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COMMITTEE ON CIVIL SERVICE AND LABOR 1

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE
LABOR

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February 14, 2014

Start: 11:15 p.m.

Recess: 2:11 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E: I. Daneek Miller
Chairperson

COUNCIL MEMBERS:

Elizabeth S. Crowley
Daniel Dromm
Costa G. Constantinides
Robert E. Cornegy, Jr.
Ydanis Rodriguez
Donovan Richards
Ruben Wills
Brad Lander
Vincent Ignizio
Corey Johnson
Ben Kallos
Stephen Levin

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

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COMMITTEE ON CIVIL SERVICE AND LABOR 2

Alicia Glen
Deputy Mayor of Housing and Economic Development

Alba Pico
First Deputy Commissioner at Consumer Affairs

Gregg Bishop
Third Deputy Commissioner for Business
Development

Sam Miller
Assistant Commissioner at Department of Health

Marla Tepper
Consumer Affairs

Gale Brewer
Borough President

Nancy Ploeger
Manhattan Chamber of Commerce

Victor Wong
GoBizNYC

Robert Bookman
New York Hospitality Alliance

Zulema Wiscovitch
National Supermarket Association

Zulay Mateo-Burgos
Bodega Association

Linda Baran
President of Staten Island Chamber of Commerce

Caesar Ortiz
Small business owner

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

Raphael Navarro

Sherry Leiwant
Co-President of A Better Balance NYC

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COMMITTEE ON CIVIL SERVICE AND LABOR 3

Nick Petrie
Make the Road New York

Nancy Rankin
Vice President for Policy Research at Community
Service Society

Ady Barkin
Center for Popular Democracy

Rahul Saxena
Restaurant Opportunity Center of New York

Richard McGahey
New Schools Policy Program

Caroline Badstorf

Hemant Sindu
Vice President of Committee of Interns and
Residents New York

2 CHAIRPERSON MILLER: Good morning.

3 I'm Council Member I. Daneek Miller and I am
4 the Chair of Committee of Civil Service and
5 Labor. Thank everyone for coming out this
6 morning in fine weather. The subject of
7 today's hearing is the Introduction of Number
8 One, a local law to amend New York City Charter
9 and the Administrative code of New York in
10 relation to the provision of sick time earned
11 by employees and section seven of local law
12 number 46 for the year 2013 relating to such
13 sick time, in relation to the effective date of
14 such law and to repeal section six of local law
15 number 46 for the year 2013, relating to the
16 determination of independent budget office.
17 This law substantially expands the scope of the
18 Earned Sick Time Act which was passed by the
19 City Council last May. At such law 46 of 2013
20 and that required businesses of 15 or more
21 employees to provide five earned sick time
22 days. Today, however, we will be discussing a
23 bill that will substantially expand paid sick
24 time by expanding the requirement to businesses
25 with five or more employees covering 100's of

2 thousands of more workers. The bill allows the
3 Mayor to designate a different agency to
4 enforce the law, allowing the enforcing agency
5 to initiate investigations, issue summons and
6 violations of its own volition, and it removes
7 the exemption for manufacturers. It repeals a
8 complicated schedule for enactment making it
9 very simple. The law will go in effect for
10 everyone on April 1st of this year. I think we
11 can agree that there are no caregivers who
12 should ever face the choice between caring for
13 loved ones or keeping a paycheck, and we've
14 passed legislation that would fix that. What
15 this bill understand, however--with this bill,
16 understand however, it is without financial or
17 temporal means to care for our sick or our
18 family and that can never be healthy. It is
19 our social responsibility to ensure that
20 parents, grandparents, grandchildren, brothers
21 and sisters and all members of our households
22 are able to support one another in times of
23 illness. Our challenge today is to strike a
24 fair balance between the interest of working
25 families and of the businesses which employ

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2 them. Often, I have found as in this case here,
3 those interests go hand in hand. A healthy
4 family is a strong working family. We look
5 forward to a full productive hearing today on
6 this bill, and I would like to thank all of you
7 for coming out. For those who couldn't make it
8 in person today and who are watching live,
9 remember, you can submit your testimony for the
10 record, emailing it by emailing to the
11 committeecouncil@mcarland@council.newyorknyc.gov
12 v [phonetic]. We've joined this morning by the
13 Speaker of the City Council, Melissa Mark-
14 Viverito, and the sponsor of this legislation,
15 Margaret Chin from Manhattan and the members of
16 the Committee. Liz Crowley, Ydanis Rodriguez,
17 we have Donovan Richards, Ruben Wills, Brad
18 Lander, and Jimmy Van Bramer, and Ignizio.
19 Thank you, sir. Corey, and Corey Johnson.
20 Council Member Weprin is somewhere in the room
21 there, and Jumaane Williams hanging in the
22 wings there. So I thank everyone for coming
23 out. Also like to thank the members of the
24 Committee staff, Matthew Carland [phonetic]
25 Peter Dravus [phonetic] and Lydia Ali. They are

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2 finance analysts. So with that, I would now
3 like to have some remarks from our Speaker.

4 SPEAKER MARK-VIVERITO: I want to
5 thank you, Chair Daneek Miller for chairing
6 this important hearing and keeping us on the
7 path of being an on-time City Council. Thank
8 you very much. I will continue to say that.
9 Today's a good day for working New Yorkers.
10 Paid sick leave is a right that New Yorkers
11 should have. Time off from work due to illness
12 is not a luxury. People should not have to
13 choose between their health and their jobs. For
14 far too many New Yorkers, however, this is a
15 choice they must make when they or a family
16 member gets sick. Thankfully, we began to
17 change that last year when we finally past a
18 paid sick legislation after years of wading
19 through a compromise. While that legislation
20 was a good start, it was not nearly enough and
21 too many New Yorkers were left out. Working New
22 Yorkers are susceptible to illnesses that keep
23 us out of work from time to time, whether it's
24 the common cold or major sickness. But being
25 sick does not discriminate based on where you

2 work or who your boss is. Although this is a
3 hearing of the Committee for Civil Service and
4 Labor, this law could just as easily been an
5 issue for the Health Committee, as it will
6 directly result in a healthier and better city.
7 This legislation covers hundreds of thousands
8 more workers so that they will no longer have
9 to choose between going to work sick or sending
10 their child to school sick and staying home to
11 recuperate without pay. In turn, sick New
12 Yorker will not infect others on the bus or
13 subway or at their work places. The cumulative
14 effect will be that all of get sick less
15 frequently. It's been a long road to get here
16 as many of us can attest. I co-sponsored Paid
17 Sick Legislation way back in August of 2009 and
18 then again in March 2010 when it was
19 reintroduced, and now with the changes to the
20 law and this bill, hundreds of thousands more
21 New Yorkers will have access to paid sick
22 leave. It's a policy that's good for public
23 health, good for families, and good for our
24 economy. It's been a battle at times, but we
25 have not forgotten or given up on hardworking

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2 New Yorkers. They are our focus and they are a
3 priority, and just earlier today we were on the
4 steps of City Hall demanding that Albany allow
5 us to raise the minimum wage. So today is a
6 good day for working New Yorkers. And through
7 the hard work of the City Council, our new
8 Mayor, and thousands of advocates, paid sick
9 days are about to become a reality for New
10 Yorkers who have never had them before. The
11 goal of this legislation is to help New
12 Yorkers. This bill will expand access while
13 giving the city the tools it needs to enforce
14 the law. This is the kind of progressive change
15 that can happen when the mayor and the city
16 council share the same priorities and values,
17 values that put working New Yorkers first. I
18 want to thank the Mayor Bill de Blasio as well
19 as the sponsor, Council Member Margaret Chin. I
20 also want to thank our for colleague and now
21 Borough President Gayle Brewer and all those
22 Council Members that have signed on for
23 sponsoring this legislation in the last two
24 terms, particularly Gale, as I mentioned,
25 because she really was carrying this for the

1
2 last two terms. So I'm glad that everyone is
3 here. I want to thank, again, Chair Miller. I
4 think the Borough President will join us at
5 some point if I'm not mistaken, and with that,
6 give it back to you, Mr. Chair.

7 CHAIRPERSON MILLER: Okay, I'd like
8 to--is Margaret? Yes, she's still here. I
9 would like to hear now from the sponsor of the
10 legislation, Council Member Chin.

11 COUNCIL MEMBER CHIN: Good morning.
12 I like to thank Council Member Daneek Miller
13 for Chairing this Committee hearing, as well as
14 Speaker Mark-Viverito, Mayor de Blasio and
15 Borough President Gale Brewer for their
16 continued support for earned sick time for all
17 New Yorkers. I'm very proud to be the prime
18 sponsor of Intro One, legislation that will
19 expand paid sick time. This legislation expand
20 on the law originally adopted last summer in a
21 number of ways. It requires more businesses to
22 provide earned sick time expanding coverage to
23 businesses with five or more employees instead
24 of 15 or more employees. It also gives
25 manufacturing workers the right to earn sick

2 time. It extends the statute of limitations for
3 complaints for 207 days for three years. It
4 modernized the definition of family members to
5 include illness of a grandparent, grandchild or
6 sibling and expands the City's ability to
7 ensure that businesses are adhering to these
8 provisos. Earned sick time is a matter of
9 public health. We also believe it should be the
10 right of all New Yorkers. Having to choose
11 between your paycheck and your health isn't a
12 choice at all, but is a reality that thousands
13 of hardworking New Yorkers have faced for far
14 too long. This legislation will strengthen the
15 right of all working families to take a day off
16 if they are sick or their loved one is sick.
17 For the good of their health and the good of
18 the health of those in their work environment.
19 I believe this legislation will push our City
20 toward a healthier and more productive future.
21 I will also add for those businesses there are
22 concern about the history, the city's history
23 of burdensome inspection; I hear you. I am
24 personally committed to working towards
25 improving the way the City currently conducts

2 its inspection so that small businesses are not
3 overburdened by sudden inspection and fines.

4 However, I believe earned sick time is an
5 important right and ultimately will benefit not
6 just our workers, but all our businesses. I
7 want to thank my many colleagues who are co-
8 sponsoring this legislation and thank everyone
9 who has come here to testify today. Thank you.

10 CHAIRPERSON MILLER: Okay, we will
11 now call the first panel, and they are
12 obviously sitting there ready, and that is
13 Deputy Mayor Alicia Glen of Housing and
14 Economic Development, Alba Pico and Marla
15 Tepper [phonetic], Department of Consumer
16 Affairs, Gregg Bishop, Small Business Services,
17 and Sam Miller, Department of Health
18 representing New York City. Leave anyone out?

19 ALICIA GLEN: No, I don't think so.
20 Good morning everybody. Good morning Speaker
21 Mark-Viverito, Chairman Miller and members of
22 the City Council. My name is Alicia Glen, I'm
23 the Deputy Mayor for Housing and Economic
24 Development, and I'll reintroduce the people
25 who are with me here today so I can put names

1 to faces. I have Alba Pico who is the First
2 Deputy Commissioner at Consumer Affairs, Marla
3 Tepper [phonetic], our General Counsel, Gregg
4 Bishop, our third Deputy Commissioner for
5 Business Development at Small Businesses and
6 Sam Miller, who is an Assistant Commissioner at
7 the Department of Health. I want to thank you
8 for the opportunity to testify on Introductory
9 Number One, which would amend the New York City
10 Charter Administrative Code and Local Law 46 of
11 2013 to expand the number of employees across
12 the city that have the ability to earn paid
13 sick leave. For too many New York families,
14 waking up to a sick family member or becoming
15 suddenly ill isn't just stressful, it can lead
16 to financial crisis. For a mother of two making
17 ten dollars an hour, missing day for the pay
18 might mean not being able to actually put food
19 on the table or losing their job altogether. At
20 this weeks' State of the City, you heard from
21 the Mayor about how important paid sick leave
22 is to not only employees, but also for
23 businesses. The Mayor highlighted Esmeralda
24 Valencia [phonetic] who is the owner of
25

1 Esmeralda's Restaurant in Bushwick. She has
2 owned and operated this restaurant for the past
3 10 years and has eight employees. She provides
4 paid sick days and supports this legislation
5 because it will put her on the same level
6 playing field as other businesses. She knows
7 that providing paid sick leave improves
8 employee performance and moral which leads to
9 better customer services and reduces hiring and
10 training costs because of lower turn-over. Like
11 her, countless business owners know that a
12 healthy workforce is a productive workforce.
13 The paid sick leave policy put forward by the
14 administration is not just important for the
15 financial well-being of families, but also for
16 the health of all New Yorkers. When people
17 suffering from communicable diseases such as
18 flu are forced to go to work when they're sick
19 or who are forced to send their sick children
20 to school because they can't stay home to care
21 for them, they contribute the spread of
22 illnesses among their co-workers and their
23 classmates. For example, during the 2009 H1N1
24 outbreak, researchers estimated that seven
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1 million Americans came down with the flu
2 because their co-workers came to work sick. The
3 federal centers for disease control and
4 prevention recommend that individuals who are
5 ill stay home from work and school to prevent
6 the spread of disease in the workplace and the
7 community. However, nearly 48 percent of all
8 hard-working New Yorkers, nearly 1.75 million
9 individuals can't follow this advice without
10 facing economic consequences. A study that was
11 conducted by a community service society. Lack
12 of paid sick days is an even bigger problem
13 among low income families with children in New
14 York City public schools. That same CSF
15 [phonetic] study found that only one in three
16 parents in this group can take time off from
17 work to recuperate from illness or to care for
18 ill family members. The paid sick leave offers
19 benefits to both workers and employers beyond
20 reduced risk of disease transmission. According
21 to one national study, the odds of having a
22 non-fatal injury among workers with paid sick
23 leave were 28 percent lower than those for
24 workers without paid sick days. And in terms of
25

1 productivity, a study co-authored by the San
2 Francisco Department of Health, using national
3 data, found that workers with paid sick days
4 who do not go to work because they were sick or
5 injured actually took 1.5 fewer work days off
6 than workers who did not have paid sick leave.
7 We have the benefits of seeing how a
8 progressive paid sick leave policy implemented
9 at other municipalities has made a real
10 positive impact on the local economy.
11 Washington, D.C., Seattle, San Francisco, and
12 the state of Connecticut have paid sick leave
13 laws and it has not resulted in a depressed
14 economy. Abuse of policy by the workers are
15 resulted in an exodus of business. In fact
16 it's helped. In Connecticut, a recent a study
17 found that its law decreased employee turnover,
18 cut the number of employees who came to work
19 sick, decreased unscheduled absences and
20 increased productivity. New Yorkers deserve the
21 same protections. That is why the de Blasio
22 Administration is proposing to build on the
23 progress that the City Council made last year
24 and make changes that will result in one of the
25

2 strongest paid sick leave laws in the country.
3 We can lead on this issue. Specifically, we
4 are proposing the following changes. Number
5 one, people working at businesses with five or
6 more employees will be covered and protected
7 instead of the 15 employee threshold under the
8 current law. That will cover an additional
9 355,000 New Yorkers, more than 200,000 of whom
10 we know currently don't receive paid sick
11 leave. Number two, eliminating the phase-in.
12 All workers included in the bill will have
13 immediate coverage. This means approximately
14 140,000 people who would have waited until mid-
15 2015 under the existing bill will have
16 immediate coverage. Eighty-five thousand of
17 those workers don't currently have a single
18 paid sick day. Three, removing exemptions for
19 the manufacturing sector that will extend paid
20 sick leave coverage to roughly 76,000 workers,
21 half of whom don't currently have any paid sick
22 days. Fourth, we're going to remove any
23 reference to the economic trigger where the
24 Earned Sick Time Act would have taken effect
25 based on an improvement in the economic index.

2 Although the trigger had already been met, we
3 don't find it necessary, believe it is
4 confusing and propose that it be removed as
5 well. Adding grandparents, grandchildren and
6 siblings to the definition of a family that
7 can't be cared for with paid sick time. That'
8 san important amendment that we think
9 fundamentally expands our coverage.
10 Additionally, the current law authorizes the
11 Department of Consumer Affairs to enforce the
12 Earned Sick Time Act. However, given that this
13 is one of the most progressive earned sick
14 leave laws for any city in the country, it's
15 even more important that we enforce this new
16 law with the flexibility needed to best serve
17 all New Yorkers. Although we do not at this
18 point anticipate any enforcement changes, the
19 proposed bill would give the Mayor the ability
20 to designate an alternative agency to be
21 responsible for enforcement. Although we will
22 definitely work hand in hand with businesses of
23 all sizes to implement this law, the city will
24 not shy away from enforcing this important
25 legislation. To this end, we are proposing a

1 change to the statute of limitations for
2 bringing complaints to DCA from the current 270
3 days to three years and extending the employer
4 record keeping requirement from two to three
5 years. In addition, rather than DCA pursuing
6 investigations of violations solely based on
7 complaints, the proposed legislation will
8 authorize DCA or a different agency designated
9 by the Mayor to issue notices of violation
10 based on investigations brought on its own
11 initiative. We understand that this legislation
12 will require significant outreach to businesses
13 throughout the city and there are a number of
14 concrete actions that we will be taking
15 immediately. DCA will be launching a positive
16 awareness campaign for both employers and
17 employees. This effort will educate employers
18 about their responsibility to provide sick
19 leave employees about their right to sick
20 leave. DCA will also provide businesses with
21 information and guidance including training
22 materials and will offer a live chat feature
23 for any concerns or questions that employers
24 that might have. Additionally, the department
25

2 will provide opportunity for businesses to
3 visit its borough offices for training session
4 to resolve complaints and provide technical
5 assistance. Lastly, in order to pay for these
6 opportunities, the Mayor announced yesterday
7 it's part of the city--well, it wasn't
8 yesterday, because the hearing was delayed--on
9 Wednesday, as part of the city's preliminary
10 budget, a plan to allocate an additional 4.8
11 million dollars in FY [phonetic] 2014 to the
12 Department of Consumer Affairs to assure
13 implementation of this legislation. On behalf
14 of Mayor de Blasio, I want to thank you for
15 your support of this legislation and with your
16 continued advocacy and partnership, New York
17 City is on its way to having the most
18 progressive paid sick leave policy in the
19 country. We look forward to working with you
20 and I'm happy to answer any questions you have.

21 CHAIRPERSON MILLER: Thank you so
22 much. Does anyone else going to speak or
23 testify now?

24 ALICIA GLEN: No, but they're all
25 here.

2 CHAIRPERSON MILLER: Okay.

3 ALICIA GLEN: Waiting to answer.

4 CHAIRPERSON MILLER: That's great. So
5 we have been joined by Council Members Ben
6 Kallos, Steve Levin, Danny Dromm, Raphael
7 Espinal. Who else is--[off mic] Okay. So,
8 yep, there are a number of questions up here
9 for you, so we'll--I'll take the privilege and
10 just start by asking the impact DCA or whatever
11 administrating agency is involved, will this
12 require additional bodies or staff to--in order
13 to oversee this law?

14 ALICIA GLEN: The broad answer to
15 that question is yes, we recognize that we're
16 going to need additional heads and some more
17 resources at the Department of Consumer
18 Affairs, and that's why we put money into the
19 new--into the FY 14 budget, 4.8 million dollars
20 that I just referenced and the Deputy
21 Commissioner can answer more specifically the
22 resources we're going to be using.

