

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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Tuesday, January 21, 2025
Start: 1:02 p.m.
Recess: 1:43 p.m.

HELD AT:

B E F O R E: Julie Menin, Chairperson

COUNCILMEMBERS:

Shaun Abreu
Gale A. Brewer
Amanda Farias
Shekar Krishnan
Chi A. Ossé
Julie Won

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

2 SERGEANT AT ARMS: Good afternoon and welcome to
3 the New York City Council hearing of the Committee on
4 Consumer and Worker Protection. At this time, can
5 everybody please silence your cell phones. If you
6 wish to testify, please go up to the signs at arms
7 rest to fill out a testimony slip.

8 At this time and going forward, no one is to
9 approach the dais. I repeat, no one is to approach
10 the dais. Chair, we are ready to begin.

11 [GAVEL]

12 CHAIRPERSON MENIN: Thank you for joining today's
13 legislative hearing before the Council's Committee on
14 Consumer and Worker Protection. Before I begin with
15 my opening statement, I want to acknowledge my
16 colleagues who are present, Majority Leader Farias,
17 Councilmember Nurse, thank you for joining. My name
18 is Julie Menon, Chair of the Committee on Consumer
19 and Worker Protection, and I want to thank everyone
20 for joining for today's hearing on Introduction 780
21 and 1081.

22 Since the Fair Workweek law went into effect in
23 2017, DCWP has received more than 800 Fair Workweek
24 complaints, opened more than 400 investigations, and
25 obtained resolutions requiring over \$29 million in

2 combined fines and restitution. As one of the most
3 comprehensive fair scheduling laws of its kind, New
4 York City's Fair Workweek law now serves as a model
5 for local government leaders all across the country.
6 While we, of course, celebrate the agency's
7 accomplishments, we also want to ensure that each
8 complaint is given careful consideration and that
9 DCWP is conducting investigations in a timely manner.

10 My bill, Intro 1081, would require DCWP to
11 confirm receipt of a complaint to the complainant
12 within 30 days. This legislation would improve
13 transparency, and I look forward to hearing from DCWP
14 about how they would implement Intro 1081. We will
15 also hear Intro 780, sponsored by Councilmember
16 Nurse, which would align the requirements of the
17 Earn, Safe, and Sick Time Act and the Temporary
18 Schedule Change Act.

19 This bill would improve access for workers who
20 seek temporary changes to their work schedule, and it
21 would authorize the use of safe and sick time for
22 those providing care for a minor child or care
23 recipient or to attend a legal proceeding for
24 substance benefits or housing. The committee looks
25 forward to hearing from DCWP and other stakeholders

2 about the ways this legislation would improve and
3 streamline worker protections. I will now turn it
4 over to Councilmember Nurse to make a statement on
5 Intro 780.

6 COUNCILMEMBER NURSE: Thanks, Chair. You summed
7 it up pretty well, so I'm just looking forward to
8 hearing your feedback on these bills and the
9 opportunity to streamline time for workers. So,
10 thank you very much.

11 CHAIRPERSON MENIN: Okay, thank you very much.
12 We will now call representatives of the
13 administration to testify. We will be hearing
14 testimony today from Commissioner of DCWP, Vilda Vera
15 Mayuga, Deputy Commissioner for the Office of Labor
16 and Policy Standards, Elizabeth Wagoner, and
17 Assistant Commissioner of External Affairs, Carlos
18 Ortiz.

19 Welcome and thank you all for being here. I will
20 now turn it over to Committee Counsel to administer
21 the affirmation.

22 COMMITTEE COUNSEL: Do you affirm to tell the
23 truth, the whole truth, and nothing but the truth
24 before this committee and to respond honestly to
25 Councilmember questions?

2 PANEL: I do.

3 COMMITTEE COUNSEL: Thank you.

4 COMSISSIONER MAYUGA: Good morning, Chair Menon
5 and members of the committee. I am Vildevera Mayuga,
6 Commissioner of the Department of Consumer and Worker
7 Protection, DCWP. I am joined today by my Deputy
8 Commissioner of the Office of Labor Policy and
9 Standards, Elizabeth Wagoner, and my Assistant
10 Commissioner of External Affairs, Carlos Ortiz.

11 Thank you for the opportunity to testify on
12 Introduction 780 and 1081 and to highlight our
13 comprehensive worker protection efforts across the
14 city.

15 DCWP enforces key protections and offers
16 financial empowerment resources that improve critical
17 aspects of New Yorkers' daily economic lives.

18 We ensure that consumers who have been deceived
19 or exploited have recourse, that workers have a
20 passionate defender of their rights, and that all New
21 Yorkers have the support they need to improve their
22 financial health.

