

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE
AND LABOR JOINTLY WITH THE
COMMITTEE ON WOMEN'S ISSUES

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April 20, 2015
Start: 1:10 p.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: I. DANEEK MILLER
Chairperson

LAURIE A. CUMBO
Chairperson

COUNCIL MEMBERS:

Elizabeth S. Crowley
Daniel Dromm
Costa G. Constantinides
Robert E. Cornegy, Jr.
Darleen Mealy
Karen Koslowitz
Ben Kallos

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

Julie Menin
Commissioner
NYC Department of Consumer Affairs

Amit Bagga
Deputy Commissioner of External Affairs
NYC Department of Consumer Affairs

Kristen Lasky
Executive Director
Paid Sick Leave Division
NYC Department of Cultural Affairs

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Donna Dolan
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Nancy Rankin
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Daniel Kroop
Lead Organizer for New York
15 Now

Amy Tai
Senior Staff Attorney
Community Development Project
Urban Justice Center
Coalition to Secure Wages Earned Against Theft SWEAT

Marco Leno
Immigrant Worker and Member
NMASS -
National Mobilization Against Sweat Shops

Jing Ming Chow
Restaurant Worker

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2 [sound check, pause]

3 CHAIRPERSON MILLER: Good afternoon

4 everyone, and thank you for coming out on this very,
5 very lovely spring day to participate in this very
6 important hearing. My name is Council Member I.

7 Daneek Miller, and I am the Chair of the Committee on
8 Civil Service and Labor. First, I would like to

9 thank my Co-Chair, Chair of Women's Issues, Council
10 Member Laurie Cumbo for jointly holding this hearing.

11 Today, we'll be receiving testimony regarding seven
12 pieces of legislation. Seven. Two bills and five

13 resolutions all related in some way to workers'

14 rights. All these bills calls for the State

15 Legislature to pass bills something--they have

16 something in common. They will help workers who have
17 been traditionally given the short end of the stick.

18 This package covers the local Office of Labor

19 Standards raising minimum wage, passing paid family
20 leave for the entire state among several others.

21 These issues are paramount--are of paramount

22 importance to the committee and the city, and these

23 bills will serve to raise up working families

24 throughout all five boroughs and beyond.

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3 The first bill we'll be hearing is 743
4 sponsored by Speaker of the City Council Member Mark-
5 Viverito and Council Members Lancman, Johnson, Levin,
6 Ferreras and myself. This is for a local law to
7 amend New York City's charter and the administrative
8 code of New York City in relation to the
9 establishment of the Office of Labor Standards.

10 The second bill is Intro 197, initially
11 sponsored by Council Member Johnson. Currently,
12 there's a lengthy list of sponsors. This is a local
13 law to amend New York City's charter and
14 administrative code in the State of New York in
15 relation to retaliatory personal actions by employers
16 and wage transparency. Essentially, it makes it
17 illegal for an employer to prevent employees from
18 discussing salary information.

19 The first resolution we'll be hearing is
20 Reso 610, which is sponsored by Speaker Mark-Viverito
21 and numerous members including Council Members Dromm,
22 Kallos and myself. This resolution calls upon the
23 New York State Legislature to pass and the Governor
24 to sign legislation granting New York City the
25 authority to save its own minimum wage.

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3 The second resolution is 611 sponsored by
4 Speaker Mark-Viverito and myself and several other
5 members. This resolution calls upon the State of new
6 York Legislature to pass and the Governor to sign
7 legislation to grant New York City the authority to--
8 to enforce stage workers protections laws.

9 The third reso is 612 sponsored by
10 Speaker Mark-Viverito and also several members
11 including Torres, Lancman, Ferreras, Johnson and
12 myself. This resolution calls upon the State
13 Legislature and the Governor to sign Assembly 5501,
14 strengthening the provisions of the Wage Theft--Theft
15 Act.