23 CHAIRPERSON MILLER: Okay, and there
24 is an estimate of how much staff is going to be
25 required?

2 ALBA PICO: Yeah, we actually
3 already staff recruited. We have 17 job
4 postings in our website, and we already started
5 interviewing for, you know, staff to come in
6 and help us with pay sick leave.

7 CHAIRPERSON MILLER: Job creation.
8 That's always good. Okay, we're going to begin
9 questioning with our Speaker.

10 SPEAKER MARK-VIVERITO: Thank you,
11 Chair. Just a quick questions, Deputy Mayor,
12 again, thank you for being here and I see that
13 we've been joined by our former colleague and
14 our Borough President Gale Brewer who will be
15 testifying to this issue as well, but strong
16 proponent. Just to expand a little bit on the
17 allocation that you indicated was in the
18 Mayor's preliminary budget, the 4.8 million
19 for--and you talked a little bit about it in
20 your testimony about what is the level of
21 outreach and engagement with the small
22 businesses and also those, I guess, that
23 represent them as a way of really getting them
24 up to speed and familiar with this legislation
25 and the enactment of it and whatever paperwork

2 requirements, if you could talk a little bit
3 more about the 4.8 million and what exactly it
4 would be used for.

5 ALICIA GLEN: Sure. I will--for the
6 4.8 million, it's both for additional staff,
7 but also for the materials that we're going to
8 need in order to provide, and I also want to
9 clear that although there's been additional
10 money allocated in the budget for the
11 Department of Consumer Affairs. We're going to
12 be working very closely with the Department of
13 Small Business to also make sure that they are
14 doing outreach and advocacy work with the small
15 business owners. I'll let the Deputy
16 Commissioner more specifically go into the
17 details of what the budget money is for.

18 ALBA PICO: DCA's going to have a
19 very aggressive campaign and it's going to
20 include about over 200 partners that are going
21 to be helping us, city, state, federal
22 agencies, and non-profits that are going to be
23 helping us share the news. We're going to be
24 having train the trainer sections. We have
25 power points. We have FAQ's. We have online

1 services. We have life shot [phonetic] and
2 we're going to be getting the message out there
3 to every business trying to educate them not
4 only in English but in the executive languages.
5 We have staff at DCA that speak many languages.
6 We're going to go and use the language service
7 system also. So we're ready to, you know, to
8 assist every small business or everyone that
9 needs help.
10

11 SPEAKER MARK-VIVERITO: Because I
12 think, obviously in speaking, sorry, Deputy
13 Mayor, you want to--

14 ALICIA GLEN: [interposing] I was
15 just going to have the--

16 SPEAKER MARK-VIVERITO: [interposing]
17 Okay.

18 ALICIA GLEN: small business
19 department just add, echo some of the efforts.

20 GREGG BISHOP: Good morning. As you
21 know, the Department of Small Business Services
22 runs the seven business solution centers across
23 the city, so we're going to use that network
24 and our database of businesses that we've
25 helped in the past to--and working closely with

2 DCA to get the word out. We also have workshops
3 that we will work closely with DCA to offer and
4 have businesses become aware of the
5 requirements of this act.

6 SPEAKER MARK-VIVERITO: Alright, and
7 obviously as talking to some of the
8 organizations that represent the small
9 businesses, they, you know, one of the
10 arguments that they're making now, at least in
11 terms of needed assistance is that at least for
12 those businesses in the 15 to 20 range, which
13 is what the original legislation rate had
14 covered, that they've had about a year to get
15 ready for this, and then now as expanding it as
16 quickly for the smaller groups. They haven't
17 had the amount of time to prep, so in terms of
18 really being proactive with the small
19 businesses and getting aggressive about getting
20 the information out there, going into
21 communities, not maybe just relying on people
22 to come to the solution centers, but figuring
23 out ways that we can be proactive and engaged.
24 I think that that's a legitimate point. So if

1
2 that's something that you're factoring in as
3 well, I'd like to hear it.

4 ALICIA GLEN: We're absolutely
5 factoring that in. We recognize that the change
6 in the threshold is going to require us to do
7 more active engagement in a much faster
8 timeline. I hope, also, that as a result of
9 today's hearing we'll hear from some of those
10 owners that will now be impacted by the law and
11 have some really constructive dialogue about
12 the best ways in which we can really permeate
13 those communities so that we're getting to
14 exactly the right folks we need to, but we do
15 feel strongly that the law should be
16 implemented in its entirety on April 1st and
17 the agency is geared up and ready to get out
18 there and really educate folks.

19 SPEAKER MARK-VIVERITO: Well, thank
20 you Deputy Mayor. I think--I'm very excited and
21 the Council's very excited to partner with the
22 Administration on this issue, and so we look
23 forward to the conclusion of this hearing and
24 being able to adopt this legislation and make
25 sure that we cover an additional close to

2 500,000 additional workers. So I'll leave it
3 there, and thank you again.

4 CHAIRPERSON MILLER: We've been
5 joined by the Committee Member, Councilman Rob
6 Cornegy from Brooklyn. Next question will be
7 from Council Member Ignizio, Staten Island.

8 COUNCIL MEMBER IGNIZIO: Thank you
9 very much, Daneek, and thank you Madam Chair.
10 I had a couple of questions to the
11 Administration, and I wrote them on my iPad so
12 I'd have to type in my code. You say you're
13 engaging the business community, but from the
14 business perspective, they were already
15 engaged, they were brought in, and a bill was
16 furnished with their support for the original
17 paid sick leave bill, and then they feel
18 somewhat steamrolled that this bill comes out,
19 and everything that they had agreed to in the
20 past has been wiped away. What engagement has
21 this administration done with the small
22 business community over the past couple of week
23 since you announced this bill?

24 ALICIA GLEN: The first answer, or I
25 guess the answer to the last part of your

1 question is that as recently as, I believe it
2 was last week, we brought in representatives
3 from a very, very diverse set of small business
4 advocates including groups across the five
5 boroughs and representing low income
6 entrepreneurs, the various chambers, etcetera,
7 and sat with them.

9 COUNCIL MEMBER IGNIZIO: But that was
10 after you announced what this bill was. I'm
11 talking about in the time period between when
12 the administration took office and the
13 announcement in Brooklyn. Was there any heads
14 up? Was there any conversation? Was there
15 any, "Hey, what do you think about this
16 expansion, how it's impacting or going to
17 impact business in the city of New York?"

18 ALICIA GLEN: I'm not--I actually
19 don't know the answer to that question because
20 I started on January 20th, but I will--

21 COUNCIL MEMBER IGNIZIO: Does anybody
22 on the panel know?

23 ALICIA GLEN: I don't know whether
24 there was active engagement prior to last week

2 or the week before at the round table where we
3 brought all the groups in.

4 COUNCIL MEMBER IGNIZIO: Okay.

5 Thank you. Does this cost small business or
6 business anything in the city of New York, in
7 your view, in the Administration's view?

8 ALICIA GLEN: I mean, I think that
9 we--whether we're talking about the new cut off
10 of five employees or 15 or 20 employees, we
11 fundamentally believe that the long-term
12 productivity and cost savings for small
13 business outweighs the actual cost of the
14 earned paid sick leave.

15 COUNCIL MEMBER IGNIZIO: Understood.

16 So, I mean, 'cause you have to replace the
17 hours that someone's working with somebody else
18 working. So while you're paying for somebody to
19 be at home, you're paying for someone to be
20 there. So there is some net cost in offering
21 this--the paid sick leave, no?

22 ALICIA GLEN: Well, there's immediate
23 cost and then there's long term cost, and it's
24 well documented that a healthy and less
25

2 turnover work force ultimately produces more
3 productivity and more profits for the business.

4 COUNCIL MEMBER IGNIZIO: Okay. So
5 continuing down that road, is there any
6 discussion on offering small businesses in this
7 city a tax incentive so that the Administration
8 and the city of New York would be a partner
9 with businesses in affording this cost that
10 they previously did not have to pay, or is that
11 a discussion?

12 ALICIA GLEN: I'm not aware of any
13 discussions, but again, any interesting
14 proposal where we can support small businesses,
15 we'd be happy to talk to you about it.

16 COUNCIL MEMBER IGNIZIO: Well I have
17 an interesting proposal then, perhaps.

18 ALICIA GLEN: Okay, good.

19 COUNCIL MEMBER IGNIZIO: In-- and I'm
20 not being--

21 ALICIA GLEN: [interposing] No, no, I
22 mean it.

23 COUNCIL MEMBER IGNIZIO: You don't
24 know me, I'm not being adversarial, but--

25

2 ALICIA GLEN: [interposing] I'm not
3 familiar with a tax credit--

4 COUNCIL MEMBER IGNIZIO:
5 [interposing] I think there is a whole
6 community--

7 ALICIA GLEN: [interposing] proposal,
8 but of course, we'd be open to talking about
9 anything.

10 COUNCIL MEMBER IGNIZIO: Thank you,
11 Madam De--I mean, I think there's a whole
12 community that's voice is concerned because
13 they believe they engaged in a constructive
14 dialogue which netted product A, and now we
15 have product B, and there are many businesses
16 in this city, and I know from the perspective
17 of we want an open government, and we don't
18 believe government does this, small business
19 owners are afraid of the Department of Health.
20 They're afraid of the administration, because
21 they're knocking on their door and they fleece
22 them and ultimately they have a tax on their
23 businesses that takes money out of their
24 pockets. So there is--I asked several business
25 owners to come here today and testify against

1
2 it, and I was told, "I don't want that kind of
3 trouble. I don't want to put my business in the
4 target." Which is a shame that that occurs, but
5 it's a genuine feel amongst many people in this
6 community in the city of New York that they're
7 somewhat concerned over the retaliatory
8 practices, potential retaliatory practice. I'm
9 not saying this Administration conducts that,
10 but I'm saying that's the fear of some that I
11 have asked to testify and that declined to do
12 so. Going forward, assuming this bill is voted
13 on and passed, the engagement with small
14 business is going to be what, is it borough
15 based? Is it going to be--because, you know,
16 the communities that my friend Margaret Chin
17 represents in China Town is totally different
18 from the community that I represent in
19 Tottenville. It's going to be very, very
20 different in terms of engaging them. Is there
21 any plan for that?

22 ALICIA GLEN: Again, I'm going to--
23 I'll have Consumer Affairs talk about the
24 specifics of the outreach plan borough by
25 borough.

2 COUNCIL MEMBER IGNIZIO: Okay.

3 ALBA PICO: Yeah, it's going to be
4 community based. I mean, we're going to be
5 doing a lot of train the trainer sections of
6 community organizations. Plus, we also have
7 staff in our communities. So it's going to be
8 very community-based, many open houses, many
9 outreach that will be done, and also, like I
10 said before, in many different languages.

11 COUNCIL MEMBER IGNIZIO: Thank you. I
12 mean, and I want to be clear to my colleague
13 and to those watching this, this is very
14 laudable well-intentioned legislation. My fear
15 is its chilling effect on the economic growth
16 of this city, which should be your concern. I
17 believe it's everybody's concern, particularly
18 those that want to see small business foster in
19 this city. So if we can find a way through tax
20 incentives to off-set the cost. If we can find
21 a way through better education that we
22 encourage businesses that this is something
23 that they want to offer, I think that's the way
24 to go, but my fear is the unintended
25 consequences of this bill is that we are

2 actually hurting employees and that we will
3 have less of the--and we will foster the
4 underground economy as people will revert to
5 paying people off the books or overall laying
6 people off. So with that, I look forward to
7 working with my colleagues and on this bill and
8 many to come, and I hope that we appreciate the
9 voice of small business in this city, some that
10 I encourage my colleagues to that have very,
11 very serious concerns about this bill, and
12 perhaps we can work on a package that we could
13 incentivize them through our tax powers to
14 offset any costs that they would incur. Thank
15 you, Mr. Chairman, I appreciate it, and Madam
16 Speaker.

17 CHAIRPERSON MILLER: Thank you
18 Council Member for those insightful words.
19 We've been joined by Council Member Eugene and
20 the next set of questions will come from
21 Council Member Crowley, Johnson and Kallos.

22 COUNCIL MEMBER CROWLEY: Good
23 morning. Thank you, Chair Miller and to the
24 Speaker and the Mayor for pushing this
25 legislation. I've been supportive of earned

1
2 paid sick leave since taking office in 2009,
3 and I believe that this bill will benefit many
4 New Yorkers. Council Member Ignizio has good
5 questions as it relates to economic growth, but
6 can you assure this committee that you've done
7 studies upon studies of other municipalities
8 that have implemented similar legislation and
9 that there have been no negative economic
10 impacts?

11 ALICIA GLEN: Well, what I can assure
12 you is that we have reviewed the studies that
13 have been conducted by very, very prestigious
14 economists around the impact of such laws. As I
15 said, in Washington, D.C., in Seattle, San
16 Francisco and in the State of Connecticut.
17 There isn't a huge amount of data out there,
18 but the data that is there, we have reviewed
19 and are confident that our legislation is
20 consistent with those findings, that in fact
21 there is no increased--well, there is no
22 decrease in economic activity as a result of
23 implementing this type of legislation. We have
24 not conducted our own thorough, through
25

2 studies, at least during the de Blasio
3 Administration.

4 COUNCIL MEMBER CROWLEY: But studies
5 have shown that employees are retained longer
6 by employers and that is a economic benefit,
7 that a lot of times people don't even take
8 advantage of having the paid sick leave, but it
9 is insurance. Now, why are we stopping at five?
10 Have you looked into just having a benefit for
11 all workers in the city of New York to have a
12 level of paid sick leave?

13 ALICIA GLEN: I think the answer to
14 that question is no, we have not thought about
15 lowering the threshold even further.

16 COUNCIL MEMBER CROWLEY: It doesn't
17 seem fair that if you're working for a company
18 that has four employees versus a company that
19 has five, that you have protection or some
20 level of protection. And just to reassure the
21 committee and the folks here today, this is a
22 earned sick leave, that one would not get a day
23 until they work a certain amount of hours and
24 would only get a certain amount of days after
25

2 they work a certain amount of months, is that
3 correct?

4 ALICIA GLEN: That's correct.

5 COUNCIL MEMBER CROWLEY: And how
6 many New Yorkers who are working today will now
7 be covered once this bill goes into effect?

8 ALICIA GLEN: In total or because of
9 the change from the 15 to the five?

10 COUNCIL MEMBER CROWLEY: Let's fast
11 forward to April, and this bill becomes a law.

12 ALICIA GLEN: I want to make sure
13 that we give you the accurate number. Today we
14 are focusing on the number of new employees
15 that would be covered by the change in the
16 legislation, so I'll have to get back to an
17 exact number, but the incremental number of
18 people who will now be entitled to the benefit
19 is about 350,000 people.

20 COUNCIL MEMBER CROWLEY: Do we have
21 an idea of how many other New Yorkers will
22 remain without any sick leave protection? Or
23 does that fall on the category of working--

24 ALICIA GLEN: [interposing] I
25 understand the--I understand the question. I

1
2 don't--we'll have to get back to you with some
3 data.

4 COUNCIL MEMBER CROWLEY: Okay. No
5 further questions. Thank you.

6 CHAIRPERSON MILLER: Councilman
7 Johnson up next.

8 COUNCIL MEMBER JOHNSON: Thank you,
9 Chairman Miller. Thank you Deputy Mayor Glenn
10 and I want to thank borough President Brewer
11 who was the, you know, the engine behind this
12 in the previous Council under my colleagues who
13 worked on this in the previous Council. My
14 thanks as well. I have a few just quick
15 questions. Number one, in your testimony,
16 Deputy Mayor Glen, I know the number you just
17 said which is 355,000 people incrementally will
18 now be covered. Do you know, or does DCA know
19 the exact number of new businesses this is
20 going to effect? Is it 50,000? Is it 70,000?
21 Is it 100,000?

22 ALICIA GLEN: We have some estimates.
23 Again, I don't think we have drilled down
24 exactly on the number in people then
25

2 correlating it to the number of business, but
3 Gregg, do you want to--

4 GREGG BISHOP: So, the estimation is
5 about 44,000 right now, but clearly with the
6 amendment the number will change, and we'll get
7 back to you with that.

8 COUNCIL MEMBER JOHNSON: So, you're
9 saying the previous bill covered 44,000
10 businesses before this expanded bill came
11 forward. So it's going to go from 44 to a
12 higher number, we would think?

13 GREGG BISHOP: It's going to go--

14 COUNCIL MEMBER JOHNSON:
15 [interposing] yeah, of course.

16 GREGG BISHOP: It's going to go a
17 higher number.

18 COUNCIL MEMBER JOHNSON: But we don't
19 know what that number is?

20 GREGG BISHOP: No, not yet.

21 COUNCIL MEMBER JOHNSON: Okay. That
22 would be helpful to know.

23 ALICIA GLEN: Well of the, you know,
24 the number is quite fluid because a number of
25 small businesses that are opening--

2 COUNCIL MEMBER JOHNSON:

3 [interposing] Yeah.

4 ALICIA GLEN: or closing. It's
5 constant. So we'll have to--we'll pick a point
6 in time and give you the data as of date
7 certain.

8 COUNCIL MEMBER JOHNSON: An estimate,
9 yeah. Another question. With regard to
10 restaurants, does DCA or the proposal in any
11 way speak to, and maybe Council Member Chin
12 knows the answer to this, I apologize if this
13 is already in there and I'm asking something
14 that was already covered. Does it engage any
15 way with shift swapping? So if an employee
16 wants to shift swap at a restaurant, what doe
17 DCA say with regard to that, with the bill?

18 ALICIA GLEN: The bill permits that,
19 but it doesn't require it. So employees can do
20 so, but it has to be voluntary not mandated.

21 COUNCIL MEMBER JOHNSON: They can't
22 be pushed or bullied by the employer to shift
23 swap instead of having a paid sick day?

24 ALICIA GLEN: Exactly.

25

2 COUNCIL MEMBER JOHNSON: Thank you.

3 And then lastly, I know there has been talk
4 both with the previous bill and now with the
5 expanded bill about the correct enforcement
6 agency whether or not DCA was the correct
7 agency to do that, whether or not the
8 Department of Health should be involved given
9 that DOHMH goes out and sends inspectors to
10 businesses all the time to look into certain
11 things that they must comply with, why does the
12 Administration believe that DCA is the best
13 enforcement agency and that other agencies
14 potentially shouldn't be involved in the
15 enforcement aspect?

16 ALICIA GLEN: Well, I think our
17 position is that the correct agency is DCA
18 given their general jurisdiction to protect
19 consumer health and to really be balancing
20 those issues between the needs of small
21 business owners and the needs of consumers.
22 That said, we also understand there are
23 multiple agencies who have jurisdiction over
24 small businesses and we are committed to really
25 thinking through that holistically, and I think

2 that's an effort that everybody is engaged in
3 and part of what we're trying to do is to make
4 sure that small businesses do not be subject to
5 multiple inspectors on multiple days and really
6 impact the viability of those businesses. So I
7 think the idea here is to really maintain some
8 flexibility so that over time if we decide to
9 move to a different system, we have that
10 ability and obviously to the extent that we
11 make those decisions, we'll be engaging with
12 you.