23 Since 2022, DCWP has helped put more than \$1
24 billion into the pockets of New Yorkers through debt
25

2 relief, restitution, minimum pay standards, and
3 financial empowerment programming.

4 DCWP serves as the city's central resource for
5 workers in New York City and a dedicated voice in
6 city government to the issues workers face.

7 DCWP enforces key municipal workplace laws that
8 provide workers with greater stability in their
9 schedules, income, and employment. One of our
10 cornerstone workplace laws is New York City's Paid
11 Save and Sick Leave Law, PSSL, covering nearly 4
12 million workers across the city.

13 As a working parent myself, I rest easier knowing
14 that if I need to take care of my children or my
15 mother when they are sick, I will not face any
16 repercussions when I go back to work.

17 PSSL ensures New Yorkers have the right to take
18 paid time off work to care for themselves or loved
19 ones when they're sick, need preventive care, or to
20 access services or take safety measures related to
21 domestic violence, sexual violence, stalking, or
22 human trafficking. New Yorkers should never have to
23 make a choice between their health and safety or the
24 health and safety of their loved ones and their
25 livelihood.

Another one of our key workplace laws for Workweek was designed to provide workers with greater job and income stability by prohibiting irregular and unpredictable scheduling practices. Since the law went into effect in 2017, DCWP has received over 900 complaints and launched more than 400 investigations. This includes the largest worker protection settlement in New York City history, our 2022 settlement which should put for violations of the Fair Workweek and paid safe and sick leave laws, which delivered over 20 million dollars in restitution to approximately 13,000 workers.

In 2023 and 2024, we're built on that success, recovering over \$10 million in additional monetary relief for fast food and retail workers under the Fair Workweek law.

We are very proud of these successes, not only because they have put money back into workers' pockets for harms they experienced, but also because they ensure that companies operating in our city understand the responsibility to comply with the law.

DCWP also pairs its strong enforcement with proactive outreach. Our team works tirelessly to ensure that New Yorkers know about and can exercise

1 their rights under the paid safe and sick leave,
2 temporary schedule change, and Fair Workweek laws,
3 and all of our other workplace laws.

4
5 Our education and outreach efforts inform workers
6 through presentations, informational gatherings, and
7 high visibility events, partnering with key
8 community-based organizations. Just last year, we
9 held 259 worker-focused outreach events, serving
10 34,000 constituents and educating New Yorkers on
11 workplace rights.

12 Turning to today's legislations, DCWP supports
13 Introduction 780, which would provide New Yorkers
14 with more protected reasons to take time off in order
15 to care for themselves or their loved ones.

16 The bill expands the reasons a worker can use
17 paid safe and sick time, enabling workers to care for
18 their children or family members with disabilities.
19 It would also allow workers to use safe and sick time
20 for certain legal obligations, such as a fair hearing
21 for SNAP benefits or a housing court hearing. This
22 bill would also require 16 hours of unpaid safe and
23 sick time in addition to the 40 or 56 hours of paid
24 safe and sick time that the law already provides.

2 In addition to expanding protections to the full
3 universe of people currently covered by the paid safe
4 and sick week law, this bill would also benefit an
5 estimated 1 million households in New York City with
6 children under the age of 18, and 1.3 million New
7 Yorkers who care for family members with
8 disabilities. We strongly support these amendments
9 that are common-sense changes to help keep New
10 Yorkers healthy, safe, and housed.

11 DCWP is committed to ensuring that New Yorkers
12 can exercise their rights under the paid safe and
13 sick leave and temporary schedule change law, and we
14 applaud counsel for working to expand the protections
15 that these laws afford.

16 Introduction 1081 would require DCWP to confirm
17 receipt of every complaint alleging a violation of
18 the Fair Work Week law within 30 days. It would also
19 require DCWP to notify the employee of every
20 complaint within 90 days of receiving the complaint.
21 While we support the intent of the bill, we do have
22 concerns with regard to unintended negative
23 consequences for workers and employers.

2 Currently, confirming receipt of complaints with
3 workers within 30 days is standard practice at DCWP,
4 and we support memorializing this in local law.

5 However, requiring the department to notify an
6 employee within 90 days of a complaint we receive
7 from a worker could potentially harm employees by
8 revealing their identity or negatively impact our
9 investigative process, so we look forward to working
10 with the Council on this legislation as it advances
11 in the legislative process. Thank you for the
12 opportunity to testify before your committee on our
13 essential work uplifting New Yorkers and today's
14 legislation.

15 DCWP remains committed to our efforts to protect
16 workers and keep businesses in compliance with the
17 law in collaboration with our partners in the
18 Council. I welcome any questions you may have for
19 further discussion.