16 The next one is Reso 615 sponsored by
17 Council Member Lancman and several other--the Speaker
18 and several other members. This resolution calls for
19 New York State Legislature to pass and the Governor
20 to sign the Paid Family Leave Act to provide family
21 support and security for New York families. All of
22 these legislations--this legislation is assigned to
23 the Civil Service and Labor Committee, but the last
24 resolution we are hearing, No. 649 is assigned to the
25 Women's Issues Committee. This one calls upon New
26 York State Legislature to pass and the Governor to

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3 sign Assembly 6075, and Senate 1, which would amend
4 the labor law in relation to--to--that prohibits
5 differential pay based on gender.

6 Now, I would like to acknowledge members
7 who are currently here. That is my Co-Chair Laurie
8 Cumbo and Council Member Ben Kallos. Also, I would
9 like to thank Committee's counsel, Matt Carlin, Gafar
10 Zaaloff, our Policy Analyst, Chris Eshleman,
11 Financial Analyst and, of course, Mr. Ali
12 Rasoulinejad. With that being said, we will now hear
13 from Council Member Cumbo. Thank you.

14 [pause]

15 CHAIRPERSON CUMBO: Thank you so much.
16 Good afternoon everyone. I am Laurie Cumbo and I am
17 Chair of the Committee on Women's Issues. Today, we
18 are hearing several important pieces of legislation,
19 which will address areas specific to women's issues
20 that I want to highlight. Among them are equal pay
21 for equal work; wage transparency and paid family
22 leave. I am proud that while we had a robust women's
23 herstory month, we are coming out strong with several
24 pieces of legislation and resolution that will bring
25 us closer to workplace equity for so many,
particularly women.

3 As Chair Miller mentioned, the committees
4 will be hearing several pieces of legislation
5 including one that I'm very proud of that I'm co-
6 sponsoring along with Council Member Corey Johnson,
7 Resolution 649, which will call upon New York State
8 Legislature to pass and the Governor to sign A6075,
9 which would amend the Labor Law in relation to the
10 prohibition of differential pay based on gender.

11 Just last Tuesday, I joined many of my colleagues for
12 a rally on Equal Pay Day. We gathered in large
13 numbers with many advocacy groups on the steps of
14 City Hall and wore red to send a clear message:
15 Women are in the red when it comes to their pay.
16 Next year, I would like to see us wearing green.

17 While women make up over half of the
18 workforce and contributed more mostly to this city's
19 economic stability, they still don't receive equal
20 pay as compared to their male counterparts.

21 According to the National Partnership for Women and
22 Family Study in 2013, the statistics are well known.
23 Women are paid 77 cents for every dollar paid to men.
24 Here in New York, according to the Pew Research
25 Center, women are paid 84 cents for every dollar paid
to a man. Women of color, as we know, suffer even

3 more. African-American women are paid 64 cents and
4 Latinos are paid just 55 cents for every dollar paid
5 to white non-Hispanic men.

6 As long as our society and policies still
7 view the discussion of salaries as taboo, the
8 achievement of women's equality will continue to be
9 derailed. What we need is more transparency about
10 salaries, not secrecy. Because we know that what's
11 done in secrecy often leads to controversy. Workers
12 should not be penalized for sharing their salary
13 information. And workers should also have a legal
14 right to paid leave when they need to care for a new
15 baby or a family member with a serious illness. The
16 United States are one of a few nations that still
17 does not have a paid family leave program. Right
18 now, no such right exists in New York. Most
19 employers don't voluntarily provide such benefits.
20 The unfortunate reality is that far too many New
21 Yorkers are faced to choose between their jobs and
22 their family's health and wellbeing. Access to paid
23 family leave isn't just a woman's, but it
24 disproportionately does affect women. The only way
25 to shatter glass ceilings is to tackle all of these
issues head on. Take a stance and push for change.