13 COUNCIL MEMBER JOHNSON: That makes
14 sense to me. I mean, given that SBS is here
15 and DCA is the enforcement.

16 ALICIA GLEN: And the Health
17 Department's here.

18 COUNCIL MEMBER JOHNSON: And the
19 Health Department.

20 ALICIA GLEN: This is really a
21 collaborative effort.

22 COUNCIL MEMBER JOHNSON: Yeah. So I
23 would hope that as--I'm very supportive of this
24 bill, I plan on voting for it. I'm a sponsor of
25 it. I thank Margaret Chin for taking the lead

2 immediately in the new Council on this and
3 getting it forward to the Administration for
4 stepping up right away, but I ask because I
5 think there should be, and it sounds like given
6 who's here today, an interagency coordinated
7 effort to make sure that as this gets rolled
8 out that it's done in a coordinated way and the
9 reason why I started off the questioning with
10 number of businesses is like minority leader
11 Ignizio, I just want to make sure that there is
12 a real effort given the number of businesses
13 involved that there's a real specific plan not,
14 just I think the number was 17 centers or
15 whatever it is across the city, but how exactly
16 is DCA and the other agencies going to
17 communicate to each and every business that's
18 effected? Is it via written notice? How is
19 it? That's why I was asking that question.
20 Given that I think the number is going to
21 expand quite a bit over 44,000.

22 ALBA PICO: DCA license about 75,000
23 businesses and so that's the Department of
24 Health about 55,000. DCA does the intake
25 through the Department of Health licenses,

2 restaurants and everything that is included.
3 So, we have about 100,000 businesses that we
4 could reach out to. DCA enforces a consumer
5 protection law. We go to every single business
6 to enforce that law. So a part of that is also
7 communicating with businesses and it's going to
8 be, like I said before, a lot of outreach and a
9 lot of FAQ's, a lot of mailings. I mean, we're
10 bring information in many different languages
11 and we're going to make sure to get it to
12 everybody that is impacting.

13 COUNCIL MEMBER JOHNSON: Thank you
14 very much. I look forward to voting for this
15 piece of legislation. I thank the
16 Administration for putting it forward and I
17 look forward to the council working with the
18 appropriate agencies to make sure that it's
19 unveiled and instituted in the most appropriate
20 way for everyone involved, employees and
21 businesses. So thank you all for being here
22 today.

23 CHAIRPERSON MILLER: Thank you,
24 Council Member Johnson for your insightful
25 questions. Let me just remind that there will

2 be as we move forward a two minute limit on the
3 questions and we will now hear from Councilman
4 Kallos followed by Council Member Landers,
5 Richards and Cornegy.

6 COUNCIL MEMBER KALLOS: Thank you,
7 Deputy Mayor Gillen [phonetic]. I want to thank
8 and acknowledge Manhattan Borough President
9 Gale Brewer who came in a little bit earlier
10 for introducing this historic legislation. I
11 was actually proud to sign onto this bill as a
12 candidate during my primary. So I'm very
13 excited to have a chance to expand it now. One
14 quick question would be that this bill
15 maintains the complaint driven process that's
16 in the current law. What does happen when
17 somebody does lose employment over making a
18 complaint and why isn't there a private right
19 of action needed?

20 ALICIA GLEN: This bill does not
21 address the private right of action. That's
22 not a current amendment to the law as it was
23 enacted, but DCA is confident that we will
24 successfully mediate complaints when they come
25 into the agency. We have a lot of experience

2 doing so. We mediate successfully now thousands
3 of complaints a year and are skilled at doing
4 that. The complaint driven process is actually
5 very friendly to employees. They don't have to
6 hire private attorneys. They are dealing with
7 an agency that is able to understand them, is
8 able to translate materials into different
9 languages and is able to work to get them they
10 relief that they need and not to put dollars in
11 their own pockets as private attorneys might.
12 So we think that this is the best way to get
13 employees and employers both to comply with the
14 law and get employers and employees on the same
15 page.

16 COUNCIL MEMBER KALLOS: Thank you.

17 CHAIRPERSON MILLER: Council Member
18 Landers?

19 COUNCIL MEMBER LANDER: Thank you.

20 Couple of questions. I'll just follow up on
21 this one. You know, I think we're going to hear
22 later from some of the advocates. I've been
23 talking to members of the business community to
24 workers advocates and I think we're going to
25 hear from some of the advocates that they would

2 like to see a private right of action in place
3 for the reasons you stated. Let me just be
4 clear, you feel that the enforcement provisions
5 that you just outlined for the reasons that you
6 said to Council Member Kallos will work better
7 than private right of action would?

8 MARLA TEPPER: We're confident that
9 DCA can successfully mediate the complaints and
10 investigate wrong-doers effectively. I think
11 that the Administration may be willing to hear
12 what advocates have to say and think about
13 that, but as written, there is an effective
14 enforcement mechanism in place and one that
15 will protect the rights of the employees more
16 than sufficiently. As you know, the bill does
17 provide for a lot of relief to employees who
18 are grieved, particularly those who might
19 suffer from retaliation. They know when they
20 come to DCA they're dealing with a trusted
21 source. We will maintain their confidentiality
22 to the extent permitted by law, and as I said
23 we're very skilled at mediating complaints and
24 we're interested in getting relief that will
25 protect not only the employee who has been

1
2 individually aggrieved, but making sure that
3 the rest of the employees in that work place
4 are protected.

5 COUNCIL MEMBER LANDER: And you'll
6 keep track some records on complaints brought
7 to you in their judication [phonetic] so that
8 if we need to look six months, a year on at how
9 things are going, we'll be able to sit down
10 together and look at what enforcement.

11 ALICIA GLEN: Absolutely. That's
12 what we do now, so we're very well versed in
13 dealing with that.

14 COUNCIL MEMBER LANDER: Okay. On the
15 employers side of--I'm sorry. Mr. Chairman, can
16 I? Thank you very much. On the employer's
17 side, one thing that I've heard from smaller
18 businesses and from the chambers is even if
19 they're not thrilled about going down to five
20 or recognition that this council's going to
21 pass, and I should have started by saying thank
22 you. And I started, I said on Twitter, I can't
23 remember when we seen the Deputy Mayor before
24 here testifying to the New York City Council,
25 so that by itself is wonderful to see and I'm

2 grateful that you're here and it was wonderful
3 to have your testimony to be working together
4 to advance the--what working families need to
5 succeed. A few of the small businesses have
6 said April 1st is just too soon for immigrant
7 owned small businesses, for folks who weren't
8 expecting to be covered by the law. Obviously,
9 for folks who are covered, you know, we already
10 have a bill in place on April 1st to cover
11 folks 20 and above. Have you given any thought
12 to whether the implementation date should be
13 looked at for businesses under 20 employees?

14 ALICIA GLEN: We've looked at it, but
15 we feel very strongly that we think there
16 should be one effective date.

17 COUNCIL MEMBER LANDER: Okay. And my
18 last question goes to domestic employers and
19 employees. I'm thrilled that this legislation
20 provides five paid sick days to domestic
21 workers, to babysitters or house cleaners. I
22 think it's great that it does. That's too often
23 an unseen set of workers, and obviously the
24 people that we rely on or that families rely on
25 in their hours of need when their own kids are

1
2 sick or when they're sick ought to have the
3 right. So I'm thrilled that this bill covers
4 them. It does seem to me that giving notice to
5 both domestic workers and domestic employers is
6 different in some ways than in a standard
7 workplace with your normal wage and hour
8 poster, and I just wonder if any thinking has
9 gone into how to get the word out to domestic
10 workers and domestic employers or household
11 employers?

12 MARLA TEPPER: Domestic workers
13 already have significant rights under state
14 law. So of course, we're going to work with the
15 New York State Department of labor and learn
16 from their experience in enforcing their sick--
17 it's a paid rest law. We also intend to reach
18 out to specific groups that can assist in
19 educating both domestic workers and parent
20 groups for example. So we're confident that we
21 can get the word out through those communities.

22 ALICIA GLEN: And Brad, I would just
23 add that I understand there is going to be some
24 testimony later on today from folks who really
25 work those communities, and so I think again,

2 we are very open to understanding what the best
3 approaches are to reaching folks who
4 traditionally have been difficult to reach in
5 terms of what their rights are. So we look
6 forward to hearing that and then we can
7 incorporate that into some of our outreach
8 efforts.

9 COUNCIL MEMBER LANDER: Great. Thank
10 you very much for your thoughtful testimony and
11 your advocacy on behalf of this effort. Thank
12 you, Mr. Chairman.

13 CHAIRPERSON MILLER: Thank you so
14 much, Brad, for those questions. And in fact, I
15 just want to take a point of privilege to kind
16 of just digress on that for a moment.
17 Obviously, we know the Administration, the
18 current Administration's position on the Earned
19 Sick Leave Act and the aggressive approach that
20 they have taken, but quite frankly, you know,
21 if it's not the law and if we don't there seems
22 to be some concern about whether or not the
23 private right of action should or should not be
24 there, and you've spoken about, each of you to
25 a degree have spoken about how would we

2 potentially manage in what your interest was,
3 what happens years from now, four years from
4 now when the people with the best intentions
5 that are sitting in this room now no longer are
6 sitting there and what protections do the
7 workers then have?

8 MARLA TEPPER: Well, I--we're going
9 to build systems and law, build the law in this
10 area, so hopefully successors will inherit a
11 strong enforcement system and the employees and
12 employers will know their respective rights and
13 obligations and those systems will be in place.
14 Of course, years from now the law can be
15 amended to include a private right of action to
16 the extent that that proves necessary.

17 CHAIRPERSON MILLER: Council Member
18 Richards?

19 COUNCIL MEMBER RICHARDS: Just two
20 quick questions. Wanted to know if you guys
21 gave any thought--well, first off, thank you,
22 and I certainly was a supporter of this bill. I
23 think I signed on my second day in office, and
24 yes, Gale reminded me. Maybe it might have
25 been the first day, but certainly wanted to

2 raise two points and two questions. Wanted to
3 know, have you guys given any thought to
4 working with the local development corporations
5 in the chamber of commerce who know the
6 businesses, know the ground very well, and will
7 you guys consider maybe giving some sort of
8 incentives to them to ensure that they're
9 reaching out or helping to make sure or to
10 ensure that this program is going to be
11 successful? And then the second question is,
12 so I represent the Rock Away. It's a place
13 that was devastated by Sandy, and of course, I
14 share your vision in this bill, but wanted to
15 know have you guys thought of giving any grace
16 periods to businesses and hurricane Sandy
17 effected areas or grace periods or if a
18 business wanted to file for hardship, what
19 would be the possibility of doing that? So
20 those are the two questions. Thank you.

21 ALICIA GLEN: Let's do the first
22 question first, the second question second.
23 I'll have Gregg talk about our outreach efforts
24 with the LDC.

2 GREGG BISHOP: So as you know, the
3 Department of Small Business Services has a
4 great relationship with a lot of the business
5 improvement districts, chambers and LDCs so
6 when I talked about outreach the LDCs are
7 included in that. So, we are, of course, are
8 open in terms of what incentives they would
9 meet and figuring out how we can help spread
10 the word, but obviously we are really focused
11 on making sure that we work with all our
12 partners to get the word out aggressively about
13 the requirements of this bill.

14 ALICIA GLEN: And with respect to
15 your second question, I think the brief answer
16 is we have not considered that, but certainly
17 that's something that we can talk about over
18 the next few days. I mean, I think our feeling
19 has been that DCA and many of the other
20 agencies, you know, were out there after the
21 storm and have been engaging in a very
22 proactive manner with all the constituencies
23 and small businesses and I know that folks from
24 Gregg's agency as well. So I think we should
25

1
2 talk about it. I think there's some pros and
3 cons.

4 COUNCIL MEMBER RICHARDS: And I
5 appreciate that. You know, I don't want to take
6 away. I don't want to delay this and I'm
7 certainly in support of it, but I think we
8 should also just be, you know, thoughtful in
9 terms of those businesses. Thank you.

10 CHAIRPERSON MILLER: Thank you,
11 Council Member Richards. Council Member
12 Cornegy?

13 COUNCIL MEMBER CORNEGY: Good
14 morning. Thank you, Chair, and thank you Deputy
15 Commissioner. I want to start by just as the
16 Chair of Small Business, I wanted to know, are
17 you aware of the way small business feel about
18 their relationship to your agency? And if so,
19 'cause I suspect that you are because you seem
20 astute, are there going to be any methodology
21 by which to strengthen the relationship between
22 small businesses and your organization. That's
23 my first question.

24
25

2 ALICIA GLEN: I can have the
3 Consumer Affairs talk specifically about it,
4 and then also the Small Business.

5 ALBA PICO: We, I mean, we work day
6 in and out with the small businesses. I mean,
7 we do a lot of outreach with small businesses
8 and as it pertains to pay sick leave, we are
9 going to make sure that they are educated on
10 the new law. We're actually going to provide
11 them tools on how to go ahead and implement
12 books and records, everything that they need to
13 do make this effective, Power Point. We've
14 already created an FAQ, and it will amended
15 once this law, amendment law goes into effect,
16 and as Marla mentioned we do--we are really
17 good at mediating. So when, if somebody happen
18 to come in and complain about business, we use
19 our mediation tools. We don't issue violations.
20 We mediate, go back and forth. If the business
21 makes it right for the person that is
22 complaining, no violations are issued. We just
23 sit down with them and we educate them, and of
24 course, we will be watching. I mean, if the
25 same business keeps making the same violation

2 many times, the Department is going to go ahead
3 ask for books and records and we will
4 investigate them.

5 GREGG BISHOP: And as you know, SBS
6 and this administration, we're focused on
7 making sure that businesses understand that
8 government is here to help, so in terms of
9 educating businesses to understand how to
10 avoid, and I don't know if you were referring
11 to the fines, the excessive fines that
12 businesses have complained about because we
13 hear that.

14 COUNCIL MEMBER CORNEGY: You said it,
15 I didn't.

16 GREGG BISHOP: We here that and we're
17 doing everything possible to make sure that
18 businesses understand what they need to do to
19 avoid the fines, and of course, this
20 Administration is committed to make sure that
21 businesses of minority, women owned, immigrant
22 owned businesses, we do a better job in terms
23 of reaching out to those businesses, educating
24 them and helping them understand what they need
25

1
2 to comply with the different rules or
3 regulations of the city.

4 COUNCIL MEMBER CORNEGY: Secondly, we
5 believe in Small Business Committee and as the
6 Chair, that the first mandate is do no harm.
7 So, I was wondering why you chose not to use
8 your staff to do outreach as opposed to using
9 CBO's. So why, you know, why are you kind of
10 forming that very important integral part of
11 this whole bill out?

12 ALBA PICO: We actually using our
13 staff, but we're also reaching out to all the
14 groups that could help us. So we're going to be
15 doing a lot of train the trainer sections. I
16 mean, as many people--

17 COUNCIL MEMBER CORNEGY:
18 [interposing] Right.

19 ALBA PICO: as chamber of commerce
20 and many people that are there in their
21 community, and they know their community, but
22 we are using our staff to do all the trainings
23 and do the outreach.

24
25

2 COUNCIL MEMBER CORNEGY: And so
3 you're going to be training the trainer with
4 chambers and--

5 ALBA PICO: [interposing] We have--

6 COUNCIL MEMBER CORNEGY: and with
7 bids?

8 ALBA PICO: We have at list about
9 200--we created this list of about 260
10 something organizations, city and state
11 agencies, and to be able to conduct training,
12 to be able to shadow materials and for them to
13 have them ready for those that you know, that
14 would come to them to ask for help.

15 COUNCIL MEMBER CORNEGY: Okay. So
16 that's just one of the things that's very
17 important as this goes forward for this
18 committee or for my committee is to make sure
19 that people are being adequately informed on
20 how to deal with it so it doesn't become
21 another opportunity for punitive relationships
22 to develop, and like Deputy--I mean, like
23 minority speaker Ignizio said, I'm very
24 concerned that if this is not done correctly it
25 will foster another underground economy. So I

1 think that if, you know, how this is rolled
2 out, how people get the information is going to
3 be extremely important.
4

5 ALBA PICO: We understand that
6 completely, you know, clear and we will make
7 sure to relate all that information so they
8 learn. We also have our live chat which people
9 can communicate with us instantly and online
10 and it's used--I mean, it was just--we just--
11 last year is when it became effective and we
12 already have 10,000 businesses that reached out
13 to us immediately. And we have been handling
14 every single one of them.

15 COUNCIL MEMBER CORNEGY: What is
16 your--what has been your--so since you've been
17 using, what has been your feedback from small
18 businesses in using that particular tool?

19 ALBA PICO: Yeah, I mean, the tool
20 have been mostly relating to everything that
21 DCA is in charge of related to earned paid sick
22 leave, we haven't really got that many
23 questions, but we do, the ones that we have we
24 actually have been putting them into FAQs to
25 make sure those questions that come up out of

2 there. So we do have many pages of FAQ's, and
3 we will also create a power point, because
4 sometimes people, I mean the FAQs are there,
5 but people also want something short that they
6 could read faster.

7 COUNCIL MEMBER CORNEGY: Is there a
8 tool that captures your interactions that you'd
9 be willing to share with my committee if
10 necessary, so that--so as it relates to this
11 particular bill as you go forward and you begin
12 to get those questions? You can capture?

13 ALBA PICO: We do, I mean, we do.
14 We're going to create a email address to
15 capture interpretation letters because we
16 already have community groups that are reaching
17 out to us and asking many questions. So we
18 could share that.

19 COUNCIL MEMBER CORNEGY: Okay. And
20 on the record, you're willing to share that?

21 ALBA PICO: Yeah, yes.

22 ALICIA GLEN: Chairman Miller, I
23 have to apologize, but because of the nature of
24 the schedule changing I have to leave, but I'm
25

1 going to give you a few more minutes of this
2 great crew, okay?

3
4 CHAIRPERSON MILLER: Well, yes, I
5 think we--I was about to announce that the
6 Deputy Mayor would have to leave, but the staff
7 would--that the rest would remain, and we do
8 have one more question for the panel.

9 COUNCIL MEMBER CHIN: Yeah, I guess
10 part of this--

11 CHAIRPERSON MILLER: [interposing]
12 Council--

13 COUNCIL MEMBER CHIN: Deputy Mayor,
14 I'm glad you are here today, and also glad to
15 see that the Mayor put some money, 4.8 million
16 dollar into the budget, and my issue in terms
17 of like implementation of this law, I think is
18 really important as you say to do the outreach.
19 I have some very basic information that could
20 be translated in multi languages that small
21 businesses, especially immigrant businesses can
22 understand that they have to post the sign up
23 and then the employees also know the
24 information, but it's really important to get
25 the basic information to them in simple

1 language that they can understand and implement
2 and also have the forms of the log to show them
3 this is how you keep track. So when an agency
4 come and do the inspection, they will have the
5 information to show them, and it should be all
6 standard. I mean, one of the--what we've been
7 hearing from a lot of the small businesses,
8 especially immigrant small business is that
9 their perception of city agency when they come
10 do inspection is the minute they walk in the
11 door you're going to get fined no matter what.
12 And I think we need to change that perception.
13 So I'm glad that there's money put in the
14 budget and the money really should focus on a
15 lot of outreach and education and really do it
16 in a way that is common, simple language that
17 people can understand. I think people want to
18 abide by the law, but if we do that and then
19 when you come back and do the inspection, it
20 should be to see if they're doing it properly
21 and not just the common just give them a fine.
22 So I think that there should be a curve period
23 so that small businesses at least can begin to
24

1
2 implement the law without having to worry that
3 they will get fined for not doing it correctly.