20 CHAIRPERSON MENIN: Great, thank you so much for
21 your testimony today.

22 So I do have a number of questions and then I'll
23 turn it over to my colleagues for their questions.

24

25

2 So I know you mentioned that since 2017 there had
3 been 900 complaints of Fair Work Week. I wanted to
4 focus on more recent years, so 2024 for example.

5 How many complaints the DCWP received related to
6 violations of the Fair Work Week law in 2024?

7 COMSISSIONER MAYUGA: We received 206 complaints
8 last year.

9 CHAIRPERSON MENIN: I'm sorry, how many?

10 COMSISSIONER MAYUGA: 206.

11 CHAIRPERSON MENIN: 206. And how has that
12 compared to-- I know it's 900 overall-- Are we
13 seeing, is it relatively static year-to-year, the
14 data, or are we seeing swings?

15 COMSISSIONER MAYUGA: Yeah, it's been going up a
16 little bit. I mean, 2023 was 159, but if you include
17 just cause of 56, that will bring it to just above
18 200 as well.

19 CHAIRPERSON MENIN: And in-

20 ASSISTANT COMMISSIONER ORTIZ: Chair, I just
21 wanted to add to that piece as well. You know, in
22 general we have been seeing complaints received by
23 the agency increase over the past few years.

24 I think a big part of that is because we were
25 able to update our systems and create an online

2 portal for folks to submit complaints, and that also
3 led to an increase in us being able to hear more
4 directly from workers and process their issues
5 faster.

6 CHAIRPERSON MENIN: Great, thank you. And how
7 long is it taking the agency to close out a complaint
8 in 2024? How many days specifically?

9 COMSIISSIONER MAYUGA: Specific to Fair Work Week?

10 CHAIRPERSON MENIN: Yeah.

11 COMSIISSIONER MAYUGA: Okay. I know we've been
12 trending downwards on that, which we're very proud
13 of. It took 87 days in 2024 to close our complaint
14 investigations.

15 CHAIRPERSON MENIN: 87, okay. Now that is good
16 news, because I know in 2023 it was 156 days, which
17 is a long time. So it's great to see the agency make
18 that progress in that regard.

19 In terms of the paid safe and sick leave in 2024,
20 how many complaints in 2024? And the same question,
21 how long is it taking the agency to close out those
22 complaints?

23 COMSIISSIONER MAYUGA: Yes. Thank you, Chair. We
24 received in 2024 436 complaints related to paid safe

2 and sick leave, and it did take 153 days to resolve
3 investigations.

4 CHAIRPERSON MENIN: What can be done to bring
5 that 153 days down? I mean, obviously, resources, and
6 I know you and I have just the other day had that
7 conversation, how I believe the agency is stretched
8 too thin, is being asked to do too many things with
9 limited resources.

10 So what can be done to bring that number down so
11 that workers have confidence that their complaint
12 will be resolved expeditiously?

13 COMSISSIONER MAYUGA: Yes. Thank you for that
14 question. I mean, it has been trending down in terms
15 of the amount of days that it's taking us, also in
16 paid safe and sick leave law, on the amount of days
17 to resolve an investigation. We did put in our
18 fiscal impact statement for the bills that we're
19 discussing today as well. That was certainly, like
20 you said, it always helps when there's like a new
21 mandate or something's going to expand a bill, like
22 what are the resources that will be needed?

23 I will say that workers should 100% trust that
24 their investigation is being resolved as

2 expeditiously as possible, and there's a number of
3 factors that always will impact a case.

4 It could be, you know, for somebody who may make
5 a retaliation claim, right?, they might have lost
6 their job because of a certain violation of the law
7 and they want their job back, that we're going to
8 expedite that because we obviously want some people
9 to get their income as soon as possible.

10 And there are other factors that may impact the
11 resolution of a case, such as how quickly, how
12 responsive an employer may be to a request for
13 documents. Complainants themselves, right?, like
14 sometimes we ask them for additional information so
15 that we can have a better understanding of the
16 allegations that have been made, and that's also
17 going to impact how things are resolved, how big the
18 case may be.

19 Sometimes a worker may bring a complaint and we
20 receive a few others, and then we realize that by a
21 number of questions and what we're receiving, we've
22 decided that it should be a workplace-wide
23 investigation, so that's going to probably take a
24 little bit longer, because we're going to look at an
25 entire workforce at a location.

2 So, there's a number of factors that impact, but
3 the number is trending downwards. We're constantly
4 looking at, especially technology, right?, how it may
5 be able to assist us in expediting the steps that we
6 take, and our data scientists, I really praise their
7 work a lot.

8 Everybody does amazing work, but I think that the
9 mastery of the numbers from that group of individuals
10 also always helps us move as fast as we can.

