independent contractors who wouldn't be covered by
12 this, ah, expansion.

13 CHAIRPERSON AYALA: OK.

14 COMMISSIONER HATCH: However, you know,
15 we are always interested in working with the council
16 to look for ways, ah, to offer protections to even
17 greater numbers of working people, ah, in New York.

18 CHAIRPERSON AYALA: I appreciate that.
19 Now, in, in terms of the, the four-hour, ah,
20 timeline, how, how did we arrive at four hours?
21 Like, I mean, we're hearing reports of, ah, children
22 waiting up to six hours to get vaccinated. Um, you
23 know, is there some flexibility there? I'm, I'm not
24 sure how we're, how we arrived at the four-hour
25 timeline.

3 COMMISSIONER HATCH: Um, so the initial
4 framework, ah, for this proposed legislation, um, ah,
5 builds off of the mayor's personnel order announced
6 just, ah, just over a week ago, ah, which provided an
7 additional increment of, ah, four hours of leave for
8 city employees for the same purpose, um, to, you
9 know, support vaccination and care, ah, for children,
10 ah, five to, ah, to, ah, 17, um, and, ah, we felt
11 that the increment of four hours was a reasonable
12 one, ah, to lower parents' potential hesitation, oh,
13 I don't have enough leave to take this step to keep
14 my children and family safe. Um, and that it was
15 also, um, you know, would have a [inaudible] impact,
16 ah, on, on employers.

17 CHAIRPERSON AYALA: OK. I mean, but, I'm
18 assuming, well, I, I, I'm just wondering is there,
19 you know, is somebody monitoring, right, um, the, the
20 situation at the schools, because if we're, if we
21 have children waiting, um, you know, six hours, um,
22 and, you know, we're not really, I don't think we're
23 meeting our mandate, right, and so I'm just looking
24 to see there's flexibility, right, in terms of, you
25 know, coming, maybe coming back and amending this, it
is possible, or working with, you know, the

3 Department of Health to expedite the time, you know,
4 the, the wait time, um, for vaccination at the
5 schools. What, what type of coordination is
6 happening behind the scene?

7 COMMISSIONER HATCH: Let me, um, thank
8 you for the question. Let me note first, um, that
9 the existing, um, PSSL, um, does provide leave,
10 right, that would cover taking a child to get
11 vaccinated. Um, so, ah, this is an increment beyond
12 that, so should communication with an individual
13 family need that, a little bit of time, they can rely
14 on their existing, ah, you know, paid sick leave.
15 Um, and of course I should state that, you know, this
16 administration is completely committed to
17 accelerating vaccination for every New Yorker,
18 including newly eligible children, um, and I believe
19 the mayor has, ah, spoken this week about the need to
20 streamline vaccine access at schools, um, and of
21 course we have, ah, provided lots of vaccine access
22 through other points of care through the Department
23 of Health, um, you know, and also, ah, Health and
24 Hospitals. Um, if I may, um, Deputy Commissioner
25 Holt, do you want to note anything additional, ah,
ah, about, um, you know, leave, families might access

3 if, if needed, [inaudible] four-hour increment, um,
4 you know, didn't entirely work for them.

5 DEPUTY COMMISSIONER HOLT: Thank you,
6 Commissioner. Thank you, Chair Ayala and the
7 committee for having me today. Um, ah, Commissioner,
8 I believe you covered the primary leave options very
9 well. The only additional, ah, leave type I would
10 note, um, is there is, ah, a type of leave under the
11 city's temporary schedule change law which could
12 afford a worker up to two days of unpaid leave time.
13 Ah, that can be used for the same purposes as paid
14 safe and sick leave, including child vaccination time
15 as we're talking about today.

16 EXECUTIVE DIRECTOR ETTANNANI: I also
17 just want to note, um, Chair, that it sounds like
18 you're hearing reports from your constituents or your
19 colleagues' constituents about, um, you know, pods or
20 different vaccine centers that may have extended wait
21 times. I want to connect with you offline to find
22 out exactly where those centers are so that I can
23 speak with my colleagues in the health department and
24 at the Vaccine Command Center to, to, ah, make sure
25 that they're aware of that. I know as the
temperatures are dropping here we certainly don't

3 want children out waiting for several hours for this
4 important, um, um, vaccine. So let's connect
5 offline. I do want to find out a little bit more
6 information about extended wait times there.

7 COMMISSIONER HATCH: Thank you, Steve.

8 CHAIRPERSON AYALA: I, I think that's
9 particular, you know, true for parents and children
10 with disabilities, um, you know, oftentimes, right?
11 You know, there, there are children with autism. Um,
12 they require, you know, a parent to be there, right?
13 Um, they, they don't trust, right? They're walking
14 into someone they don't know, OK, you know, they're
15 not walking into their, their, their private, um, you
16 know, doctor's office and that creates a level of
17 anxiety, um, that is often, you know, ah, best
18 handled by a parent being, you know, ah, being there
19 with them. So my concern is really just like, you
20 know, I, I appreciate, um, the legislation, but I
21 always think about the unintended consequences,
22 right, are we really wrapping around, um, you know,
23 services and ensuring that, you know, we're putting
24 in this, this policy but that we're also recognizing
25 that there are some challenges that may even, you
know, make this difficult to, to, to kind of manage.