3 I want to thank you Co-Chair, Council
4 Daneek Miller for working with me and my committee on
5 the matter that we will be addressing today. I am
6 confident that today will be a historical day in the
7 way of women's history, as well as in labor history.
8 I'd also like to thank the staff of the Committee on
9 Women's Issues, our Counsel Aminta Kilawan; our
10 Policy Analyst Joan Povolny; Interns Natalie Berhagen
11 [sp?] and Andrea Cobo [sp?] and the staff of the
12 Committee on Civil Service and Labor for their work
13 in preparing for today's hearing. We thank all the
14 witnesses who will testify today, and look forward to
15 hearing from each and every one of you. And I
16 believe that our Chair Miller had acknowledged all of
17 the members that are here today, as well as Council
18 Member Johnson, who is also here with us today.
19 Thank you so very much, and I look forward to your
20 testimony.

21 CHAIRPERSON MILLER: Okay, we'll now here
22 from our first panel, and our first is Commissioner
23 Julie Menin of DCA and her team, Marla Tepper,
24 Kristen Lasky.

25 [background comments]

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3 CHAIRPERSON MILLER: Okay. Amit Bagga,
4 Sandra Abeles. And before that happens, we've been
5 joined by Council Member Johnson, and Council Member
6 Johnson will make a brief statement on his bill that
7 was introduce--that we'll be introducing today.

8 [applause]

9 SERGEANT-A-ARMS: Quiet please. Thank
10 you.

11 COUNCIL MEMBER JOHNSON: Thank you, Chair
12 Miller and Chair Cumbo for holding this hearing
13 today. Thank you, Commissioner Menin, for being here
14 today and for all of your incredible work over the
15 last 16 months. As was said by the Chairs, today
16 we're hearing two bills, of which I am the prime
17 sponsor, that primarily confront issues of gender and
18 equity in the workforce. In the Year 2015, it is
19 shameful that such glaring disparities and injustices
20 are still an everyday reality for half of our
21 population. And I believe everyone in this room
22 understands the need to push forth legislation to
23 command real urgent change. Statistics prepared by
24 the Institute for Women's Policy Research estimate
25 that it will take women of New York State until 2049
to achieve pay equal to the male counterparts. Not

3 only does inequitable pay practices have adverse
4 effects to families with 18-1/2% of New York City
5 households headed by women, it stifles overall
6 economic growth. We need to strengthen our laws by
7 prohibiting differential pay based on gender, and
8 provide penalties for those who continue to
9 discriminate on its basis. S1 has already passed the
10 New York State Senate, State Senate Bill 1. And it's
11 my hope that Resolution 649, which Chair Cumbo just
12 spoke to, will help see each of these bills hopefully
13 through the New York State Assembly.

14 Critical to enforcing equal pay
15 provisions is ensuring full transparency of wages as
16 provided by Introduction 197, which is my bill. The
17 unjust--the unjust reality is that wage
18 discrimination does not just find its basis in sex.
19 The disparity that is even more severe is for
20 African-American Hispanic women who earn respectively
21 79% and 64% of what their white male counterparts in
22 New York State make. The majority of private sector
23 workers across the United States, at least 60%,
24 report being discouraged or actually prohibited by
25 office policy from discussing wage or salary
information. For fear of being penalized, female

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3 employees aren't speaking up about their wages, and
4 many of their male counterparts aren't either.

5 Because of this threat of retaliation, employees are
6 unable to present proof of wage discrimination, and
7 utilize any existing protections under the law.

8 Studies have shown that pay secrecy contributes to a
9 gender gap in earning. By establishing a right to
10 openly discuss and inquire about wages, free of
11 retaliation or interference will empower employees
12 for fight for equitable treatment and pursue

13 remuneration when mistreated. Similar bills have
14 already passed in other states, and it is past time
15 the New York takes steps necessary to protect every
16 member of its workforce. This is not a partisan

17 issue. It is a matter of human rights. It is time
18 women be given the wages that they deserve, and it is
19 time that we make our voices heard so that New York

20 City will stand up for the--will stand--will not
21 stand for the continuation of gender-based

22 discrimination. I appreciate the opportunity to make
23 a statement, Mr. Chair and Madam Chair, and I also

24 want to say that I stand with many of my colleagues
25 in the fight for 15 and ensuring that all New York

City workers get paid a living wage. And that in my

3 estimation should be around \$15 an hour. That's what
4 we need to hike our minimum wage to. Thank you very
5 much for the opportunity to participate today. And
6 Commissioner, I look forward to hearing from you.
7 Thanks for being here.