11 CHAIRPERSON MENIN: Okay, I also want to note
12 we've been joined by Councilmember Brewer. In terms
13 of the budget and January plan, what is happening
14 with additional resources to the agency and how will
15 that impact the implementation and execution of the
16 laws we're speaking about at today's hearing?

17 COMMISSIONER MAYUGA: Thank you, and seriously,
18 thank you so much to you and everybody else
19 advocating for our agency and the work that we do.

20 We got wonderful news of getting new resources in
21 the January plan. Those are specifically for the
22 hotel licensing bill that we testified about as well,
23 and the broker bill, and then also the youth and
24 financial empowerment initiative that we are-- I know
25 I am, uber-excited about to get going. So anything

2 else, you know, like today, we're putting in fiscal
3 impact statements for it, and, you know, once the
4 bill is passed and all that, we will have continue to
5 have those conversations with OMB so that we can be
6 properly resourced as requested for the bills
7 presented.

8 CHAIRPERSON MENIN: So for the new lines that are
9 in the January plan, will they cover these laws or
10 no? They're more for the hotel licensing, the broker
11 fee bill, financial literacy, those three areas.

12 COMMISSIONER MAYUGA: Correct.

13 CHAIRPERSON MENIN: Okay, understood.

14 In terms of-- You know, you mentioned in your
15 testimony about 1081. So the goal obviously is
16 always to protect workers and to protect against any
17 type of retaliation. In terms of-- So, your view is
18 that this would codify notification to workers within
19 30 days. We obviously don't want to do anything to,
20 in any way, jeopardize workers in terms of from the
21 employer standpoint, so I'm fine with a friendly
22 amendment to that.

23 Any other thoughts on codifying the 30-day worker
24 notification part of the bill?

2 COMMISSIONER MAYUGA: Fully support that,
3 Councilmember. I mean, it is part of our practice to
4 notify workers of receiving other complaint within
5 the 30 days, even less than that in practice right
6 now. So, we are in favor of codifying that practice
7 into law.

8 CHAIRPERSON MENIN: And how and at what point are
9 you notifying a complainant that their complaint has
10 been received?

11 COMMISSIONER MAYUGA: It's pretty instantaneous
12 right now because of technology again, especially if
13 somebody files a complaint through our portal,
14 there's an automatic message that they receive that
15 assigns them a number so that they can use that
16 number for any questions they may have.

17 If they do it by phone, then they are already
18 speaking with a live person who will provide that
19 information as well, so it's pretty instantaneous at
20 the moment. I mean, there's a very small number that
21 we may receive on the mail, and then those will take
22 a little longer because of snail mail, but it's
23 pretty instantaneous right now.

24 CHAIRPERSON MENIN: Okay, I also want to mention
25 we've been joined by Councilmember Ossé. And just

2 for his benefit, I want to mention that the
3 commissioner just mentioned, I don't know if you
4 heard when you were walking in, there are going to be
5 additional lines, 15 lines, right? 15, correct? 15
6 lines? Or you're not committing to the number?

7 COMMISSIONER MAYUGA: I don't remember the exact
8 number.

9 CHAIRPERSON MENIN: They're getting additional
10 lines at DCWP that are in the January plan that are
11 meant to implement the hotel licensing bill, the
12 broker bill, and financial literacy, so just want to
13 make sure you heard that.

14 COUNCILMEMBER OSSÉ: [inaudible].

15 CHAIRPERSON MENIN: Okay, a few more questions,
16 and I'll turn it over to my colleague.

17 So, you mentioned about how you're notifying the
18 worker. Now, what about the employer? Because I had
19 heard some instances where, for whatever reason, the
20 employer was not notified, and then they were not in
21 a timely manner then getting back to the agency, and
22 that would then delay the complaint being resolved.
23 So, that was really the issue that I'm trying to get
24 to.

2 COMMISSIONER MAYUGA: Yeah, no, thank you so much
3 for that question, and we care about the workers. We
4 also care about the businesses. I mean, we do take
5 an education-first approach, and we try to offer many
6 educational opportunities for businesses to know the
7 law. Our Office of Labor Policy and Standards has
8 webinars, has one-on-ones. We have some YouTube videos
9 available for them to look at, and we welcome
10 presentations to the industries that are impacted by
11 various laws, so that everybody is-- we don't like to
12 play gotcha. And our concerns with any timeline, any
13 time frame that we're required to notify an employer
14 of a complaint, there's a number of factors.