4 MARLA TEPPER: Yeah, I think that
5 we're on the same page definitely, that the
6 main focus at the beginning is definitely
7 going, and throughout our enforcement of this
8 law is going to be a very robust educational
9 campaign with many different types of outreach
10 so we can hit all the communities impacted by
11 this, which is basically all of New York City.
12 So, we're completely with you on that. We're
13 also very open to suggestions on the best way
14 to do this and to working together to achieve
15 these goals. With regard to the question of
16 fines, this is a different type of law than the
17 laws that DCA has traditionally enforced. We
18 will be getting, perhaps we will be getting
19 complaints. We will be trying to address them
20 and resolve them to the extent that they are
21 not resolved, we will probably be following up
22 to get information from the business and that
23 will provide another opportunity for mediation.
24 So it is probably going to be a less field
25 based inspection focus than getting documents

2 in house and trying to mediate them, work with
3 the business to make sure that any employee who
4 has been aggrieved is made whole and then move
5 on from there. So, it's a different type of
6 enforcement mechanism.

7 COUNCIL MEMBER CHIN: I mean, that's
8 good. I think that's what we're looking for and
9 I think that needs to get out to the small
10 business, they know that, and so that the
11 purpose is really for the agencies to help them
12 educate them to help them so they can implement
13 the law. Thank you. Thank you, Chair.

14 CHAIRPERSON MILLER: Thank you,
15 Council Member. So I think that the consensus
16 is obviously that the Council is fully behind
17 this law initiative and we are concerned about
18 the implementation and the roll out and the
19 bulk of the questions have been as such, as
20 well as concern that the Chair of the small
21 business committee articulated so well about
22 the small--it's impact on the--potential impact
23 on small businesses. It is our hopes that we
24 can continue to have the type of dialogue
25 necessary to ensure that this law does what the

2 intentions is, which is enhanced the quality
3 life for working families at the same time it
4 is a real investment and small business as
5 well, and making sure that we provide them with
6 healthy employees as well. So, we thank you so
7 much for coming out. There are no more
8 questions for the panel, but we thank each and
9 every one of you for your time and look forward
10 to working with you. Thank you. Next we have
11 Borough President Gale Brewer, who will now
12 testify. Thank you so much.

13 GALE BREWER: Good morning. Glad to
14 be here, like on another planet.

15 CHAIRPERSON MILLER: Yeah, we just--

16 GALE BREWER: [interposing] You have
17 no idea. Anyway--

18 CHAIRPERSON MILLER: It was, we were
19 just--it was comments that you--it was strange
20 seeing you on the other side there, but--

21 GALE BREWER: [interposing] It's
22 also strange that there's so much excitement
23 about paid sick days. You have no idea.

24 CHAIRPERSON MILLER: Evolution, an
25 absolute evolution.

2 GALE BREWER: You have absolu--Yes.
3 Anyway, I'm glad to be here. Thank you Chair
4 Miller. I want to thank the Speaker for being
5 here earlier, all the members. As you know,
6 we're here to talk about Intro One of 2014, the
7 Earned Sick Day--Sick Time Act, which I am a
8 cosponsor, and I also appreciate that. The
9 coalition members many of whom are here today
10 never gave up on passing the original bill and
11 it is much appreciated, and I want to thank all
12 the businesses and the employers who relayed
13 their experiences in the past, and I think they
14 will continue to do so. I think we all know
15 that more workers who are healthy make for a
16 better New York, and we all know that close to
17 500,000 workers will have the fundamental right
18 to a paid sick day off when they or a family
19 member is ill, something that's been talked
20 about and I hope still goes into effect April
21 1st, 2014, but I know that will get worked out.
22 We cannot forget about the millions of working
23 New Yorkers who already have the right to paid
24 sick days like all city workers and we want to
25 make sure that all New Yorkers get the same

2 opportunity and they can't be fired if they
3 have stay home. So, while reflecting back on
4 the 500 or more conference calls, that's a low
5 number, hundreds of press conferences and
6 rallies and meetings with thousands of parents
7 who were terrific, employees, healthcare
8 workers, unions, advocacy groups, nonprofits
9 and businesses large and small that brought us
10 to this day. I am reminded, and this was
11 brought up earlier, that the challenges of
12 education about the law and its implementation
13 will be significant and they will be long term
14 and I listened here to the testimony and I do
15 feel that the agency staff is on board with
16 that. Needless to say, in other cities that we
17 were on hot button, red button, direct dial. So
18 the poor woman at the Department of Labor in
19 San Francisco heard from all of us almost every
20 day and she heard from other cities and all of
21 the implementers, agencies in other cities say
22 over and over again, the most important aspect
23 of a success and that answers Robert's
24 discussion is the implementation and education.
25 It's all about education. So we have talked to

2 elected officials and business groups and
3 workers in San Francisco and Washington D.C.
4 and Seattle, Connecticut, and their experience
5 is all highlight the need for a dedicated and
6 collaborative effort. As we know, laws are
7 effective if those who govern understand their
8 rights and responsibilities just as Margaret
9 indicated, and I look forward to being part of
10 that effort, only in Manhattan. You all can
11 take care of the other boroughs. To make the
12 roll out successful, rule making, posting of
13 rights and workplaces, broad community outreach
14 including public seminars are just some of the
15 steps. We can benefit from the experiences and
16 best practices of other cities. Seattle's
17 website features individual posters in language
18 English, Spanish, Korean, Chinese and Tagalog.
19 Employers can download a model notice for
20 employees about the law, the ordinance, a
21 sample memorandum of understanding for
22 community based associations and they can go to
23 a webinar. The center for Law and Social Policy
24 Published a February 2013 report on the
25 implementation of the Seattle Paid Sick Leave

1 Ordinance, and it listed all the best
2 practices. In San Francisco these notices are
3 combined and they include lots of languages and
4 their office of labor standards enforcement
5 were one of the few cities that doesn't have a
6 labor office and that's why we're up against
7 what agency, and I thought the representatives
8 they did a great job from Department of
9 Consumer Affairs. But this office in San
10 Francisco established a paid sick day hotline.
11 Let me tell you what's special about that
12 hotline. A real person answers in any language
13 needed, and I know that sounds like a luxury,
14 but I would strongly urge that for at least the
15 beginning of implementation of this law. It's
16 one thing to get 311. Maybe 311 could connect
17 us to a person who speaks different languages
18 and who can answer FAQs, in other words, a real
19 human being who is an FAQ expert in this issue.
20 So needless to say, it is very exciting that
21 Mayor de Blasio has priorities, these efforts.
22 You know that the budget has 4.8 million in FY
23 of 2014 and 1.8 million in 2015 for the
24 Department of Consumer Affairs. There are so
25

1 many people to thank, the Paid Family Leave
2 Coalition, We know about a better balance, Make
3 the Road, A Center for Popular Democracy, all
4 the unions, the amazing doctors at SEIU, and
5 they are the ones who will help in many, many
6 ways. I think we shouldn't forget about the
7 healthcare community because currently as we
8 know, we used to say that 39 million dollars
9 would be saved by passing paid sick days
10 because people will no longer to go the
11 emergency room because they can't go during the
12 day. That's a very large number. I think it's a
13 real number, and the healthcare community
14 should be as much a part of the organizing and
15 information as the other organizations sited.
16 So, I look forward to working with all of you,
17 the Mayor, the Department of Consumer Affairs,
18 the workers, the advocates, the parents,
19 healthcare workers as I indicated, unions, non-
20 profits, and certainly the businesses, all of
21 them for a comprehensive and coordinated
22 education effort, and it is a pleasure to be
23 here today. I'd be glad to answer any
24 questions, but I think you've gotten all the
25

1
2 questions and gotten all the answers, but if
3 there's anything I can answer, I would be glad
4 to. I do--Vinnie asked about the amount. It's
5 about 23 cents per hour, which is not much, if
6 an employee is sick, to answer that question on
7 average. We know from past experiences and from
8 the owners who do have paid sick days, that
9 sometimes you don't have to hire a new person,
10 there's an overlap in duties and somebody just
11 takes it on. On the other hand, if you do need
12 to hire, obviously you, you know, it's five
13 days a year. You can't carry it over for, you
14 know, so end up with a lot more days per year.
15 So it's 23 cents per hour if you're ill. That's
16 the cost. Thank you.

17 CHAIRPERSON MILLER: Thank you so
18 much, Madam Borough President for such
19 insightful testimony, and I think that you
20 clarify many of the concerns that the Council
21 had here and some of, a lot of the questions
22 that were asked and were answered to the best
23 of the ability of the prior panel, but I think
24 that you brought some real insight and
25 obviously, showed that there was some real due

2 diligence in putting this bill together, so I
3 thank you very much for that. And there are
4 one or two questions and I'm going to call upon
5 Council Member Crowley.

6 COUNCIL MEMBER CROWLEY: Thank you
7 Chair Miller. Good afternoon, Madam Borough
8 President. It's good to see you here and I want
9 to thank you for your unwavering support. You
10 continuously day after day during your time in
11 the City Council fought for and were able to
12 win an earned paid sick leave, and so now we
13 have an opportunity to expand it. One of the
14 questions I asked earlier, I'm not sure if I
15 got a clear answer, and I think maybe you can
16 help answer that question. The bill will
17 protect all New Yorkers, even though it--even
18 if a person doesn't necessarily work for a
19 business that employs five or more. Can you
20 explain that?

21 GALE BREWER: I believe, I know you
22 asked could it include even more. First of all,
23 the five or more is generally what exists
24 around the United States, so that is a number
25 that has been decided to be appropriate and

1
2 second, Brad Lander mentioned earlier domestic
3 workers. I've been working, as you know, with
4 that group of people for 20, 25 years. So I was
5 really pleased that it's part of the original
6 bill. So in fact, the five or more, I think, is
7 a legitimate number. It does cover, you know,
8 if you have a two person--I use to get a lot of
9 complaints from two person offices, three
10 person offices where, you know, you have a
11 sister working there or, you know, a family
12 member there and why do they have to get
13 covered. So I think five or more is the
14 appropriate amount of personnel and we hope
15 that it will seep down to smaller businesses to
16 understand the importance of this, and that's
17 it not such a burden on a business because it's
18 not. And the domestic workers who are
19 obviously one or more or not two, it's actually
20 just one person in a home traditionally, are
21 covered. So I think the number, since it's a
22 national number and it's a number that has been
23 determined to make sense on other cities is the
24 right number. I mean that's--the reason is

2 because it's a national bill that's coming and
3 going to be part of in New York City.

4 COUNCIL MEMBER CROWLEY: And although
5 New Yorkers who may work for a company that,
6 you know, or an employer that has fewer than
7 five working for them, they're not going to be
8 able to--they'll be protections that they
9 cannot just fired if they took a sick day even
10 if they're not going to get paid.

11 GALE BREWER: They will not--they
12 cannot be fired, and more importantly, I
13 believe that the fact of the matter is, you
14 know, people are competitive. Businesses have
15 to be competitive too. If you have a choice to
16 work for five more, a restaurant or a less than
17 five and you know that you have to be
18 competitive as a small organization, you might
19 want to offer to have more loyal employees.
20 Paid sick is voluntarily. I also want to thank
21 you for your support. You were a very early
22 supporter.

23 COUNCIL MEMBER CROWLEY: And I think
24 it's important that you pointed out earlier in
25 your testimony that money will be saved on

2 emergency care visits, you know. This will
3 allow more New Yorkers to take advantage of
4 preventative care.

5 GALE BREWER: Correct.

6 COUNCIL MEMBER CROWLEY: And at the
7 end of the day is going to save tax payers a
8 significant amount of money.

9 GALE BREWER: Absolutely, and
10 particularly at our Health of Hospital
11 Corporation.

12 COUNCIL MEMBER CROWLEY: Thank you.

13 GALE BREWER: Thank you.

14 CHAIRPERSON MILLER: Thank you so
15 much, Borough President. There are no more
16 questions for you. We're so glad that you
17 found the time to come out and be a part of
18 this hearing. Thank you.

19 GALE BREWER: Thank you very much.

20 COUNCIL MEMBER LANDER: Mr. Chairman,
21 no questions, but I do just--you know, we have
22 to give a shout out to Council Member Brewer
23 for her work on this bill and longstanding
24 efforts to bring it to where--

2 GALE BREWER: [interposing] Thank
3 you very much.

4 CHAIRPERSON MILLER: Next panel will
5 be--Jack's not here, so from the Queens
6 Chamber--from the Manhattan Chamber, Nancy
7 Ploeger, and from Partnership for New York,
8 Victor Wong, Go Biz, Rob Bookman, New York
9 Hospital Alliance--Hospitality Alliance, Zulema
10 Wiscovitch, forgive me if I butchered that one,
11 and the Executive Director of National
12 Supermarket Associations, Zulay Mateo. Do we
13 need some seats over there? [off mic]

14 NANCY PLOEGER: Good afternoon. My
15 name is Nancy Ploeger. I'm the President of
16 the Manhattan Chamber of Commerce, and I'm here
17 today on behalf of our five borough chambers
18 and also of our coalition which is made up of
19 34 different business organizations and we all
20 work together on various issues and other
21 things as well. Our position on the paid sick
22 leave from day one was that while expanding the
23 social safety net to include mandatory paid
24 time off as a worthy goal, we feel that a cost
25 sharing mechanism should be considered. Putting

2 the entire cost of paid leave solely on the
3 backs of the small business community adds
4 additional financial burdens to their already
5 over-taxed and over-fined small businesses.
6 However, this was not an alternative, the
7 proponents or the city council adopted when the
8 bill first came out. So, since the year 2010
9 the five borough chambers and our partners
10 representing the combined interest as I
11 mentioned of 34 business organization and
12 thousands of businesses, both large and small
13 from across New York City we negotiated a paid
14 sick leave bill in good faith. We all agreed
15 that the goals and objectives of the paid sick
16 leave were honorable and morally correct. We
17 concur that no individual should have to make a
18 choice between going to work sick or losing
19 their job or even being fearful of losing their
20 job. We understood that too many New Yorkers
21 could not afford to lose a days pay and being
22 forced to go to work ill was in no one's best
23 interest. However, we did have concerns over
24 the plan cost, implementation and actual effect
25 on our city's small businesses. Ultimately, the

2 path to a final version of the Paid Sick Leave
3 Act which was passed by the City Council last
4 year did not come easily. A large coalition of
5 business groups joined the five borough
6 chambers to discuss our concerns with the
7 bill's sponsor, Madam Borough President Gale
8 Brewer. I think she's no longer here. Also the
9 advocates including Make the Road and a Better
10 Balance and our locally elected Council
11 Members. More than two dozen provisions in the
12 bill were discussed and not in an effort to
13 weaken the legislation, but rather to make sure
14 it's purported goals were met and all
15 shareholders were treated fairly. The opinions
16 and views of all parties were addressed through
17 meetings, discussions, and line by line
18 comparisons of various draft bills. I'm going
19 to talk a little faster. Today we have a single
20 hearing on this important legislation without
21 having the opportunity to have timely meetings
22 or discussions on this new proposal. We
23 understand the Council plans to pass this in
24 just a few weeks, and we have been told that
25 there's no need for debate as this bill has

1
2 been debated for almost three years. It has
3 been said again and again that small businesses
4 are the gears that keep our city's economic
5 engine working. It is essential for New York
6 City workers, business owners and residents
7 that government and our small business
8 community work together on important issues
9 moving forward. We want to be part of the
10 agenda of this council and of the Mayor as
11 vital stakeholders at the table and we hope
12 that we continue to work with Council Members
13 in discussing and crafting any bills effecting
14 small businesses, the backbone of our economic
15 engine. There are always unintended
16 consequences to any legislation and you will
17 hear now from my colleagues about some of those
18 consequences this new paid sick leave bill
19 contains. We hope you give them serious
20 consideration. This is an important and
21 historic time for our city. The business
22 community looks forward to working with this
23 council, the Speaker, and the Mayor to make New
24 York City great for everyone and also being
25 able to be a part of a tale of one city. Thank

1
2 you for your time this morning and for hearing
3 our concerns with this new version of the bill
4 and our specific concern of the fact that you
5 want to roll this out in 48 days from today.
6 Thank you.

7 VICTOR WONG: Good afternoon and
8 happy Valentines Day. My name is Victor Wong,
9 and I'm the Director of Business Outreach at
10 the partnership for New York City. Today I am
11 speaking on behalf of a new network of small
12 business leaders known as GoBizNYC. GoBizNYC
13 already represents over 25,000 small businesses
14 across the five boroughs. That's more than one
15 in ten of our city's small businesses. Our
16 network includes Chambers of Commerce, local
17 development corporations, merchants
18 associations, business improvement districts,
19 and industry associations. Our mission is to
20 strengthen the voice of small immigrant and
21 minority owned businesses and to create and
22 environment where small businesses can create
23 more jobs and build our city's neighborhood
24 economies. Local law number 46 deliberately
25 exempted small businesses with fewer than 15

2 employees, recognizing that these employers
3 would face the biggest issues dealing with the
4 new set of expenses as well as government
5 regulations and oversight. The bill also
6 included a phase-in period for businesses with
7 15 to 19 employees, giving them an additional
8 18 months to comply. Intro number one expands,
9 covers to include businesses with as few as
10 five employees and eliminates the time to
11 prepare for implementation of the new law. It
12 would require full compliance from even small
13 employers by April 1st of this year. Although
14 businesses with 20 or more employees will have
15 had nearly a year to understand and prepare for
16 the new law, smaller employers will be
17 blindsided. Within a few weeks of the passage
18 of this bill, many small businesses will almost
19 certainly be in violation of the law and
20 susceptible to fines ranging from hundreds to
21 thousands of dollars. Failure to provide time
22 for outreach, education and compliance with
23 this legislation is setting up these small
24 businesses for penalties. We are confident that
25 this is not the intention of the Mayor, the

1 Council, or advocates of the legislation but it
2 is inevitable if the date of compliance remains
3 April 1st. Moreover, the Department of Consumer
4 Affairs has still not hired the staff that will
5 administer this program and no regulations or
6 educational materials have been prepared or
7 disseminated. The city needs to allocate
8 adequate time and resources to effectively
9 reach out to and educate small businesses
10 across the five boroughs and help them become
11 compliant with the law. Given that the city has
12 175,000 small businesses with fewer than 20
13 employees that nearly half of them are owned by
14 immigrants who do not necessarily speak
15 English, this is no small task. We urge the
16 council to provide at least until the end of
17 the year before businesses with fewer than 20
18 employees are expected to comply with this
19 legislation. In addition, we suggest adding a
20 provision for education and outreach to small
21 employers and their employees to ensure that
22 both groups are well informed about the law and
23 know how to report abuses. GoBizNYC and other
24 small business organizations are fully prepared
25

2 to help with this education and outreach and we
3 hope the legislation will provide the
4 opportunity and resources for this. We hope
5 this sick leave initiative will be a successful
6 partnership with employers and not simply
7 another costly imposition that makes it harder
8 to a responsible and profitable small business
9 in New York City. Thank you.