8 COMMISSIONER JULIE MENIN: [off mic]

9 Thank you.

10 CHAIRPERSON MILLER: Thank you so much,
11 Council Member Johnson. I know that this legislation
12 that you're introducing today has been at the front
13 of your agenda for quite some time and yes. And that
14 we said that we would hear it, and we are hearing all
15 these important work--bills that support working
16 families here today.

17 COUNCIL MEMBER JOHNSON: Thank you, Mr.
18 Chair--

19 CHAIRPERSON MILLER: [interposing] That
20 being said--

21 COUNCIL MEMBER JOHNSON: --for hearing it.

22 CHAIRPERSON MILLER: --we want to swear
23 in or have the panel affirm that all the testimony
24 given to the Council today will be honest to the best
25 of their ability--

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3 COMMISSIONER JULIE MENIN: [interposing]

4 Yes.

5 CHAIRPERSON MILLER: --or knowledge.

6 COMMISSIONER JULIE MENIN: I do.

7 CHAIRPERSON MILLER: Okay.

8 COMMISSIONER JULIE MENIN: Thank you so
9 much. Well, it's a pleasure to be here today. So
10 good afternoon, Chairman Miller, Chairwoman Cumbo,
11 Council Member Johnson and Council Member Kallos.
12 I'm Julie Menin, Commissioner of the New York City
13 Department of Consumer Affairs. I am joined--with me
14 by Amit Bagga, who is our Deputy Commissioner of
15 External Affairs; Kristen Lasky, who's Executive
16 Director of our Paid Sick Leave Division; Marla
17 Tepper, our General Counsel; and Sandra Abeles, our
18 Deputy Chief of Staff. I greatly appreciate the
19 opportunity to speak with you today about two bills
20 before the committee. One would establish an Office
21 of Labor Standards or OLS, to be housed within a city
22 agency. And another that would make unlawful
23 employer retaliation against an employee who
24 discloses his or her income.

25 Intro 743 would endow a new OLS with the
authority to enforce Chapters 8 and 9 of Title 20 of

3 the Administrative Code. DCA currently enforces
4 these chapters, which are the Paid Sick Leave Law and
5 the Transit Benefits Law respectively. In addition
6 to enforcing both of these laws, DCA licenses
7 approximately 80,000 businesses across the city
8 cutting across 55 different industries. And we also,
9 of course, house the Office of Financial Empowerment,
10 the first municipal initiative in the country with
11 the specific mission to empower and protect consumers
12 with low incomes.

13 The de Blasio Administration recognizes
14 the importance of labor standards. We have taken
15 opportunities to establish protections for workers
16 from the expansion of the Living Wage Law to
17 advocating for New York City to have the authority to
18 set its own minimum wage to addition of labor
19 standards in Sandy procurement processes to
20 negotiating new project labor agreements. DCA works
21 very hard to execute Mayor de Blasio's vision of city
22 government serving all New Yorkers no matter what
23 language they speak or how much they earn. The
24 Administration is deeply committed to ensuring that
25 rights of workers are protected. And that our city's
small businesses both comply with our laws without

3 having to face punitive violations and fines. Equity
4 in the workplace and improved labor standards for all
5 New Yorkers, particularly those with low incomes who
6 are often deprived of equal access to employment and
7 fair wages are of great importance to us. And we
8 welcome today's dialogue with the Council.

9 Through our successful implementation of
10 sick leave, a law that has been a top priority of
11 Mayor de Blasio and Speaker Melissa Mark-Viverito,
12 DCA has demonstrated its commitment to protecting the
13 rights of workers while also adopting an education
14 and compliance focused approach to resolving
15 complaints with businesses. This approach, along
16 with our aggressive reduction of fines and other
17 categories by \$5 million in this fiscal year, as well
18 as implementation of two dozen reforms that increase
19 education and language access, as well as ease
20 compliance evidences protecting workers' rights while
21 lifting onerous burdens faced by businesses are not
22 indeed mutually exclusive. In fact, they are shared
23 goals in creating a fair and vibrant commercial and
24 labor marketplaces that is central to our core
25 mission.