15 Number one, we don't want to do it piecemeal. We
16 don't want to confuse businesses, and every time we
17 get a complaint, let them know. We'd rather take the
18 time to comprehensively look at the issue that is
19 presented by one or multiple complaints so that we
20 can present one document to the business and say,
21 "There are these allegations, and here are the
22 documents that will help us figure out if there is a
23 violation or not, and if there is one, what is the
24 magnitude of that?" So, we think it's more
25 beneficial also for the business to know that. We

2 also have sometimes complaints where the complainant
3 may withdraw a complaint after they file it with us,
4 so we don't want to start a process if there's not
5 really going to be an investigation.

6 We may also receive a complaint, and it does
7 happen, where there is actually not a violation of
8 the law once we look into it without having to
9 contact the employer. So, we don't want to make any
10 business worry if there's actually not a violation of
11 the law just based on the information that we have
12 from the complainant, when I'm speaking with a
13 complainant.

14 And then the last piece is one that really
15 worries us, right?, which is we don't want to have
16 anything counter to what's already in the law about
17 not disclosing the identity of a complainant, right?
18 We take that really too hard, and it's really helpful
19 for us to not have to disclose the identity of a
20 complainant. And even if you were to remove a name,
21 an address, certain identifying information, it
22 generally is pretty easy for a business to figure out
23 who filed a complaint if we do it like that versus
24 just looking at the totality of the issues and
25 presenting a comprehensive letter to a business and

2 saying we received complaints alleging these things.
3 Please provide these documents.

4 So those are the concerns we have with putting a
5 time frame into the bill.

6 CHAIRPERSON MENIN: And what additional resources
7 would the agency need to better implement and enforce
8 both fair work week and paid sick leave?

9 COMMISSIONER MAYUGA: Thank you, Councilmember.
10 We did put in our fiscal impact statement where we
11 would anticipate two inspectors, an attorney, and an
12 outreach associate to implement intro 780 and two
13 inspectors to implement intro 1081.

14 CHAIRPERSON MENIN: Okay. Thank you. I'm now
15 going to open it up to my colleagues for questions.
16 Councilmember Nurse?

17 COUNCILMEMBER NURSE: Thanks. I just had one
18 question because a lot of the questions I have
19 answered in the conversation. But can you just for
20 the record describe what outreach and education looks
21 like for the temporary change law and what I'm
22 calling ESTA? Thank you.

23 COMMISSIONER MAYUGA: Thank you, Councilmember.
24 And thank you. We really support the legislation
25 you've introduced. I think it's common-sense

2 protections that we want to make sure that
3 individuals have access to. And also taking
4 opportunity-- Councilmember Brewer, because I know
5 paid safe and sick leave law, when you started it,
6 it's a cornerstone law for us that really made us
7 become a worker protection.

8 I know it is your law. So we really thank you
9 for kicking, you know, like kick-starting us in our
10 worker protection space.

11 In terms of outreach, I mean, we work with
12 community-based organizations, faith-based
13 organizations, your offices, right?, to make sure
14 that as many people as possible receive the
15 information.

16 It looks different ways. It could be just like
17 we do for businesses. We may do webinars. We may do
18 Facebook Live events. You know, a lot of community-
19 based organizations that are worker-focused and
20 really public-facing offer a lot of those that make
21 it for better reach for the community.

22 We'll do live presentations. We'll go to events,
23 different things that we may do.

24 Just last year, we did 259 events specifically to
25 outreach. And with that, we estimate that we reached

2 34,000 constituents. We're very proud of also this
3 Council for passing that legislation. I think you
4 all have in front of you the booklet of the Bill of
5 Rights, the Worker Bill of Rights. That's been
6 instrumental and very helpful for our outreach to
7 include not just the laws that you mentioned, but all
8 of them because it gives individuals a tidbit,
9 right?, of what the law is there to protect and how
10 they can file a complaint or reach the proper agency
11 to get their issue addressed.

12 So those are some of the ways. I don't know if
13 Assistant Commissioner Carlos Ortiz wants to add
14 anything.

15 ASSISTANT COMMISSIONER ORTIZ: No, I think that
16 covered it all pretty comprehensively.

17 Members of the committee did receive a booklet
18 with the Worker Bill of Rights, and it mentions key
19 components, too, about paid safe and sick leave,
20 temporary schedule change, pursuant to some
21 legislation that we worked on with Councilmember
22 Brewer, as well as the Fair Work Week laws, as well.

23 COUNCILMEMBER NURSE: And what was your budget
24 line for outreach and education last year, and what
25 are you planning to ask for this year?

2 ASSISTANT COMMISSIONER ORTIZ: I don't--
3 Currently, our outreach team has five individuals who
4 work on that team.

5 And then with respect to the introductions
6 mentioned today, we are requesting in the fiscal
7 impact statement an additional outreach associate.
8 They are a small team, but they cover a lot of
9 ground. The 259 events focuses on our worker rights,
10 but overall we typically hit around 600 on average
11 events a year.