2 So, um, I appreciate that and I think that, you know,
3 some of the reports that we're hearing back are
4 primarily from, ah, school-based, ah, clinics where,
5 ah, you know, we, we're experiencing sometimes some
6 delays and, and in a timeline, right, for getting
7 children vaccinated. So the wait times are
8 inconsistent. Some schools have no wait time and
9 other schools are just backlogged for some reason.
10 So any, any assistance with that and trying to figure
11 that out, um, is greatly appreciated, um, because not
12 only are parents missing, you know, time from work,
13 but children are also missing time from school. So,
14 um, so that's important. Um, I have no further
15 questions. I want to thank you. I don't know if
16 Council Member Yeger or Council Member Koo have any
17 questions, or Council Member Menchaca, who's also
18 here? No? Then I'll turn it over to the committee
19 counsel.

20 COMMITTEE COUNSEL: Thank you, Chair. We
21 will now turn to public testimony, seeing as there
22 are no hands raised for questions. Um, after public
23 testimony council members who have questions for this
24 panelist should use the raise hand function in Zoom
25 and I will call on you after the panelist has

3 completed their testimony. I would like to now
4 welcome Cassandra Gomez to testify. Ms. Gomez?

5 CASSANDRA GOMEZ: Thank you to the chair
6 and to the committee for giving me the opportunity to
7 speak today. My name is Cassandra Gomez and I am a
8 staff attorney at A Better Balance. A Better Balance
9 is a national legal advocacy organization dedicated
10 to promoting fairness in the workplace and helping
11 employees meet the conflicting demands of work and
12 family. Here in New York City we helped draft the
13 Earned Sick Time Act and negotiated the final turns
14 of the legislation. We are thrilled that this
15 important piece of legislation is being considered
16 and we urge the committee to move forward with and
17 pass Intro 2448. From early on in the vaccine
18 distribution effort in US workers have been clear
19 that access to paid time off to get vaccinated and
20 recover from any side effects would make them more
21 likely to get vaccinated. This summer workers whose
22 employers provided paid time off to get the vaccine
23 or recover from any side effects were 24% more likely
24 to have received at least one dose of the vaccine
25 than workers whose employers provided no paid vaccine
leave. And workers with lower household incomes are

3 less likely to receive paid leave for the COVID-19
4 vaccine, which has resulted in much lower vaccination
5 rates for low-income adults as compared to higher-
6 income adults. Now that children ages 5 and up are
7 eligible to receive the vaccine, working families in
8 New York City will need immediate access to paid
9 leave to help family members receive and recover from
10 the vaccine. Our city must ensure that responsible
11 workers do not have to lose pay in order to shield
12 their children from the virus. Intro 2448 will
13 undoubtedly serve the city well and increase the
14 likelihood that New York families will get
15 vaccinated. The legislation proposed today would add
16 to the existing sick time law, the right to take
17 COVID-19 child vaccination time for workers to
18 accompany children to receive the COVID-19 vaccine
19 and recover from related side effects. Among other
20 strengths, this COVID-19 child vaccination time is in
21 addition to earned safe and sick time under existing
22 law and must be paid. As detailed in our written
23 testimony, to make this bill even stronger, we
24 recommend amending it to give workers access to more
25 paid time off to care for children recovering from
the COVID-19 vaccine and expanding the bill to allow

3 workers to take time off to assist all family
4 members, as defined in the Earned Sick and Safe Time
5 Act in receiving their vaccine injections and to care
6 for family members recovering from the vaccine. As a
7 city that was once the epicenter of the coronavirus
8 pandemic in the US, we must do all that we can to
9 ensure that we never again let COVID-19 cases rise to
10 the levels of the worst peaks of the pandemic.
11 Passing Intro 2448 will be crucial to protecting the
12 children in New York and stopping the spread of
13 COVID-19. We enthusiastically urge the council to
14 ensure Intro 2448's passage.

15 CHAIRPERSON AYALA: Thank you, Cassandra.
16 I was gonna ask you two questions, but you kind of
17 answered them [inaudible] thank you so much for that.
18 Ah, I'll turn it back to the committee counsel to see
19 if any of the council members have questions.

20 COMMITTEE COUNSEL: Thank you. At this
21 time I, I don't see any council members' hands raised
22 on Zoom. Ah, if you do have questions please raise
23 them now. OK, seeing no hands raised, I'll turn it
24 back over to you, Chair, to give a closing statement.
25 Thank you.

2 CHAIRPERSON AYALA: Well, I just want to
3 thank Council Member Gibson. Um, Commissioner Hatch,
4 welcome, um, at [inaudible] first hearing. Thank you
5 so much. It was a pleasure, ah, working with you and
6 your team, um, ah, Deputy Commissioner Holt, ah,
7 Steve Ettannani, and, and obviously Cassandra. Thank
8 you so much for all of your work, and to the
9 committee staff, thank you, ah, so much for putting,
10 um, every effort into ensuring that, um, families are
11 protected during this time and that, you know, we're
12 considering, you know, all the factors, right, that
13 impact, um, you know, workers, ah, during this
14 pandemic. So thank you so much and I look forward to
15 the next hearing. Oh, this committee is closed.
16 Sorry, Stephanie [laughs]. Stephanie is looking at
17 me. This hearing is now adjourned. Thank you.

18 UNIDENTIFIED: And we have ended the live.
19 Thank you so much.

20 CHAIRPERSON AYALA: I'm looking at
21 Stephanie and like, thank you, guys.

22 COMMITTEE COUNSEL: Thank you.
23
24
25

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 November 30, 2021