10 ZULAY MATEO-BURGOS: Good afternoon
11 everyone. My name is Zulay Matteo-Burgos. I am
12 the Executive Director of the Bodega
13 Association. Our organization is a local
14 development corporation that seeks to leave the
15 interest [phonetic] independent inner-city
16 entrepreneurs, government and non-for profit
17 sector entrepreneurship to promote job creation
18 and long turn sustainability, economic growth
19 in New York City. The Bodega Association target
20 is effort to the new to sustain small business
21 sector in the New York City place. The Bodega
22 Association has about 5,000 members and the
23 average size of the bodega employs between four
24 to seven employees. We are here today to
25 express our concern about the intro number one

2 involving the paid sick leave. Our members
3 organization, mostly small business with less
4 than 10 employees. This new legislation will
5 affect them directly. We understand that you
6 wish to enact this legislation April 1st, 2014
7 and set aside for the additional cost to
8 provide paid sick leave which we were itself
9 are now requiring the small business to get
10 ready in less than 50 days. Our organization,
11 one remembers, we were not part of the original
12 bill. So we were not doing the education and
13 outreach to our members. Our community is
14 between four to seven small business employees.
15 We cannot, and DCA knows that, educate more
16 than 1,700 store owners in the New York City
17 area in less than 50 days to let them know that
18 this bill is coming. We understand that we need
19 more time. We understand that we need at least
20 the same amount of time that the bigger
21 business receive in order to get our members
22 ready and we wish this Council understand that
23 and work with us in implementing, with
24 educating our members of importance of this
25 bill. We're not against the bill. We need

1
2 more time in order to prepare our members to
3 get this thing correctly. Thank you.

4 ROBERT BOOKMAN: Good morning. My
5 name is Robert Bookman. I am counsel to the New
6 York City Hospitality Alliance. That is the
7 trade association here in New York City that
8 represented our city's restaurants, bars, night
9 clubs and destination hotels from very large
10 spaces to small mom and pop operators. I want
11 to thank the very few members of the committee
12 who have chosen to actually stay here and
13 listen beyond the Administration, to hear what
14 the people actually have to say. Thank you for
15 actually being here. We too are very concerned
16 about the weak process as stated by Nancy and
17 the lack of phase in time for our small
18 businesses and bar owners as discussed by the
19 other two witnesses. In fact, as it's been
20 said, DCA is yet to even promulgate the rules
21 for the law that was passed last year or done
22 any out reach yet. I don't blame DCA. I
23 understand elections matter, and until a month
24 and a half ago they worked for Administration
25 that was opposed to this legislation. So I'm

2 not saying that they dropped the ball, I'm just
3 saying that the fact is nothing was done until
4 the election and we are 48 days away. There
5 are other concerns with these--but there are
6 other concerns with the amendments in this bill
7 as well. The change that allows consumer
8 affairs to initiate investigations on their own
9 accord or as we call it in the law, a fishing
10 expeditions, as opposed to responding to
11 complaints from workers as stated in the
12 original bill is a major change, and there was
13 no discussion with us prior to that change
14 being announced. This will add yet another
15 layer of government on an already over-burdened
16 small businesses replete with gotcha fines that
17 I know Councilwoman Chin is very concerned
18 about. So even when there are no problems or
19 complaints about a business, the employees are
20 happy the law is working well. That business
21 can still be investigated and fined for some
22 minor paperwork rule. That does not protect
23 sick workers. And by the way, I do feel that
24 given that we have no department of labor,
25 consumer affairs is the appropriate agency, you

2 know, in the City of New York to enforce it. So
3 it's not a prob--you know, I'm not complaining
4 about Consumer Affairs. Nor does the change
5 which quadruples the time a complaint can be
6 filed from nine months to three years protect
7 anyone. In fact, the nine months was a
8 negotiated number because we felt that if you
9 are sick and your employer does not allow you
10 take one of your earned sick days under this
11 law, you will know within days or a pay period
12 at most. We thought even that nine months was a
13 long time to allow a complaint to being even--
14 to be filed, but our industry has considerable
15 turnover of employees, which this law will not
16 change. It's the nature of restaurants and bars
17 and the employees that we get, and you know,
18 and always has been and always will be. Three
19 years means ex-employees long after they're
20 gone can force us to defend a complaint about
21 something which may or may not have happened a
22 long time ago. This is a un--this unintended
23 consequence will force businesses to settle
24 rather than ask for their day in court as it
25 will be cheaper than gathering old records or

1 tracking down direct supervisors that have also
2 long gone. We will have to defend with one arm
3 and leg tied behind our backs. This also does
4 not protect sick workers. Finally, the
5 provision that allows the Mayor to change the
6 enforcement agency without coming back to the
7 Council is asking the Council to write an
8 unprecedented blank check abrogating its
9 legislative authority. It's the Council's job
10 while working together with the Administration
11 to make the decision when new laws are passed
12 of which agency will enforce it. It would be an
13 institutional mistake for this council to do as
14 this amendment requires. I have been in and
15 outside of city government now for 33 years.
16 Yes, I was ten when I graduated law school. I
17 can't--I was asked by a Council Member
18 recently, can I think of any similar blank
19 checks being written where you pass a major new
20 law and left it up to the administration to
21 decide who was going to enforce it or to be
22 able to change who would enforce it in the
23 future. I can't think of one. Perhaps there is
24 one, but I can't think of one. For your own
25

1 institutional sake and I've been a friend of
2 this council and many Speakers and many Council
3 Members for a long time. You need to maintain
4 control over which agencies you decide are
5 going to enforce the laws that you pass. I just
6 wanted to add a couple quick comments. We do
7 not see any long term savings in the
8 hospitality industry, and many local
9 restaurants don't make it long term, as is also
10 well documented. It's a huge turnover of small
11 mom and pop restaurants that open and close. So
12 there are--so the short term cost here are real
13 costs, and even my dear friend, now Borough
14 President Gale Brewer, when she said that the
15 study shows that this cost businesses an
16 average of 23 cents per hour per employee.
17 When you multiply that out for the full-time
18 employee, 52 weeks a year, that comes out to a
19 little, around 500 dollars per employee. If
20 you're a small business, a small restaurant in
21 your neighborhood that have 10 employees
22 between the kitchen and the front, that's 5,000
23 dollars a year in real expense. We're not--our
24 hospitality industry is not an office industry,
25

1 where if a secretary is out you can just, you
2 know, let that work pile up to the next day.
3 It's a service industry. It's labor intensive.
4 If a dishwasher is out, we got to bring a
5 dishwasher in. If a line cook is out, we got to
6 bring a substitute line cook in. So that's 500
7 dollars per employee per year is real. Five
8 thousand dollars is a lot of money to a small
9 business that's just starting and struggling.
10 Just ask anyone in your neighborhood that just
11 opened up a store front. So, you know, we feel
12 that there definitely needs to be a lot more
13 time. We discussed this Council Member Chin
14 with other laws, you know, and that how do we
15 actually reach tens of thousands. In this
16 case, I understand it's a 175,000 small
17 businesses. The Hospitality Alliance has done
18 three seminars already, well attended. We're
19 willing to do more, but we've done it with
20 businesses that have 20 or more, which tend to,
21 by the way, have HR persons, human resource
22 persons. You're expanding this to businesses
23 that the HR person is the owner, and now you're
24 asking them to have not just do what we all
25

2 agree is worthy and give somebody a day paid
3 off, but all these rules and regulations
4 haven't even been adopted yet, and the
5 paperwork requirements and the record keeping
6 requirements, that they're not--they may not be
7 capable of doing it ever, but they certainly
8 not capable of doing it in a month and half
9 from now. So we urge you to, if you want to
10 expand who it's covered to now, there needs to
11 be implementation time for those people. Thank
12 you.

13 ZULEMA WISCOVITCH: Good afternoon.

14 Thank you for the opportunity to share our
15 position on one particular amendment of the
16 paid sick leave legislation. My name is Zulema
17 Wiscovitch. I am the Executive Director of the
18 National Supermarket Association, a non-profit
19 trade association that represents the interest
20 of independent supermarket owners. Most of our
21 members are Hispanic entrepreneurs. Many of
22 them in the late 70s opened supermarkets in
23 areas abandoned by the big chains. Our largest
24 footprint is in New York City with more than
25 200 stores in the boroughs of the Bronx,

1
2 Manhattan, Brooklyn and Queens. Most of our
3 members are already paying sick days to their
4 employees, but we're very concerned with this
5 legislation in large part because of the
6 enormous tracking on paperwork documenting
7 hours worked and sick time accumulated untaken
8 by each employee required to be in compliance.
9 Our members are predominantly small supermarket
10 operators without a large back office
11 infrastructure. With that said, we urge the
12 City Council to keep the time of filing a
13 complaint to 270 days, as stated on the
14 approved law. Three years will create an
15 unnecessary burden to the independent
16 supermarket operator who might not have the
17 infrastructure to keep record for such a long
18 time. This could create havoc for the stores.
19 Ask any disgruntled employee who filed a
20 complaint three years after an incident. Also,
21 we know what happens to retailer if a violation
22 is filed, but what happens to the employee that
23 files a bogus claim. In addition to the
24 administrative burdens, increased labor, and
25 operating costs, and the threats of exurbanite

2 fines and lawsuits, this legislation would fall
3 on the small businesses and they also afraid
4 the other new legislation like the Affordable
5 Care Act and the increase in state minimum
6 wage. The independent supermarket owners
7 confront many challenges confront many
8 challenges, including increased competition by
9 the big box stores, pharmacies and discount
10 stores just to name a few. These operators
11 want to continue providing healthy foods to
12 many underprivileged communities, but
13 legislations like paid sick leave could hinder
14 the ability of many supermarkets to survive in
15 this--with all these pressures. We urge the
16 City Council to reconsider the aforementioned
17 amendment as it will create a serious damaging
18 effect on small businesses in the city. In
19 closing, the National Supermarket Association
20 opposes the amendment to change the time of
21 filing a paid sick day complaint for three
22 years. Thank you for your time and
23 consideration.

24 CHAIRPERSON MILLER: Thanks everyone
25 for their testimony and there are a few

1
2 questions and I have a few myself, Council
3 Member Cornegy and Chin, those of us who
4 remain. Let me--I didn't--I don't think that
5 anyone was opposed on the panel to this
6 legislation, and I could be wrong in kind of
7 interpreting the testimony. I think each
8 individual said that they weren't opposed to
9 the bill, only opposed to details in specific
10 areas such as implementation time and the
11 amount of time that you have to file a
12 complaint and so forth. So I believe that
13 that's a good place to start, and now I'm a
14 negotiator, so I always believe there's room
15 for negotiation, but I do have a question as it
16 pertains to leave entitlement, and I know you
17 represent different industries throughout the
18 city of New York, but historically and in fact
19 as factually, do your industries, organizations
20 and the people that you represent provide
21 leave, paid leave entitlement of any kind to
22 your employees?

23 ROBERT BOOKMAN: I mean, for the
24 hospitality industry, some do, some don't quite
25 frankly. The larger restaurants, the

1 destination hotels, they do because they can
2 afford it. They generally provide some sort of
3 paid time off. They may not have called it
4 before this law paid sick leave, but people
5 were given, you know, certain number of days
6 off they could use for any purpose that they
7 wanted. Our position from day one was the
8 people who could least afford it were the small
9 mom and pops and that's why they don't do it.
10 You know, the local businesses in your
11 neighborhood, they're good people. If they're
12 not doing it it's not because they're evil.
13 It's because they couldn't afford it. So, I
14 think you've taken our lack of criticizing the
15 entire bill incorrectly. I think our position,
16 if I'm not mistaken, is that we worked long and
17 hard on a compromise with this institution. We
18 think that has to matter for something, and we
19 think that law should go into effect and see
20 what the implications are and the impact of it
21 is before you expand it. We just understand the
22 political reality that we've read in the
23 newspapers and we had to read in the newspapers
24 because we weren't included in discussions
25

2 about it, that you're going to pass this. So
3 we're trying to at least get you to focus on
4 some of the unintended consequences on some of
5 the aspects of the bill which don't related to
6 simply increasing the number of employees that
7 are going to be covered.

8 CHAIRPERSON MILLER: Does anybody
9 else offer any form of paid leave in any of the
10 other folks up there that represents employees
11 with whatever amount of employees there?

12 NANCY PLOEGER: I think that I can
13 speak for our chambers. My colleague who is
14 here from the Staten Island Chamber, that the
15 majority of our members do offer some form of
16 paid sick leave, but that again, to Rob's point
17 is because they can afford it. Our smaller
18 members do not because they simply cannot
19 afford it, and so this is why we fought so long
20 and hard to make sure that those very small
21 businesses were being effected would not be
22 forced to do this.

23 CHAIRPERSON MILLER: With all due
24 respect, my question was do you offer any paid
25 leave provisions at all, not sick leave? The

2 bill says that if you offer paid leave and if
3 you can use it in the same way as applied, if
4 it's applied in the same way, doesn't have to
5 be sick leave. If you already offer five
6 vacation days, PTO days, whatever you call it,
7 you can then use it in another way. So my
8 question is, who offers these days?

9 ZULEMA WISCOVITCH: In the
10 supermarket, most of our members also offer
11 either sick days or vacation days.

12 CHAIRPERSON MILLER: So there is an
13 opportunity to kind of adjust it so that it is
14 applicable to this provision of the law?

15 NANCY PLOEGER: Yes, for the ones
16 that are already offering some type of paid
17 leave, correct.

18 CHAIRPERSON MILLER: Council Member
19 Cornegy?

20 COUNCIL MEMBER CORNEGY: Good
21 afternoon. So, let me be clear, there is some
22 misconception as to whether or not you are
23 opposed to the roll out and time frames
24 prescribed or if actually there are parts of
25 the law that you do not agree with or if you

1
2 can just do me a favor and give me two
3 instances where this is negative on small
4 business, the law.

5 LINDA BARAN: I can give you--one
6 second. I have a business this morning just
7 wrote something up for me.

8 CHAIRPERSON MILLER: Excuse me. Could
9 you identify yourself?

10 LINDA BARAN: Sorry. My name is Linda
11 Baran. I'm the President of the Staten Island
12 Chamber of Commerce. Okay. Okay. Relax on
13 Cloud Nine Inc. has 14 employees, well
14 including myself, the majority of which are
15 professional licensed therapists working a four
16 day week by choice. My average employee took 21
17 unpaid days off for personal reasons in 2013.
18 There is clearly no fear of retribution for
19 taking days off within my business model. When
20 a professional in my business takes off we call
21 their clients and reschedule for their
22 therapists next available day. Our clients are
23 not interested in seeing just any therapist
24 employee. They want their therapist leading the
25 business and the professional employee both

1 taking a loss of income. Sorry, I'm having a
2 hard time seeing. The cost to the business is
3 approximately 425 dollars per day a therapist
4 does not come in. The therapist employee has
5 the opportunity to see those same clients on a
6 different day. They have the opportunity that--
7 I'm sorry. The therapist employee has the
8 opportunity to see those same clients on a
9 different day that they have the opportunity to
10 add a day and to see the client privately. My
11 ability to hire and pay employees a good wage
12 is in jeopardy when the additional expense of
13 paid time off is forced into an already
14 struggling high labor intensive business.
15 Considering my current staff, the payroll cost
16 would be over 10,000 dollars annually and the
17 loss of sales just around 20,000 dollars
18 annually. We are operating at a 1.2 percent
19 profit margin. It is very disappointing that
20 business owners are continually asked to give
21 feedback on the impact that would have on their
22 business and yet it continues to be asked again
23 and again. I have testified twice before the
24 Council, been quoted numerous times in local
25

1
 2 newspapers and yet no Council Member has
 3 introduced a bill that protects my ability to
 4 hire and pay professional employees well. I
 5 don't believe the Council is hearing the
 6 challenges every business owner faces every day
 7 in starting, maintaining and growing a
 8 business. When my business grows, my staff
 9 benefits. When my business is hit with
 10 increased taxes, fees, and mandates my hands
 11 are tied and our growth is stifled, affecting
 12 all they want. I am throwing a council curve
 13 ball in the form of a legal mandate making it
 14 difficult for me not only to hire new people
 15 but increase wages of current employees. I wish
 16 the council would look for incentives to help
 17 grow businesses instead of mandates that hinder
 18 the growth. I'm sorry, I'm having a hard time
 19 seeing this.

20 ROBERT BOOKMAN: I can't believe you
 21 did that all in one breath.

22 CHAIRPERSON MILLER: Council Member,
 23 just give me one--could add, I just want to
 24 take a privilege because you didn't answer when
 25

1
2 we asked. Do you offer any paid leave
3 provisions for your employees?

4 LINDA BARAN: Yes, I'm the head of
5 the Staten Island Chamber of Commerce and a
6 good portion of our employees have paid time
7 off. So yes, they do have whether it's vacation
8 days, sick days, etcetera, but the other piece
9 of that is they offer a certain number of those
10 days. So if you're going to change vacation
11 days or paid time off to go to the doctor to a
12 sick day or just to go to a wedding or
13 something like that, the employee is going to
14 suffer because they're not going to have the
15 same number of days. They're going to be able--
16 they're going to have to give something up to
17 get those paid sick days.

18 CHAIRPERSON MILLER: So, but if they
19 were able to utilize those days in another way
20 to care for themselves or a sick family member,
21 that would not--it would not be incurring an
22 additional coast because those days would
23 already be paid out anyway, correct?

24 LINDA BARAN: Correct, correct.
25

2 COUNCIL MEMBER CORNEGY: And, I was
3 going to say, that's a very specialized field
4 that I could see.

5 LINDA BARAN: Right.

6 COUNCIL MEMBER CORNEGY: Somebody
7 else could give me another example.

8 UNKNOWN: Yeah, I mean--

9 COUNCIL MEMBER CORNEGY: But I
10 appreciated that example, but I could see--

11 LINDA BARAN: [interposing] And I'm
12 sorry.

13 COUNCIL MEMBER CORNEGY: That's
14 extremely specialized.

15 LINDA BARAN: Yeah, and she just
16 wrote something up this morning that we
17 included in that testimony. I don't know if you
18 saw it about what she went through with the
19 snow days and somebody calling in sick today,
20 that's very specific, too.