12 COUNCILMEMBER NURSE: Okay. Thank you, Chair.
13 Great.

14 CHAIRPERSON MENIN: Thank you. Councilmember
15 Brewer.

16 COUNCILMEMBER BREWER: Thank you for all your
17 work on everything, but paid sick, as I call it, in
18 particular.

19 So we did pass-- I hope it hasn't had to be
20 used, but we did pass a while ago in this Council the
21 notion of private right of action. Has that been
22 used? I hope not, because you don't want to get to
23 that point, but I just wanted to get an update.

2 COMMISSIONER MAYUGA: So we're not aware of any
3 cases filed yet, but it doesn't mean that they're not
4 filed, just workers-- Nobody has notified us that
5 they've taken advantage of that provision.

6 COUNCILMEMBER BREWER: Well, that's a good thing.
7 I think that means that you're doing your job, and
8 hopefully the employers are doing theirs.

9 Number two, this 780 talks about another 16 hours
10 for disabled children, which makes sense to me. How
11 do you find the calculations are made?

12 Obviously five days-- You have it under hours,
13 but to me it's five days. Is it easier maybe to
14 calculate than, I don't know, four hours to go to
15 housing court if you're lucky, four hours to go to
16 HRA for SNAP. How does that work in terms of
17 calculation?

18 DEPUTY COMMISSIONER WAGONER: So the idea here
19 would be to broaden the list of reasons that workers
20 can use their paid, safe, and sick time, and also to
21 integrate the temporary schedule change protections
22 with the paid, safe, and sick leave protections.

23 And so the idea is, for example, if someone has
24 just child care needs, not a sick child, just child
25 care, they would be able to use their paid safe, and

2 sick time for that. Assuming they have 56 hours of
3 paid time, it would be an additional 16 hours in
4 addition, and those additional 16 unpaid, just as it
5 is now under the temporary schedule change law, we
6 would anticipate that employers would administer that
7 benefit all sort of together as a single benefit, so
8 that it's easy for workers to understand how to use
9 it and for employers to administer it. Hopefully
10 that answers the question.

11 COUNCILMEMBER BREWER: If you go to housing
12 court, if you go to HRA to wait in line for food
13 stamps or whatever, that would all be-- you need any
14 verification, or it would be part of the 16 hours?

15 DEPUTY COMMISSIONER WAGONER: The idea is it
16 would all be one bank, and it would actually be not
17 just the 16 hours, but the 56 hours, assuming your
18 employer has more than 100 employees, with the same
19 sort of requirements for documentation, et cetera,
20 which currently is--

21 COUNCILMEMBER BREWER: Over two days, blah, blah,
22 blah.

23 DEPUTY COMMISSIONER WAGONER: Actually, over more
24 than three days is what it is, Mm-hmm. That's right.

2 COUNCILMEMBER BREWER: Okay. Thank you very
3 much. Thank you, Madam Chair.

4 CHAIRPERSON MENIN: Any other questions for the
5 administration? No? Okay, great. Thank you so much
6 for your testimony today.

7 COMMISSIONER MAYUGA: Thank you. Okay. I'm now
8 going to open the hearing for public testimony.

9 I want to remind members of the public that this
10 is a formal government proceeding and that decorum
11 should be observed at all times. As such, members of
12 the public shall remain silent at all times. The
13 witness table is reserved for people who wish to
14 testify.

15 No video recording or photography is allowed from
16 the witness table. Further, members of the public
17 may not present audio or video recordings as
18 testimony, but they may submit transcripts of such
19 recordings to the Sergeant-at-Arms for inclusion in
20 the hearing record. If you wish to speak at today's
21 hearing, please fill out an appearance card with the
22 Sergeant-at-Arms and wait to be recognized.

23 When recognized, you will have two minutes to
24 speak on today's hearing topic, Intro 780 and 1081.
25 If you have a written statement or additional written

2 testimony you wish to submit for the record, please
3 provide a copy of that testimony to the Sergeant-at-
4 Arms. You may also email written testimony to
5 testimony@council.nyc.gov. Within 72 hours of this
6 hearing, audio and video recordings will not be
7 accepted.

8 So before I call the first panel, I also want to
9 mention we've been joined by Councilmember Abreu.

10 Okay, first panel is Shyamala Ramakrishna,
11 Kathleen Irwin. If you could both please come up.

12 Is this one panel?

13 And the third member of the panel is on Zoom, and
14 that's Rebecca Cook-Mac.

15 Good afternoon.

16 MS. RAMAKRISHNA: Good afternoon. Thank you for
17 convening this hearing, Chair and members, and for
18 the opportunity to testify. I'm Shyamala
19 Ramakrishna. I'm a legal fellow at A Better Balance.