3 I'm not going to speak about paid sick
4 leave and our outreach education and implementation.
5 DCA's Paid Sick Leave Division was established in
6 April 2014 following the passage of an extended
7 version of New York City's earned sick time or Paid
8 Sick Leave Law. New York City's Paid Sick Leave Law
9 is being implemented at a scale, quite frankly,
10 larger than any other cities. Paid sick leave is
11 beneficial to employers, to employees and the public.
12 It leads to healthier employees with better morale,
13 less employee turnover, and lower healthcare costs in
14 the long term. DCA is proud to be a national leader
15 in the scope of our outreach efforts and also in
16 implementation of the law. The successful
17 implementation of paid sick leave, which is subject
18 to complaint-based enforcement has required making
19 employees and employers aware of their rights and
20 obligations under the law. To accomplish this, DCA
21 has conducted robust outreach to both employers and
22 employees about paid sick leave with at \$3 million
23 campaign. And, I'm pleased to share the results of
24 our efforts to date. As of today, DCA has
25 distributed more than two million pieces of paid sick
leave literature; visited more than 1,500 businesses

3 in person to educate owners about the law; and held
4 or attended nearly 850 paid sick leave related events
5 across the five boroughs. These events have included
6 workshops with SBS Jobs Plus participants;
7 presentations before dozens of industry groups
8 ranging from the Bodega Association to the New York
9 Hospitality Alliance. Community events such as
10 street fairs and NYCHA family days, and specific
11 trainings for multi-branch businesses such as
12 Bradbury's Coffee and Ricky's Cosmetics.

13 Of our events, 482 of these have taken
14 place in boroughs outside of Manhattan, and more than
15 25% of them have taken place in a language other than
16 English. Additionally, we've posted information
17 about paid sick leave in 26 languages on our website.
18 And I have to add that's in addition to the seven
19 languages that are mandated by the law. So we opted
20 to go to 26 languages, ensuring that all New Yorkers,
21 whether they speak Bangla or Haitian Creole, Yiddish
22 or Urdu have access to information about the
23 important rights to which they are entitled.

24 Since March 2014, DCA has also run large-
25 scale transit advertisements in three rounds--in
several rounds of TV and radio advertisements. Our

3 ads have been ubiquitous in New York City's subways
4 and buses, and our TV ads have run in both English
5 and in Spanish on networks with high viewership at
6 prime times. To ensure that we reached our city's
7 immigrants, we placed print ads in 10 English
8 language community newspapers and 14 newspapers that
9 are either printed in foreign languages, or have
10 primarily immigrant readerships. DCA has also run
11 web and digital advertising on the websites of
12 several foreign language or immigrant oriented news
13 websites, as well as on Facebook. Additionally, the
14 agency has featured radio ads in six foreign
15 languages: Spanish, Bangla, Cantonese, Mandarin,
16 Korean and Russian.

17 DCA has been working closely with
18 advocates, community leaders, business leaders, labor
19 and elected officials on raising awareness about paid
20 sick leave and soliciting feedback about the law's
21 implementation. Many of these partners participated
22 in DCA's July 2014 Paid Sick Leave Day of Action, the
23 first of its kind held by a city agency. This Day of
24 Action involved 1,400 business owners and leaders,
25 community organizations, workers, unions, city
employees and everyday New Yorkers. And on that day,

3 we distributed more than 350,000 brochures in just
4 four hours. And we often went all across the city
5 talking to friends and neighbors as well about paid
6 sick leave at more than 140 subway stops throughout
7 New York City.