21 ROBERT BOOKMAN: And answer to your
22 question about the confusion, I think the
23 answer is all of the above. We're opposed to
24 the roll out. We are--we're opposed to an
25 expansion before the existing bill goes into

1 effect and we see what the impact is, but as we
2 say, as we argue in the law we also argue in
3 the, you know, in the alterative. Make a first
4 argument, we're opposed to it completely. We
5 think the new law should go--the old law should
6 go into effect. We think you guys would study
7 it, have real data, see how it impacted if any.
8 Did it really hurt employment or not, etcetera,
9 and then talk about expanding it, but in the
10 alternative, if you're not going to do that,
11 then we are opposed to the roll out time frame
12 and these other specific provisions that I
13 talked about in my testimony, the increase in
14 the, you know, in the statute of limitations,
15 the allowance of Consumer Affairs initiating
16 investigations on their own, you know, giving
17 the power to the Mayor to switch agencies.

18
19 COUNCIL MEMBER CORNEGY: Did you
20 turn in a copy of your testimony?

21 ROBERT BOOKMAN: I did, sir.

22 COUNCIL MEMBER CORNEGY: Okay.

23 NANCY PLOEGER: We do have some
24 businesses that have actually calculated the
25

1
2 cost and I'd be happy to provide that written
3 to you.

4 ROBERT BOOKMAN: Yeah, obviously,
5 it's labor intensive industries like
6 restaurants, like service industries, you know,
7 beauty parlors, all of those types that are
8 labor intensive that for the most part they
9 either--if they lose the person they lose all
10 the client that would have come in that day or
11 like in the restaurant situation, you can't not
12 have a dishwasher or the Health Department will
13 probably--that'll be the day they come in that
14 you're keeping the dishes piled up. So it is
15 true--it is true real cost. Now, there may in
16 fact be societal savings. That may be true.
17 You know, I'm not an expert at that, but it's--
18 that doesn't help the business owner, the small
19 business owner that's struggling to keep open,
20 that a hospital may be saving money on less,
21 you know, less people going to the emergency
22 room that's not going to--not helped the new
23 restaurant that's opened in New York's district
24 and is struggling.

2 COUNCIL MEMBER CORNEGY: I think the
3 prior panel gave us a number of 44,000 that
4 this was effecting. Is there another number?

5 VICTOR WONG: The mentioned 44,000
6 for businesses with above 20 employees, but in
7 total there are 175,000 businesses with fewer
8 than 20 employees. The exact break down, I'm
9 not--between five and 19 I'm not completely
10 sure about, but it's still a very significant
11 expansion.

12 ROBERT BOOKMAN: We're talking about
13 175,000 additional businesses that are going to
14 be covered that didn't know they were going to
15 be part of this law. I mean, just look at the
16 numbers, 100--I mean we have more businesses
17 being covered than there are employees being
18 covered in some of these other cities that they
19 point to.

20 ZULAY MATEO-BURGOS: And also, just
21 want to add that DCA said that they're going to
22 start rolling out this education and
23 propaganda, but today's February 14th. April
24 is around the corner. They're not going to have
25 enough time to educate all those business

1
2 owners, especially the one that have just been
3 added to this new implementation. There's not
4 enough time to get that kind of information to
5 them in order for them to be able to comply
6 with this law.

7 COUNCIL MEMBER CORNEGY: Were you
8 here to hear the detailed way that they plan on
9 rolling out and how they plan on doing the
10 outreach, and I guess I have to ask, do you
11 believe, taking out the time frame, that the
12 methodology for rolling it out, the outreach is
13 going to be--is sufficient for your industry
14 which is the Bodega Industry?

15 ZULAY MATEO-BURGOS: I think for my
16 industry it's not sufficient. We are not live
17 chat. Our industry, our bodegas, bodega owners
18 are not going to be in the internet looking for
19 that kind of information. For us, it's pretty
20 much a door to door. We have to go outside the
21 community, reach those mom and pop shops,
22 because a person that comes in, us having a
23 business owner that might work 12-hour shift
24 and I have an employee that works another, you
25 know, eight hours, seven hour shift, they're

2 not going to have time to go on line and ask
3 some questions like that. But they do get
4 interaction when someone goes inside their
5 business and explain to them what changes are
6 coming. So yes, that's great for those business
7 that are large that have that kind of man power
8 to go online and give that kind of information,
9 but our store owners, that I run with their
10 wife, their son, their nephew, you know, their
11 father that works in the store don't have that
12 kind of information. They're not going to get
13 that kind of information. It is important to go
14 door to door.

15 COUNCIL MEMBER CORNEGY: So, let me
16 just ask this, Chair, thank you for indulging
17 me, so you clearly at this panel represent
18 thousands through your associations of
19 businesses. Have you as directors of
20 organizations that represent businesses been
21 outreached for this roll out?

22 ROBERT BOOKMAN: No.

23 COUNCIL MEMBER CORNEGY: With 48 days
24 left, you're telling me that no one--Mr. Wong,
25

1
2 how many people do you--how many businesses did
3 you say you represented?

4 VICTOR WONG: Through all the
5 organizations that we work with, over 25,000.

6 COUNCIL MEMBER CORNEGY: And no one's
7 reached out--you haven't been reached out to?

8 VICTOR WONG: Not about this
9 implementation.

10 ROBERT BOOKMAN: We have--listen,
11 let's be honest with each other, you know what
12 I mean. We understand elections, an election
13 happened and elections have consequences, but
14 let's really be honest with each other, prior
15 administration was opposed to this bill. They
16 didn't do anything, they didn't instruct, you
17 know, the agency or, you know, or the agencies
18 to get aggressive and start reaching out. San
19 Francisco, which has a Department of Labor, you
20 hear what Gayle said, they worked for a year
21 with businesses much fewer than we're talking
22 about here, a few thousand businesses, to make
23 sure this implementation went off without a
24 hitch. We're 48 days away. You have two of the
25 finest public servants that I've ever had the

2 privilege of working with here from Consumer
 3 Affairs, Marla Tepper and Alba Pico. But you
 4 know, two of them aren't going be able to do
 5 this on their own for a couple hundred thousand
 6 businesses in the next 30 days. I mean, we now
 7 have an Administration and a Council that's
 8 behind this bill; we get it. I don't think
 9 there's been anywhere nearly enough done for
 10 the businesses that were covered, the 20 or
 11 more, but at least we've done some reach out,
 12 outreach to those businesses. We've conducted
 13 seminars. We've had hundreds of business
 14 owners come to those seminars, but their reach
 15 is a point even those discussions about when ar
 16 the rules coming out so we know exactly what
 17 kind of paperwork we re--you know, and how
 18 we're supposed to keep it and how we're going
 19 to get fined, and those haven't even started
 20 yet. So I don't even think we're good enough,
 21 we're close enough for the roll out for the 20
 22 over.

23 VICTOR WONG: And also something we
 24 learned the other day, DCA is creating an
 25 earned sick leave division and they posted the

1
2 17 job postings on January 31st. So, there
3 isn't staff to do this yet.

4 NANCY PLOEGER: I can also say from
5 the Chamber perspective, and my colleague will
6 concur, that we have not even had any outreach
7 about the roll out of the 20 that's supposed to
8 start on April 1st, not one email, not one
9 phone call, nothing.

10 CHAIRPERSON MILLER: So, as the
11 advocates for these organizations, these
12 employers, my initial question was, were you
13 doing any workshops or some form of advocacy
14 around this on your own because I would assume
15 that as an advocate that you have
16 responsibility and service to those who employ
17 you in whatever way to kind of stay ahead of
18 the curve in this manner. I am a former
19 president of the union. I would never wait for
20 the city or someone else to decide how this
21 thing is going to happen and not kind of allow
22 us to be a victim of those unintended
23 consequences that we want to kind of shape that
24 so we would forge those type of conversations
25 and so I think what I'm saying to a certain

1
2 degree that you do have the Small Business
3 Chair and the Labor Chair here in this room and
4 that we are available moving forward, but there
5 is also responsibility on everybody's par to
6 kind of just not sit back and wait and have
7 that built in excuse that this didn't happen.

8 LINDA BARAN: Can I? I just want to
9 respond to that. My organization, I have five
10 full time people and two part time people on my
11 staff and we, the Chamber of Commerce, does a
12 lot of outreach and a lot of various different
13 issues. This past year, we have been socked
14 with Sandy like you can't imagine, the amount
15 of resources are stretched so, so thin. We have
16 managed to get information out about the bill
17 that was passed and tell people look forward to
18 it and point out certain things in that bill,
19 but we don't even have, you know, and specific
20 rules or regulations that we could share at
21 this point, and so I'm--and we would have done
22 that, but when you have an organization, yes,
23 we represent, you know, about 700 businesses on
24 Staten Island, 20,000 employees, but it's
25 really difficult when, you know, we're not

1 funded through the city for these types of
2 things either, to hire somebody on a staff to
3 do that outreach. We work, we work with the
4 NBAT [phonetic] team, we worked with the
5 Department of Small Business Services on all of
6 the different outreaches on all of the various
7 initiatives, but on this initiative we haven't
8 gotten one iota of anything to share.

10 ROBERT BOOKMAN: We have, at the
11 Hospitality Alliance, run three well attended
12 seminars already and I think we have another
13 one next week. We'd love either one of you, I
14 think, to come. So I mean, business owners are
15 thirsty for information. We've given them the
16 best that we can. You know, but I say, you
17 know, when there are no rules having been
18 promulgated, there is only so far you can go
19 with those educat--with that education, because
20 as you know, the rules of the fine tuning of
21 how you comply. So yes, we--you're quite right.
22 We have not waited. We've been proactive, but
23 we can only go so far.

24 ZULEMA WISOVITCH: And also, the
25 information is not going to improve the

2 limitations they have structurally, like most
3 our members don't have a human resources
4 department to keep track, you know, with such
5 certainty of all the sick days and all the
6 vacations and all the requirements that we
7 don't even know because we don't have the
8 details. So, you know, that's where we are at
9 right now.

10 CHAIRPERSON MILLER: But you know,
11 listen, we all try to enjoy some quality of
12 life and I think those workers deserve the same
13 thing and if we're saying that we can't keep
14 track on whether or not they had used five
15 days, that there has to be some type of
16 standard universally, and that goes for any
17 business, public or private sector that they
18 deserve that much and that's--I'm just saying,
19 moving forward and there should be provisions
20 that we will include to make sure that business
21 had the resource in order to facilitate this.
22 It shouldn't be all on business, but there's a
23 responsibility to workers as well. Council
24 Member Chin?

2 COUNCIL MEMBER CHIN: Alright. I

3 just, I mean, we hear you, and you know, a lot
4 of the same arguments from before, but we're
5 trying to do is at, I mean, with the Department
6 of Consumer Affairs, you know, getting the
7 information translated in different languages
8 and to have the forms are going to help
9 employer track the paid sick time and to be
10 sent to every single businesses, so they know
11 that they could post it up. They know what the
12 law is. I mean, I think the city is willing to
13 work together with all the small businesses and
14 you guys represent the Association and we look
15 forward to working with you on this. One of
16 the provision that you are concerned about,
17 about the three year, isn't it true that
18 Federal law already mandate that businesses
19 have to keep records for three years for audit?
20 So it's not like an extra burden that we're
21 asking because businesses should have to keep
22 employment records for at least three years to
23 comply with Federal law. So this provision
24 really just go together with what's the
25 standard of the Federal law is.

2 ROBERT BOOKMAN: I'm not a labor law
3 expert, but I know that there is no Federal
4 paid sick leave law, so there are no--there is
5 no requirement that exists until April 1st to
6 maintain any of these records for any period of
7 time because there is no such thing, you know,
8 and the accrual, you know, process here is
9 complicated for small business owners. It's not
10 just, okay, employee A, you got five days this
11 year, we're going to count them. How you x
12 number of hours for x number of hours a week.
13 It's not a--you know, it's not a simple matter,
14 and you know, it's not so much the record
15 keeping requirement, you know, two years to
16 three years or that it is--that it is an issue.
17 It's the expansion of from nine months to three
18 years of filing ancient complaints, that's our
19 main, you know, my main concern there.

20 COUNCIL MEMBER CHIN: One last point,
21 Chair, I think that when you raise the issue
22 about the inspection, I mean, what do you think
23 about--I think part of the idea of the
24 inspection to make sure people know what the
25 law is and how it's going to be implemented. So

2 instead of having a fine, but what about
3 letting the businesses--just an idea, letting
4 the business know that they're coming to do an
5 inspection to make sure that they are
6 implementing the law?

7 ROBERT BOOKMAN: I see these
8 inspections as not onsite inspections like with
9 the Health Department. For the most part, this
10 is paper work inspections that Consumer Affairs
11 will be doing. So, with the exception of
12 certain signs, I guess, which may have to be
13 posted under this law, there's not much for
14 them to do at the business. So this is going to
15 be more of if you expand the power for them to
16 initiate their own ins--own investigations,
17 they'll be issuing you an administrative
18 subpoena or some other document to come to
19 their offices with a bunch of books and
20 records, you know, copies of every employee
21 notice, copies of all this paperwork, copies of
22 that--

23 COUNCIL MEMBER CHIN: [interposing] I
24 think that part, I mean, from what the DCA was
25 testifying earlier, that is if an employee

1
2 filed a complete. I mean, they do the
3 mediation.

4 ROBERT BOOKMAN: That's--

5 COUNCIL MEMBER CHIN: [interposing]

6 So it's not like they come to your site and
7 they're going to, you know, ask you for all
8 these records and stuff, but it's pretty much
9 what they already do, like making sure signs
10 are up, that people know that there is a law
11 that they have to abide to.

12 ROBERT BOOKMAN: That's what the
13 original law says, and we--and we're--and we
14 supported that. That's not what your amended
15 law says. Your amended law says they on their
16 own can issue a subpoena to let's say every
17 beauty parlor in the city of New York. It's
18 your turn. We want you come in with three
19 years' worth of books and records, even though
20 there's been no complaints concerning that
21 particular business, but we see you don't have
22 your license number on, you know, on the
23 disclosure or its not dated properly.

24 COUNCIL MEMBER CHIN: Yeah, I think
25 we can look at that--

2 ROBERT BOOKMAN: [interposing] That's
3 a count, that's a violation.

4 COUNCIL MEMBER CHIN: That was, you
5 know, I think that we can look at that again.

6 ROBERT BOOKMAN: Please do.

7 COUNCIL MEMBER CHIN: But the main
8 purpose is to really, in terms of complaint
9 driven and making sure that--

10 ROBERT BOOKMAN: [interposing] And
11 we agree with that completely, Councilwoman,
12 and that's where it should stay.

13 COUNCIL MEMBER CHIN: Okay, thank
14 you.

15 CHAIRPERSON MILLER: Thank you so
16 much for the panel for coming out.

17 ROBERT BOOKMAN: Thank you, so very
18 much.

19 CHAIRPERSON MILLER: We really
20 appreciate you coming out and really expressing
21 the point of view that needs to be heard.

22 ROBERT BOOKMAN: And it's a pleasure
23 testifying before you for the first time. I'm
24 sure we'll see you plenty over the years to
25 come.

2 CHAIRPERSON MILLER: Absolutely.

3 Thank you so much. Next panel: Caesar Ortiz
4 [phonetic], small business owner, Eva Obarn
5 [phonetic], Raphael Navarro [phonetic], Sheri
6 Laywa [phonetic]. Good afternoon. Thank you
7 guys for coming out and being a part of this
8 important panel today. So you guys can begin
9 with whoever you decide. This is a democracy,
10 so.

11 CAESAR ORTIZ: Buenos tardes.

12 [speaking Spanish] Good afternoon. My name is
13 Caesar Ortiz. I am the owner of Crystal
14 [phonetic] Discount in Bushwick Brooklyn.
15 [Speaking Spanish] I'm a member of Make the
16 Road New York and the Small Business United
17 Project. [speaking Spanish] To begin, I'd like
18 to thank Mayor de Blasio, City Council Speaker
19 Mark-Viverito, Chair Miller, and all the
20 members of City Council who are supporting paid
21 sick days. [speaking Spanish] I'm happy to
22 support paid sick days. I have five employees
23 and I believe that it's crucial for them to
24 have paid sick time. [speaking Spanish] In my
25 six years as a small business owner, what I

1
2 have learned is that my business is only strong
3 as my employees are dedicated. [speaking
4 Spanish] If my workers are sick or their
5 children are sick-- [speaking Spanish] how
6 would it be possible that they could offer the
7 quality services that my customers need.

8 [speaking Spanish] The success that I've had
9 in my business is through the hard work of my
10 workers. [speaking Spanish] When I came to the
11 United States I worked as a carpenter for 12
12 years. I know what it means to work hard and
13 without rest. [speaking Spanish] And I know
14 that my employees will have a better quality of
15 life and work when they have a boss who
16 respects their rights. [speaking Spanish] Also,
17 I live and work in a working class
18 neighborhood. [speaking Spanish] I understand
19 that my customers are workers as well and I
20 want to ensure their job security. [speaking
21 Spanish] When they are secure in their jobs,
22 they can spend more money in my business and in
23 the community. [speaking Spanish] Paid sick
24 days will strengthen my business and my
25 customer base. [speaking Spanish] I thank you

2 to all who are supporting small business like
3 me.

4 CHAIRPERSON MILLER: Allow everyone
5 if they have a testimony to read to do that and
6 then we'll kind of question that panel
7 together.

8 EVA OBARN: I'm a member of
9 Recollection Project and my name is Eva Obarn
10 [phonetic] and I have worked at a small retail
11 store in Grand Central Terminal for the past 10
12 years. I am here to testify on how important
13 paid sick days are for retail and shift
14 workers. I would also like to comment on the
15 city's leadership on supporting and attention
16 on paid sick leave. My store currently
17 employees six workers and we cannot afford to
18 take the time to care for our health because we
19 have no paid sick leave. Whenever I have told
20 my employers I'm sick they instructed me to
21 come in to work anyway. I don't have a choice.
22 Last Thanksgiving I was so ill I actually
23 couldn't make the turkey and ended up having no
24 holiday dinner. I actually spent the whole week
25 leading up to it working sick and the day

1 before Thanksgiving I couldn't speak, my voice
2 as lost in my sickness, and first time in the
3 ten years I had to go home two hours early from
4 my shift. I was still expected to go in and
5 work on Thanksgiving, which I couldn't do, so I
6 missed out on the day work plus the two hours
7 the day before and spent the following two days
8 which happened to be my day off also in bed.
9 Went back to work on Sunday, worked for the
10 following week and ended up with another
11 illness which I'm still coping with leading up
12 to it. Maybe if I would have sick leave I could
13 have nipped it in the bud at the beginning, but
14 that didn't happen. Since my many--many of the
15 retail companies as we know, their schedule
16 work is unpredictable and unfair schedules
17 already being sick or not, and we earn low
18 wages, and our workers and families suffer when
19 we go to work sick or if we lose our wages due
20 to illness. If we had paid sick leave we could
21 prevent these prolonged illness which I'm
22 presently coping with. Finally, I would like
23 to emphasize how important it is for the law to
24 enforce that shift workers get paid sick leave
25

1
2 instead of enabling employers to pressure us to
3 make up the missed time by working an
4 additional shift that week. Workers are
5 struggling as it is and cannot afford their
6 already small income to be reduced by unpaid
7 sick time. I would like to thank the Mayor, the
8 Council Speakers, and all those who support
9 paid sick leave for business at least with five
10 workers. It means a lot to us. Thank you.