20 A Better Balance is a national legal advocacy
21 organization headquartered here in New York City.
22 We've developed expertise on paid sick leave laws,
23 including New York City's Earned Sick Time Act, along
24 with Councilmember Brewer, and we helped lead the
25 coalition that fought for its passage.

2 Through our free legal helpline, we answer
3 questions every day for many New York City workers
4 regarding their rights under paid sick time, and
5 their experiences inform our testimony today.

6 First, we urge the Council to pass Intro 780 with
7 some modifications. This vital legislation would,
8 among other things, give workers access to their bank
9 of time off for caregiving needs that do not
10 necessarily involve illness, injury, or medical care.
11 This is crucial for mitigating gender inequality and
12 workforce participation, as women bear the brunt of
13 the penalty at work for needing to be absent to
14 provide emergency child care and elder care.

15 We consistently hear from workers who cannot call
16 out from work under any existing legal protection to
17 meet these obligations. Some of them are subject to
18 the strict no-fault attendance policies favored by
19 large employers in meat and food processing,
20 manufacturing, and retail, and can be punished with
21 points or occurrences for a single unprotected
22 absence. With even one fallen-through child care
23 arrangement, these workers may lose their jobs,
24 threatening their livelihoods and the well-being of
25 their dependents.

2 We highlight more reasons this legislation should
3 pass and propose some changes in our written
4 testimony.

5 For example, in Section 1, we recommend expanding
6 the definition of care recipient by removing the
7 requirement that they be a household or family
8 member. In our experience, many life-saving networks
9 of care do not involve a biological or even legal
10 relationship or the sharing of a household or a
11 family relationship pursuant to the definition
12 already set forth in Section 2912.

13 We urge the Committee to consider an
14 intentionally expansive definition of care recipient
15 because our research into existing family leave laws
16 with the most expansive definitions has shown that
17 such definitions provide protection to workers who
18 need it without leading to abuse or really much
19 increased uptake at all.

20 And we agree with the administration's reasons
21 for requesting modification to 1081 for the reasons
22 that the administration's already set out. So thank
23 you for the opportunity.

24 CHAIRPERSON MENIN: Great, thank you.

1 MS. IRWIN: Good afternoon. Thank you so much
2 for calling this hearing today.

3 We really appreciate it. My name is Kathleen
4 Irwin and I'm the New York City Government Affairs
5 Manager for the New York State Restaurant
6 Association. We represent both independent concepts
7 as well as chain brands, both corporate and franchise
8 operated.

9 For our chain members, Fair Workweek represents a
10 complex set of regulations that they strive to follow
11 and it impacts their operations on a daily basis.

12 Last April, DCWP revealed at an oversight hearing
13 that they do not have any time frame for informing
14 employers when Fair Workweek complaints are made and
15 they reconfirmed that today. Instead, they often
16 choose to build a case, which means quietly allowing
17 business operators to continue making the same
18 mistakes with no correction, only to approach them
19 months or even a year later with a hefty fine.

20 This approach is irresponsible and harmful to
21 both workers and employers. Both workers and
22 employers are better off when there is an
23 understanding and compliance with Fair Workweek. If
24

2 DCWP truly shares that goal, prompt notification of
3 complaints should be common-sense enforcement.

4 Instead, the current practice of building a case
5 comes off as both a gotcha tactic and a money grab.

6 Intro 1081 would help address this issue by
7 creating time frames for DCWP to notify both the
8 complainant and the employer. The complainant, it
9 sounds like, is already being promptly, if not
10 immediately, notified of their complaint being
11 received.

12 This intro would put in place a 30-day time frame
13 for the complainant to be confirmed and 90 days to
14 notify the employer. We would ask that the 30-day
15 time frame be applied across the board for both
16 complainant and employer.

17 I would also ask that notification to the
18 employer include several pieces of important
19 practical information. Not the identity of the
20 complainant, but the address of the business location
21 related to the complaint and the general nature of
22 the complaint, i.e. incorrect method of getting
23 approval for a long shift or schedules not being
24 given with enough advance notice.

2 We share the goal of ongoing compliance with Fair
3 Workweek and for business owners to be able to do the
4 right thing, they should not be kept in the dark when
5 they are making a mistake. Thank you so much. We
6 have additional written comments regarding 780.

7 CHAIRPERSON MENIN: Thank you very much. And
8 then the last member of this panel is Rebecca Cook-
9 Mack, who is on Zoom.