11 TERESA: Good afternoon. My name is
12 Teresa, I'm with Make the Road New York. I'm
13 going to be speaking on behalf a member who had
14 to go to work. I'm going to tell his
15 testimony. "Good afternoon. My name is Raphael
16 Navarro, and I'm a member of the Workers in
17 Action Project of Make the Road New York in
18 Bushwick Brooklyn. I have been living in New
19 York for 14 years with my wife and three kids.
20 I have worked with multiple construction
21 companies since arriving here in New York and I
22 have never received paid sick days. Normally,
23 these are smaller construction firms and the
24 work is very hard. I have worked 12 to 15 hours
25 per day without the right to a break and with

1
2 the constant pressure from our bosses to get
3 the work done. Construction work is a labor
4 intensive and very difficult especially when
5 one is sick. I have to work while sick in dusty
6 storms without proper protective gear. Whenever
7 I ask my boss for permission to take the rest
8 of the day off because I was sick, he would
9 tell me to take a pill and my pain would go
10 away. Whenever I was too sick to make it to
11 work and miss one or two days, I would have to
12 forfeit my pay. Many workers including myself
13 did not have a choice, so we would often go
14 sick in because we could not afford to lose a
15 days' pay. One time when I was sick with the
16 flu for one week. I had advised my boss that I
17 would need to be out of work, but when I
18 returned to my workplace, my boss ran me out of
19 my job. That type of retaliation is very common
20 in this industry. For the reasons workers like
21 myself need the right to take paid sick days.
22 Paid sick days are necessary for all workers
23 and it is not a luxury. In my industry for
24 construction workers who normally work with
25 smaller firms, the new expansion of paid sick

1 days which covers businesses with at least five
2 employees is critical. While this is a good
3 bill, I want to be sure that it's implemented
4 once it goes to effect. I also want to
5 recommend something that is not part of the
6 current bill, that a worker can take his or her
7 case directly to the courts if necessary. At
8 Make the Road New York we have seen that some
9 government agencies that are supposed to be
10 there to protect workers do not have adequate
11 resources to respond to all cases. For that
12 reason, it would be good for workers to have
13 the option to take their case directly to the
14 courts if necessary. For these reasons, I ask
15 you to support the expansion of paid sick days
16 and work hard to make sure that there is a
17 strong implementation of this law. I also want
18 to thank the Speaker Melissa Mark-Viverito,
19 Councilwoman Margaret Chin, members of the
20 Labor Committee and the entire City Council who
21 have supported this effort. Thank you.

22
23 SHERRY LEIWANT: Thank you to all
24 the workers who I think have demonstrated why
25 we really need this law. My name is Sherry

1
2 Leiwant and I'm Co-President of A Better
3 Balance, which is a legal advocacy organization
4 that has written paid sick days laws around the
5 country, and worked on the law here in New
6 York. I've also been--ABB has also been part of
7 a coalition that has--that worked for four
8 years to get this bill passed and part of the
9 negotiating team that negotiated the bill that
10 was passed last May, and I want to thank all
11 the members of the City Council of this
12 Committee, the speaker, Council Member Chin for
13 their support and the Administration for
14 putting forward these amendments which I think
15 will greatly strengthen the bill, and just want
16 to remind everyone as many speakers have said
17 that this would not have--this bill would not
18 have happened without the leadership of Gayle
19 Brewer, and the work of many of our coalition
20 members. The bill we negotiated last year, I
21 think was a good bill. It covered a large
22 percentage of those who lacked paid sick days,
23 which almost a million New Yorkers, but it also
24 left a lot of New Yorkers out with large carve-
25 outs based on business size and the exclusion

1 of manufacturing workers. So we applaud these
2 changes that the administration has proposed
3 and this Committee seems supportive of, because
4 all workers, as we've heard, need paid sick
5 time to deal with their own illness and to take
6 care of their family members and their
7 children. I want to point out that no other
8 municipal paid sick days bill had a carve-out
9 based on business size that was as large as the
10 one that was passed last year, and also no
11 other municipal bill carved out manufacturing
12 workers. So this change will just bring us into
13 line with other bills and I also just want to
14 correct for the record, this will not be the
15 most progressive bill in the country. San
16 Francisco allows nine days of paid sick time
17 and has no carve-outs, and actually the
18 majority of bills have no carve-outs, not just
19 under five, but none, cover every--universal.
20 So I just want to make that point, and that
21 does make for a simpler bill, but I understand
22 that these amendments are what are on the table
23 and we do applaud this expansion. We also
24 applaud the expansion of the bill to include
25

1 care of grandparents and grandchildren as well
2 siblings recognizing the reality of family care
3 in New York City. So we couldn't be more
4 delighted about these amendments, but we--there
5 are two things that we did want to talk about
6 today, and one of them is the issue of
7 enforcement and a private right of action.

8 We're pleased to see that the designated
9 agency, the Department of Consumer Affairs will
10 have great enforcement powers and there's so
11 many behind that. And we believe they will
12 effectively do their best to enforce this law,
13 but there's so much to do. They have to issue
14 regulations. They have to outreach and we heard
15 all about how important that is. They have to
16 do education and process complaints. We really
17 feel that a private right of action, the
18 ability to access the courts is essential as a
19 back-up, as a fail safe, as something that
20 workers can use if there is a problem with
21 their complaints being processed in the agency.
22 And I want to also point out that every other
23 paid sick days law in municipalities except for
24 Seattle has a private right of action, because
25

1 cities have recognized that that's a very, very
2 important way for people to be able to enforce
3 their rights under these laws. So we really
4 urge you to consider, seriously consider
5 including a private right of action and the
6 right to go to court in this legislation. It
7 was always in the legislation. It was in every
8 version of the legislation. We negotiated it
9 out last year to get it down to 15. Now
10 everyone seems to be in favor of expanding this
11 further. Let's put back--let's restore the
12 right to go to court. It's a very important way
13 to help enforce this law. And just, I know I'm
14 over time, but I just want to also mention the
15 provision in the law that provides that shift
16 workers who work additional hours in a week
17 when they call in sick will not receive paid
18 sick time, and this was just alluded to in the
19 retail industry where that's a problem. It may
20 seem like it's fair for workers who have full
21 time work or worked the number of hours in a
22 week that they want and always get those hours,
23 but in industries which is the restaurant
24 industry, the retail industry and many other
25

2 where there is shift workers, people are
3 underemployed and they desperately need the
4 extra hours and will be pressured to take them
5 under the threat that they won't get anymore
6 hours of work. So I really would love it if the
7 council would consider deleting the so called
8 "shift swap" option which is in the law, but is
9 not in any of the other laws except for
10 Seattle, again. Finally, I just want to
11 emphasize that we look forward to this bill
12 going into effect on April 1st, and we really
13 feel strongly that that date must be honored.
14 There's a waiting period after April 1st, 120
15 days before anyone can use the paid sick time,
16 so there's kind of a four month grace period
17 even after that. So there is time here, and we
18 want to help. We also have been--we've been
19 fielding a lot of calls from employers and from
20 workers because our organization's associated
21 with this law and we're really very anxious to
22 help the Department of Consumer Affairs
23 implement the law. I think that's true of a lot
24 of the people in this room, but we run a clinic
25 and we also get a lot of calls from people who

1
2 are--have been fired, are losing pay because of
3 sick time. We can't do anything for them and
4 we really want to hasten the day when that's
5 going to happen. So please, please stick with
6 the April 1st effective date on this law. There
7 are appended to my testimony, there are charts
8 on what other jurisdictions are doing. What
9 we're asking for is really consistent with it
10 and what you're doing in terms of the expansion
11 is also consistent with other law around the
12 country. So thank you for the opportunity to
13 testify.

14 CHAIRPERSON MILLER: Thank you. Now
15 that I got you there, are there--all this
16 information that you have and you've indicated
17 that you've been part not necessarily drafting
18 but the infrastructure of the past legislation,
19 the bill that was passed last year, have you
20 been able to or as more importantly, have you
21 been asked to share this information outside of
22 your specific advocacy group? IN other words,
23 have groups kind of on the other side reached
24 out to you about this information or do you
25 know of any of this your information being

1
2 passed onto workshops or whatever for those who
3 may not have a full understanding or those who
4 may be opposing the legislation?

5 SHERRY LEIWANT: Yeah, when we--we
6 have, as I say, we have a help line. We have a
7 clinic help line and we've been--a lot of
8 individual employers have been calling, a lot
9 of individual employers have been calling it.
10 So we've been very--we've been trying to be
11 helpful to them. We have been doing trainings
12 mostly of other lawyers about this bill. We
13 would be more than happy to also do some
14 outreach for business and we are actually
15 preparing some materials that we feel would be
16 useful for that purpose.

17 CHAIRPERSON MILLER: And in terms of
18 those, yourself and other advocacy groups, the
19 Make the Road and others--

20 SHERRY LEIWANT: [interposing] Yeah.

21 CHAIRPERSON MILLER: I'm sure that
22 you have more of a grassroots access and could
23 do some of the things that had been indicated
24 by the other panel in terms of onsite advocacy
25

1
2 and onsite education. Would you be admitable
3 [phonetic] to that?

4 SHERRY LEIWANT: Yeah, I mean, I--
5 I'll let the Make the Road people at either
6 side of me speak to it, but we have actually
7 been talking to Make the Road, talking to the
8 Community Service Society, a lot of people in
9 our coalition. We definitely want to make this
10 a priority, but yeah--go ahead.

11 NICK PETRIE: Yeah. So, sorry, my
12 name is Nick Petrie, I'm the Small Business
13 Organizer with Make the Road New York. I was
14 translating before for Caesar. We are very
15 enthused about doing that. We've already been
16 doing some implementation work with small
17 business owners, make sure that everyone is up
18 to date, and sort of as mentioned, I think,
19 we're enthused about the April 1 state date,
20 especially because there is that grace period.
21 So we think there's enough time to be able to
22 be talking to people and we're happy to be
23 using those grassroots connections.

24 CHAIRPERSON MILLER: I'm sorry, and
25 the grace period again is?

2 SHERRY LEIWANT: It's--there is a
3 probationary period. People begin to accrue or
4 earn paid sick days immediately, but it takes
5 120 days before they're allowed to use it. So
6 that 120 days would be--so no one will really
7 be able to use the paid sick days until 120
8 days have lapsed after the effective date of
9 the law. Okay, so is that clear?

10 CHAIRPERSON MILLER: Yes, yes,
11 that's--that answered my question. Ms. Orbarn
12 [phonetic] do you receive any paid leave
13 currently, vacation--

14 EVA ORBARN: [interposing] No, I
15 don't. No vacation, no paid leave for sickness
16 or anything.

17 CHAIRPERSON MILLER: And how long
18 have you been employed?

19 EVA ORBARN: Ten years.

20 CHAIRPERSON MILLER: Ten years? How
21 many employees?

22 EVA ORBARN: Six.

23 CHAIRPERSON MILLER: Six employees?
24 Would you feel comfortable making a complaint
25 against your employer based on them denying

1
2 sick leave or what any portion of this sick
3 leave provision here? Would you be okay with
4 reporting your employer or would you feel more
5 comfortable if the city randomly came in and
6 kind of overseen and made sure that they were
7 living up to the provisions of the agreement?

8 EVA ORBARN: But were there supposed
9 to give me paid sick leave? Yes, they did,
10 because I--

11 SHERRY LEIWANT: [interposing] When
12 this goes into effect.

13 EVA ORBARN: Oh, after this? Yes, I
14 had the unfortunate case that I already had to
15 take my employers into court because after
16 working there for seven years I found out that
17 I supposed to be paid over time for all the
18 many hours I worked in those for seven years,
19 but after that time before I find out that I
20 supposed to get over time, they cut back my
21 full time work and over time work to four days
22 which is for the last two and a half years to
23 prevent me earning over time again.

24 CHAIRPERSON MILLER: Okay, so
25 obviously you--

2 EVA ORBARN: [interposing] So I will
3 be happy--

4 CHAIRPERSON MILLER: [interposing]
5 You're not afraid to make a complaint, but do
6 you trust that without oversight that they
7 would on their own live up to the provisions fo
8 the bill?

9 EVA ORBARN: I think an oversight is
10 important, and it can't come soon enough to get
11 sick days and holiday pay. I made mention that
12 in the ten years I took one unpaid vacation. I
13 don't think many people in this room have one
14 vacation in 10 years.

15 CHAIRPERSON MILLER: Council Member
16 Chin?

17 COUNCIL MEMBER CHIN: Thank you.
18 Thank you for coming to testify and Sherry from
19 Better Balance and for your advocacy for the
20 last bill. I wanted to ask Mr. Ortiz, if you
21 offer paid sick leave to your employees, do you
22 find it burdensome to keep records?

23 CAESAR ORTIZ: No, I don't think so.
24 [speaking Spanish]

2 NICK PETRIE: He said, "No, I don't
3 think so."

4 COUNCIL MEMBER CHIN: You don't think
5 so. Because right now you--how many sick days
6 do you--do you offer a certain number of sick
7 days or you just allow the employees to take
8 sick days off? How do you keep your record, I
9 guess?

10 CAESAR ORTIZ: [speaking Spanish]

11 NICK PETRIE: So I sort of--I do it
12 myself, like maintain paper records.

13 COUNCIL MEMBER CHIN: Okay. Yeah,
14 because we heard from a earlier panel, they
15 were telling us how difficult it is.

16 SHERRY LEIWANT: Council Member
17 Chin, also--

18 COUNCIL MEMBER CHIN: [interposing]
19 Yeah.

20 SHERRY LEIWANT: let me--if I could
21 just interject also. I just want to be clear,
22 what you said is correct. They have to keep
23 records anyway and keep them without destroying
24 them for the same number of years under Federal
25 and State law, and I know the response was,

1
2 "well, this all different." But it's not. I
3 mean, it's exactly the same kind of information
4 that you need. We were very careful when we
5 crafted the bill and the ones around the
6 country, too, this is no different from other
7 information that needs to be recorded, how many
8 hours are worked, how many hours are taken off.
9 That is all that has to be recorded and so it
10 is not an additional burden. So I just wanted
11 to make that point for the record as well. I'm
12 sorry.

13 COUNCIL MEMBER CHIN: Thank you.

14 Also, I think when DCA was here testifying, I
15 mean, do you, like the advocates, do you have
16 some suggestion to them how to get this
17 information to the small businesses and also
18 how to help the small business keep record. I
19 mean, they have specific form that they can
20 develop and say everybody just use this very
21 basic form to record time and time taken and
22 posters or information. There must be a way to
23 just simplify the information and get it out to
24 everybody, right.

2 SHERRY LEIWANT: Absolutely, and we
3 also have the experience of some of these other
4 cities, and the people as Gayle alluded to
5 Donna Levitan [phonetic] in San Francisco and
6 now Kim in Seattle and some of the other
7 people, they are so generous with their time
8 and their ability to help just give kind of
9 guidance on how best to get the word out. I
10 just heard in Jersey City which their law just
11 went into effect a few weeks ago, they've sent
12 notices to every single employer in Jersey
13 City. Now, I know we have a lot more New York,
14 but they have the wherewithal to do that and as
15 I say, we do, we have a lot of ideas and we're
16 happy to work with them. Other cities are
17 happy to work with them. We have--there's a
18 lot of resources here.

19 COUNCIL MEMBER CHIN: Great. Thank
20 you.

21 CHAIRPERSON MILLER: Okay. We want
22 to thank you for so much for coming out on this
23 lovely day but for this really important cause
24 and sharing your--most of all your experience
25 as workers, as advocates on this very important

1
2 issue on behalf of working people. So on behalf
3 of Committee on Civil Service and Labor we
4 thank you for being here. Thank you.

5 SHERRY LEIWANT: Thank you.

6 CHAIRPERSON MILLER: The next panel
7 will be Nancy Rankin, Raul Sienna [phonetic]
8 and Abby Burkin [phonetic] Addy.

9 NANCY RANKIN: Would you like me to
10 start?

11 CHAIRPERSON MILLER: Okay, yes,
12 wherever you guys want to start that is fine,
13 so.

14 NANCY RANKIN: Okay, thank you.

15 CHAIRPERSON MILLER: Thank you for
16 coming.

17 NANCY RANKIN: And thanks for the
18 opportunity to testify today. My name is Nancy
19 Rankin. I am Vice President for Policy Research
20 at Community Service Society. I led the
21 research that first identified the widespread
22 lack of sick leave among our city's low wage
23 workers, 72 percent of whom do not have a
24 single paid sick day. The proposed improvements
25 to our sick days law are the right thing to do,

1 not just because they will cover more of the
2 workers most in need of paid sick time, but
3 because they are good public policy. First,
4 lowering the size threshold is so important
5 because it is precisely the workers in smaller
6 businesses who are the ones least likely to
7 have access to paid sick time now. In our 2013
8 unheared third survey, CSS found that 64 percent
9 of workers employed by businesses with fewer
10 than 15 workers lack paid sick days compared to
11 just 38 percent of those in larger firms. The
12 original law while a huge step forward at the
13 time would have left out more than a quarter of
14 the workers who lack paid sick time. Second,
15 covering smaller employers helps low-wage
16 workers who are twice as likely as higher
17 earners to work for small businesses, and these
18 are the workers for whom losing a few days pay
19 can mean not filling a prescription, not buying
20 milk for the kids, falling behind in the rent.
21 Third, a more inclusive application of the law
22 is fairer not just for workers but for
23 businesses. It ensures that employers have to
24 all play by the same rules, like the minimum
25

1 wage, minimum paid sick days set the floor that
2 should be universal. Even going down to five
3 still leaves out about 133,000 workers who will
4 have job protection but not paid sick days. In
5 fact, providing greater financial stability is
6 the small business owner in the preceding panel
7 point out, for working families helps
8 neighborhoods businesses grow. Finally, the
9 proposed expansion will also benefit employers
10 by creating a healthier, safer workforce. If I
11 can just add a personal note, as a New Yorker
12 and the daughter of a small business owner, I
13 understand the concerns of business, but I am
14 also here as the granddaughter of an immigrant
15 owner of a hat store who went to work in a hat
16 factory during the Great Depression to keep my
17 mom's family afloat and was tragically killed
18 as a result of an industrial fire. So I
19 understand there are times when government has
20 a necessary role in setting minimum labor
21 standards, requiring paid sick time is one of
22 them. Thank you.