10 MS. COOK-MACK: Good afternoon. Are you able to
11 hear me?

12 CHAIRPERSON MENIN: Yes, we can.

13 MS. COOK-MACK: Okay. Thank you so much. My
14 name is Rebekah Cook-Mack. I am a staff attorney at
15 Legal Aid in the Employment Law Unit and a member of
16 NELA, New York, or part of the National Employment
17 Association, and I'm here testifying on behalf of
18 both organizations in support of intro 780 with some
19 important modifications, but we do urge Council to
20 pass this bill.

21 It will provide New York City workers with much-
22 needed ability to take sick leave, and it will keep
23 New York City's sick leave law at the forefront of
24 the national discussion about how do we really care
25 for and protect all workers. The proposed

1 legislation represents an important step forward, and
2 we are grateful to have the opportunity to work
3 closely with Councilmember Nurse and her team to make
4 sure that amendments are informed by the experiences
5 of our clients and meet the needs of all New Yorkers.
6

7 As Shyamala testified on behalf of A Better
8 Balance, we agree that the definition should be
9 expanded for care recipients and healthcare providers
10 to be intentionally broad and encompassing.

11 We believe that New Yorkers should be able to use
12 ESTA for time off in response to remote school pivots
13 or public transit closures, as we have experienced in
14 recent years. We believe that the law should allow
15 New Yorkers to use ESTA time to address a care
16 recipient or minor child's educational needs and
17 ensure that no one loses their job to ensure their
18 child can remain in school, and that the law should
19 be expanded to enable the use of ESTA time to meet
20 with legal or social service providers beyond just
21 housing. And we support increasing the number of
22 unpaid sick leave time that people start their job
23 with so that illnesses can really run their course
24 and we don't risk worrying and making other employees
25 sick in the process.

2 So we support this bill. We are so pleased.

3 [BELL RINGS]

4 SERGEANT AT ARMS: Your time has expired.

5 CHAIRPERSON MENIN: Thank you. Thank you very
6 much. Any questions from my colleagues for any
7 member of this panel? No. Great. Thank you very
8 much for the panel.

9 Okay. Our next speaker is Christopher Leon
10 Johnson.

11 MR. JOHNSON: Ready?

12 CHAIRPERSON MENIN: Yes, we are.

13 MR. JOHNSON: Hi. Good afternoon, Councilman
14 Menon. Next speaker, Menon. My name is Christopher
15 Leon Johnson. I'm here to support Sandy Nurse's
16 bill, intro 1180.

17 Yeah, she's only next speaker, bro. We all know
18 it.

19 But I'm here to support a bill. But the one
20 thing that I'm asking Sandy to do, because I know
21 she's the master of introducing 40,000 bills to get
22 around one bill, just like what intro 606 for the
23 libraries does, that she needed to introduce a bill
24 to protect the migrants, the undocumented migrants,
25 when they file complaints at the DWCP.

1 Because I have a big feeling that since this is
2
3 Donald Trump's last term as president, I believe that
4 there's a lot of community-based organizations that,
5 to protect themselves from migrants complaining about
6 them, they're going to file statuses with ICE.
7 They're going to file complaints with ICE.

8 So, what we need to start doing is make sure that
9 there's no retaliation against any undocumented
10 migrants that file complaints with the DWCP, because
11 I have a big feeling that they're going to be
12 retaliated against by these community-based
13 organizations.

14 And I'll name one right here. It's the Worker
15 Justice Project that, if you look at the reviews on
16 Google, there's many reviews of them being slandered
17 or slammed because they're not paying their members
18 or they're not getting paid for what they're doing.
19 So I have a big feeling that there's a number of
20 these members at that non-profit Worker Justice
21 Project that is not paying their members, and then
22 they file complaints. I believe that the executive
23 director, Liggy Gulapa, will be calling ICE to try to
24 get those people deported.

2 So what we need to start doing, yeah, we have to
3 get these tickets out and know what's going on with
4 tickets, but we have to make sure when the
5 undocumented migrants start filing tickets that they
6 don't get retaliated by ICE. There's no retaliation
7 by ICE at all with these members. And that's all I
8 got to say.

9 I hope you do the right thing, Sandy, and protect
10 these migrants. I love the migrants too. So thank
11 you, Speaker Menin, for this hearing, and enjoy your
12 day.

13 CHAIRPERSON MENIN: Do we have any other
14 speakers?

15 Okay, that is our last speaker. If we have not
16 called on someone who's in the audience, please go to
17 the Sergeant at Arms and fill out a slip.

18 Okay, going once, going twice.

19 Okay, great. Well, then I want to thank everyone
20 for attending today's hearing. We really appreciate
21 your participation, and that will conclude today's
22 hearing.

23 Thank you very much.

24 [GAVEL]

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 January 24, 2025