24 ADY BARKIN: Thank you, Chairperson
25 Miller and Council Member Cornegy and thank you

1 also to Matt Carland for all your hard work on
2 this legislation and earlier versions over the
3 many--over the last few years. My name is Ady
4 Barkin. I'm a staff attorney at the Center for
5 Popular Democracy, and I think we're thrilled
6 that New York City is considering expanding
7 paid sick leave to hundreds of thousands of
8 families who otherwise would have to choose
9 between their wages and staying home to take
10 care of themselves and their family members,
11 and I think we do look forward to the day when
12 this law, when paid sick days will cover all
13 workers in New York City, not just those
14 businesses of five or more employees. So it's a
15 good policy. It's good for public health. It's
16 good for workers. I see you're back, Council
17 Member Chin, thank you so much for your
18 leadership on this and your sponsorship of this
19 legislation. So I just wanted to briefly note
20 four things that I think could be done to
21 strengthen this legislation and ensure that
22 workers actually receive the benefit that's
23 guaranteed to them by this law. The first is to
24 include a private right of action. In large
25

1 part because it would serve as a deterrent
2 effect. It would remind small businesses that
3 there are consequences to denying workers their
4 rights and that they need to comply with this
5 law. Private rights of action exist for other
6 New York City laws like anti-discrimination
7 laws and wage and hour laws and it's a good way
8 to ensure that laws actually get respected.
9 Second of all, employers should be obliged to
10 post notice of this law on the walls, just like
11 you get to read on the wall that you have the
12 right to minimum wage and overtime and a safe
13 workplace, you should also have notice of your
14 rights under this law, so that the workers can
15 make sure they learn about it, because right
16 now the notice provisions are insufficient.
17 There should be meaningful fines and there are
18 good fines here, but we have made
19 recommendations about how they could be
20 enhanced, and then finally, there needs to be
21 strong provisions against retaliation. We've
22 seen instances of people who aren't technically
23 the employer retaliating against workers for
24 speaking up and we need to prevent that. So we
25

1
2 would love to see those four enhancements made,
3 but we're grateful for your leadership on this
4 and we look forward to seeing this bill pass.

5 RAUL SAKSENA: Hello, my name is
6 Raul Saksena and I'm the Policy Director with
7 the Restaurant Opportunity Center of New York,
8 ROC New York. We organize restaurant workers
9 city-wide to improve wages and working
10 conditions in the restaurant industry. So I
11 just want to start by commending the city
12 council and Mayor de Blasio for moving so
13 quickly to expand and improve last year's
14 Earned Sick Time Act. Covering all businesses
15 with five or more employees, covering the
16 manufacturing sector and expanding the
17 definition of family members to include
18 siblings and grandparents and grandchildren are
19 all significant steps forward. By drastically
20 expanding paid sick leave coverage, New York
21 City will be taking an important step towards
22 ensuring that the city's most exploited
23 workers, those with the lowest pay and the
24 least economic security will at least have the
25 ability to take care of themselves or loved

1
2 ones when sick or injured without worrying
3 about missing a day's pay. So while we're
4 thrilled with the expansion, I do also want to
5 point out one provision that's not including in
6 this year's expansions bill that is of great
7 concern to our members, and it's the same
8 provision that was alluded to by the member
9 from the Retail Action Project, and that's the
10 so-called shift swapping provision, which is
11 technically called the changing schedule
12 provision of last year's act. This provision
13 which was added kind of as a compromise in the
14 final months last year before the act was
15 passed, unfairly requires restaurant and other
16 shift workers to choose between picking up
17 extra hours or shifts or taking a paid sick
18 day. The provision is little understood but the
19 real life implications for our members and I
20 think that it's the same for retail workers,
21 the vast majority of whom are shift workers are
22 substantial. So in my testimony I've listed out
23 the arguments we have against it. Instead of
24 going through those right now, I quickly want
25 to give a little bit of a picture of one of our

1 workers who couldn't be here today. Her name is
2 Carolina [phonetic] She's been ROC member for
3 several years. She's been a restaurant worker
4 in New York City for eight years, and when she
5 first became a ROC member a few years ago she
6 came to us with a schedule that was consistent.
7 She was consistently scheduled for five shifts
8 per week and that was a full time job for her,
9 but over the years the trend in the restaurant
10 industry just like the retail industry is that
11 shifts--employers are relying more and more on
12 part time work. They're cutting shifts.
13 Carolina today struggles to get three shifts a
14 week and that means she has to borrow money to
15 pay rent at the beginning of the month. She
16 can't--she has to cut down on her groceries.
17 She can't pay her cell phone bill, and as a
18 result she's constantly looking to pick up
19 extra shifts whenever she can from her co-
20 workers. Under this provision of the law, if
21 she were scheduled for a Monday shift and she
22 called in sick, she could technically take her
23 paid sick day, but later in the week if a co-
24 worker offers her one of their shifts because
25

1
2 they couldn't take it, just like in any other
3 week she would jump at the opportunity because
4 that extra shift could mean she doesn't have to
5 borrow money to pay her rent, but with this
6 provision in the law, she has to choose between
7 the two. She can't get her paid sick day and
8 pick up that extra shift. She'll only get paid
9 for one of them, and to us, that's a
10 fundamental problem of this law and we urge you
11 to eliminate that provision from last year's
12 law. Thank you.

13 CHAIRPERSON MILLER: So, now that
14 we're on that I will leave it there. So, the
15 swap provision, you said that it is instead of
16 being in lieu of, it works along with leave
17 entitlement. So in other words you can't be--
18 you can't use the entitlement that week and
19 then be out sick, and my understanding was, and
20 obviously is subject to correction, is it would
21 be used in the situation where you had
22 exhausted your sick bank and now you were sick
23 and want to swap a--

24

25

2 RAHUL SAKSENA: Yeah, no, I mean,
3 you don't have to have exhausted your sick days
4 in order for this provision to count.

5 CHAIRPERSON MILLER: So, I don't
6 have the workers on the last panel as we did, I
7 think it becomes a matter of the amount
8 sometimes pressure being put for you to apply
9 your entitlement in a certain way, and I'm sure
10 that the potential exists that one might prefer
11 an employer or supervisor would prefer that you
12 use it in a particular way and that would have
13 an impact on the balance.

14 RAHUL SAKSENA: Yeah, I mean, I
15 think that's right. There, you know, if you
16 look at the language of the provision from last
17 year's law there are protections against
18 retaliation. It does say it has to be mutual
19 consent of the worker and the employer, but you
20 know, talk to any restaurant worker, and low-
21 wage worker, especially undocumented workers,
22 when--you know, there's no such thing as mutual
23 consent between an employer and an employee in
24 these cases.

2 CHAIRPERSON MILLER: And in terms of
3 private right of action, are we talking about
4 some form of mediation, arbitration, "civil
5 court", what are your thoughts?

6 ADY BARKIN: So the current bill
7 provides for mediation through the Department
8 of Consumer Affairs, and then if the Department
9 is unable to reach an agreement they can hold
10 an Administrative hearing and issue fines and
11 damages, and we think that that's good, but
12 sometimes it's also useful to go straight to
13 small claims court, and sometimes that process
14 can actually be quite fast, and so our sense
15 was that workers should have the right to
16 choose either to file a complaint with the
17 administration with DCA or go to court and file
18 suit and sometimes that will lead to a quicker
19 outcome. And so we'd love for that to be put
20 back in. When the bill was introduced in 2013
21 it did have private right of action and there
22 was a veto proof majority of Council Members
23 who signed onto that legislation.

24 CHAIRPERSON MILLER: Okay, good. So,
25 thank you so much for--

2 NANCY RANKIN: [interposing] Yes, I
3 was just wondering if I could add one small
4 point. I just--I know there were some concerns
5 expressed earlier about businesses having
6 adequate time to prepare for this and I wanted
7 to mention that although business under 20
8 initially did not expect to have to provide
9 paid sick days immediately, all businesses
10 including the ones under five now and under 15
11 originally were expected to provide five unpaid
12 sick days. So they were aware of this law and
13 expecting to have to, you know, do whatever
14 tracking of hours and so on that would be the
15 same that's needed for actually paid sick days
16 as unpaid sick days. So it's not a total
17 surprise and I would also like to mention that
18 a very large proportion of businesses, of
19 business establishments are actually under
20 five. So 64 percent of business establishments
21 in the city are under five, so that's a very
22 large fraction that are still not covered.

23 CHAIRPERSON MILLER: Okay, that--
24 well, you certainly clarified some things for
25 us and we thank you for coming out and sharing

1
2 your expertise with us today. So have a great
3 day. So, the final panel will be Frank Picosia
4 [phonetic] okay, good. And Richard MCGahey
5 [phonetic] Carolyn Brassau--close, and Hamid
6 Sindo [phonetic]. And you can start wherever
7 you like in terms of the testimony, but I would
8 love for you to identify yourself and whom you
9 represent.

10 RICHARD MCGAHEY: Mr. Chairman,
11 Richard MCGahey from the New Schools Policy
12 Program. Thanks for the opportunity to testify.
13 I'm an economist here in strong favor the
14 legislation that you're proposing to expand
15 sick days. I'm the former Chief Economist for
16 the US Senate Labor Committee, former economic
17 policy advisor to Senator Edward Kennedy and
18 under President Clinton I was a presidential
19 and senate confirmed assistant secretary of
20 Policy at the US Department of Labor, so I've
21 worked on these issues for quite some time.
22 You've had a long day with a lot of
23 information, so let me--I've given you a short
24 written statement. Let me compress it quickly.
25 There are four strong reasons to believe that

1 this expansion will not hurt the economy. In
2 cities that have enacted paid sick leave
3 including cities that require sick leave to be
4 given to all businesses, not just the cut off
5 of five, we don't see implementation problems
6 of the type that have been worried about here,
7 nor do we see negative employment effects. We
8 just don't find them and we have enough of
9 those experiences to look at. Secondly,
10 empirical evidence from more costly benefits
11 like the minimum wage increases in a number of
12 places, we don't see employment effects from
13 those. So it's very hard to believe we'll get
14 employment--negative employment effects from
15 paid sick days when we don't see them for a
16 much more costly benefit, that is the raise of
17 the minimum wage. We just--we don't. It
18 understandable that businesses worry about
19 these employment effects, but the imperical
20 evidence just doesn't show that it's there. In
21 fact, there's some third point that was alluded
22 to before by the Deputy Mayor, paid sick days
23 can actually benefit workers and businesses by
24 cutting turnover, by cutting labor search costs
25

1 from the turnover, by decreasing training time
2 for workers. Those are all cost to businesses
3 as well, too, and paid sick days, there's some
4 evidence actually makes for more loyal
5 employees and works for a better relationship.
6 I should also point out when people cost out
7 how much it's going to cost, national data
8 shows us that workers don't use all the days
9 they're entitled to. So generally, the
10 estimates you're getting of how costly this
11 would be are over stated. The best national
12 survey we have on it shows that workers who
13 already have paid sick days take on average
14 about half of the days they're allocated. So
15 even if you want to run up the cost and
16 estimate how much this cost a firm, you
17 shouldn't use the full allocation of days. The
18 national data says that workers don't take all
19 their days. So I think that the cost that
20 you're hearing about how much it's going to
21 cost even with some difference to the wonderful
22 Manhattan Borough President are overstated. And
23 finally, no carve-out. It's really good that
24 you're trying to limit carve-outs and limit
25

1 size thresholds. It's bad policy to carve these
2 things out. It creates more bureaucracy,
3 actually. People have to figure out what firms
4 qualify and what don't. They have to do
5 exempted rules. There's all the different
6 information. Businesses are confused. What
7 happens if I hire one more person? Does my rule
8 change? So in fact, these carve-outs make a
9 more uncertain climate for business and they
10 can also just lead to bad policy. I want to
11 comment quickly on some of the concerns raised
12 by the business firms. We have implementation
13 studies in San Francisco, and let me quote the
14 Senior Vice President for Policy at the San
15 Francisco Chamber of Commerce who was asked
16 recently what has been the impact of the paid
17 sick days law on your members. He said,
18 "minimal." Same thing was found in Seattle in
19 2013 study. Just, it's understandable that
20 people have these implementation fears, but
21 places where we have data we're just not seeing
22 it, and we have time I'm happy to respond
23 somewhere else. It is kind of a puzzle. If
24 costs are going up, why don't we see negative
25

1 employment effects, 'cause we don't see them.
2
3 And the short version is that businesses have
4 other ways they adjust, including increased
5 productivity for their workforce. So thanks for
6 the opportunity to testify. I'm happy to be not
7 at the hearing, but at other points if I can be
8 any help to the committee, I'd be more than
9 happy to do that.

10 CAROLINE BADSTORF: Good afternoon.
11 Good afternoon Chairman Miller and esteemed
12 Council Members. Thank you for this opportunity
13 to testify. My name is Caroline Badstorf
14 [phonetic] and I'm a resident of Park Slope,
15 the mother of three, and a former employer of a
16 part time nanny who helped me balance work and
17 family obligations. I'm a founding member of
18 Hand in Hand, the Domestic Employers Network
19 which brings together individuals and families
20 who depend on domestic workers and believe that
21 fair and respectful working conditions benefit
22 worker and employer alike. I went to Albany to
23 lobby twice for the Domestic Workers' Bill of
24 Rights, and I'm delighted to see the law in New
25 York City's own provisions gaining traction,

1 especially in New York City. I would like to
2 thank Councilman Lander on the record for
3 raising the question of outreach to domestic
4 workers and employers. Hand in Hand
5 collaborates with other advocates, the New York
6 Domestic Workers Alliance, A Better Balance,
7 Ottacar [phonetic] and--excuse me--among
8 others, and the National Domestic Workers
9 Alliance in support of bills like this one. On
10 behalf of Hand in Hand and as a domestic
11 employer who believes in compassionate
12 employment, I support the expansion of the paid
13 sick days for all workers. Domestic employers
14 are often unaware of the law or find it
15 confusing, however, employers are generally
16 willing to do the right thing if they know
17 about it. Paid sick days are part of the law
18 and I'm here today to ensure that domestic
19 workers and employers have the information they
20 need, we need, to make good on the promises of
21 this bill. In particular, we support the not
22 mentioned fund for public education and ask for
23 a very careful campaign directed at those
24 workers working inside homes and their
25

1
2 employers so that everyone may know their
3 rights and responsibilities, especially given
4 this expansion and proposed change in dates.
5 We'd like that the campaign in subways and
6 buses and being--sorry. We like that the
7 campaign be in subways and buses and social
8 media and to use existing networks, faith
9 communities, schools, doctors offices, and
10 other service providers to families. This is a
11 provision that will benefit all of us, domestic
12 workers and employers alike. Thank you. And
13 I'm also now going to read the testimony of a
14 collaborator, if I may. This was on the sheet.
15 She was not able to be here. She's sick. The
16 Coalition is Ottacar [phonetic].

17 CHAIRPERSON MILLER: I'm sorry, we
18 could--that won't be into the record.

19 CAROLINE BADSTORF: Okay. I put it
20 on the slip, if that's okay. Otherwise, I don't
21 have to.

22 CHAIRPERSON MILLER: No, that one's
23 going to be entered into the record and will be
24 read into the record. You don't have to read it
25 now, okay?

2 CAROLINE BADSTORF: Okay. Great,
3 thank you.

4 CHAIRPERSON MILLER: Thank you so
5 much. Mr. Sindu [phonetic].

6 HEMANT SINDU: Yes. Thank you,
7 Chairman Miller and Council Member Chin. I was
8 banking on three minutes, but I guess I have
9 two so I'll curtail my testimony. Good
10 afternoon. My name is Hemant Sindu. I am a
11 physician in training at one of Brooklyn's
12 safety net hospitals and also Vice President
13 for CIR, a Committee of Interns and Residents,
14 SIEU healthcare here in New York. So CIR
15 doctors have supported earned sick time laws
16 whenever they've come up across the country.
17 We've testified before you and your
18 predecessors here in these very chambers and
19 before similar legislative bodies in San
20 Francisco, D.C., Newark and Jersey City. We've
21 done so because as physicians we believe earned
22 sick time is a clear cut public health issue.
23 When you're sick you should stay home. When
24 you're really sick you should come see a
25 doctor. That's it, end of story. Last year's

1
2 legislation was a dramatic step forward and not
3 only for the nearly one million New Yorkers now
4 able to earn paid time off to deal with their
5 own illness or that of a loved one, but it's
6 also benefitted all of us. In a city like New
7 York we share our personal space intimately.
8 This has consequences. The flu virus for
9 example spreads via surfaces like a door knob
10 at work, a computer mouse or the dreaded pole
11 on the subway. To give a worse case scenario
12 from recent history during the peak months of
13 the 2009 H1N1 pandemic, eight million workers
14 went to work sick nationwide and may have
15 infected seven million of their co-workers.
16 This year's flu has effected 14,000 people so
17 far just in New York State alone. How many of
18 these got this disease at work? Another example
19 is the Norovirus, a virus that forces cruise
20 ships to stay out at sea. It causes fever,
21 vomiting and serious diarrhea, and it's spread
22 through oral fecal contact. Since most food
23 service employees don't offer paid sick time,
24 affected food workers are forced to either work
25 sick or take unpaid leave. What is one to

1 choose in these tough economic times? Germs
2 don't care about the job sector or business
3 size. If we believe that sick time is an urgent
4 public health issue, then as I and physicians
5 from across the city argue, then we must
6 acknowledge that there is no public health
7 rationale to limit the scope of this policy as
8 reflected in the current law. With the bill
9 before you, an estimated 300,000 additional New
10 Yorkers would be protected from becoming that
11 parent who must choose between sending a sick
12 child to daycare or lose a day's wages,
13 becoming that parent who must take a child to a
14 ER because they weren't able to see a
15 pediatrician earlier, becoming that patient who
16 has inadvertently turned a preventable or
17 manageable situation into a full blown
18 catastrophe, increasing their own suffering and
19 while creating added healthcare costs for all
20 of us. I urge you to quickly consider and pass
21 this extended earned sick time law in front of
22 you. It has the physician's seal of approval.
23 Thank you. Sorry.

2 CHAIRPERSON MILLER: Thank you so
3 much. And forgive me Doctor, I called you Mr.,
4 and I know how that is.

5 HEMANT SINU: That's okay.

6 CHAIRPERSON MILLER: I'm not such a
7 stickler, but you earned you--you really
8 deserve that. And there was--Matt and I were
9 kind of going back earlier, back and forth
10 earlier and I asked him if there was a member
11 of a finance community or an economist
12 testifying today and the answer was negative,
13 right? [off mic] Okay, so thank you. You come
14 to save the day and you've answered a lot of
15 questions as well as the other members of the
16 panel and I thank everyone so much for coming
17 out and being a part of this really important
18 issue and providing your expertise on behalf of
19 so many working families and small businesses,
20 but working families of the city of New York
21 and we are all grateful and indebted for your
22 research and your participation and your
23 continued commitment as we move forward. So
24 thank you so much for coming out on behalf of
25 myself, the committee and the Speaker of the

1 City of New York, we thank you. Okay, I just
2 want to officially thank Council Member Chin
3 for really hanging in there with us, and most
4 importantly in all seriousness thanking her for
5 her commitment, her vision in introducing this
6 bill and her just fortitude to stand by to the
7 end and make sure that we get it where it needs
8 to be, and so I thank you. And I thank the
9 Speaker and the Mayor for his vision and the
10 members of the committee and all the council
11 that came out to testify today and ask
12 questions and so with that, I will call this
13 meeting adjourned.
14

15 [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 there is no relation to any of the parties to this action by blood or marriage, and that there is no interest in the outcome of this matter.



Date 02/24/2014