8 I'd like to thank the great support we've
9 received from Speaker Mark-Viverito and so many
10 members of the Council who participated in our Day of
11 Action. So many New Yorkers captured our activities
12 in social media that we're proud to say that hashtag
13 paid sick leave was a top trend in Twitter in new
14 York City that day. In addition to our extensive
15 advertising and outreach, DCA has made specific tools
16 and resources available to businesses to assist them
17 with compliance. So now, I'm going to talk about
18 business tools and resources.

19 Since July 2014, the doors of our Paid
20 Sick Leave Division have been open for business five
21 days a week. Both employers and employees can come
22 in, in person to obtain information, ask questions
23 about compliance and file complaints. Recognizing
24 that many of New York City's small businesses might
25 not have formal human resources departments or
timekeeping tools, we've developed a beta tested,

3 easy to use, downloadable Microsoft Excel document
4 that businesses can access on our website to help
5 them keep track of their employees' hours and
6 accrual. The document contains built-in formulas
7 that automatically calculate the number of hours an
8 employee has accrued based on the number of hours
9 worked. Under the Paid Sick Leave Law, eligible
10 employees accrue one hour of sick time, of course,
11 for paid or unpaid--depending on the size of the
12 employer--for every 30 hours worked. The document
13 easily allows employers to track hours on a daily,
14 weekly and bi-weekly basis. Based on questions and
15 feedback we received both employees and employers,
16 DCA has published a very extensive frequently asked
17 questions document. Which has significantly
18 decreased DCA's response time to questions. DCA
19 updates this document with new questions and answers
20 on a rolling basis as there are often questions asked
21 that we believe might be relevant to a large number
22 of employers. We remain focused on education as a
23 means of facilitating compliance. And we hope to
24 bring as many businesses as possible into compliance
25 without drafting charges or issuing fines. This
approach has been successful and continues to evolve

3 as implementation of the law enters a new case
4 management focused phase.

5 And I'm not going to shift gears and talk
6 about implementation enforcement. The initial
7 structure of the Paid Sick Leave Division reflected
8 the dual priorities of educating the public and
9 focusing on the mediation as a primary method of
10 enforcement. Perhaps the best indicator of our
11 outreach efforts is that DCA has received 473
12 complaints to date. We have closed 186 complaints of
13 which 70% were closed through mediation. When we
14 can't mediate, we then investigate the complaints.
15 Even then, we work diligently to achieve the
16 resolution that avoids high penalties and the
17 additional burden of having to prepare for a hearing.
18 To date, we've issued five notices of hearing, which
19 is, of course, our charging documents. And we've
20 settled eight complaints with significantly reduced
21 fines. We've collected nearly \$40,000 in fines, and
22 more than \$38,000 in restitution for 70 employees.
23 These results have been achieved by the 17 staff in
24 our division, which includes investigators, legal
25 analysts, outreach staff, project management staff,
and an executive director. Including funding on

3 allocated and fiscal year 2014, DCA has received
4 approximately \$6.9 million for the Paid Sick Leave
5 Division to date. This funding has covered staffing
6 of the division as well as the advertising campaign I
7 spoke of previously, translation and outreach costs.
8 While we've been able to mediate, or are in the
9 process of mediating most of our complaints, we are
10 now receiving an increased number of complaints that
11 require investigations.

12 So I'm going to talk a little bit about
13 that. The percentage of complaints alleging
14 retaliation, for example, has been on the rise. In
15 January, 31% of complaints alleged retaliation. In
16 February, this figure was 40%, and in March 46% of
17 all new complaints alleged employer retaliation.
18 Considering the severe chilling effect that
19 retaliation can have on a workforce, DCA takes such
20 cases very seriously, and commits greater resources
21 to such cases. In these cases, we send investigators
22 to the workplace for an on-site compliance review.
23 Which allows DCA to collect a large amount of
24 information from records. We also conduct employer
25 interviews and sometimes employee interviews as well.

3 Additionally, most of our complaints
4 allege either general non-compliance or upon initial
5 investigation uncover non-compliance, situations that
6 also require a full investigation. Surprisingly, we
7 have received many complaints against large companies
8 that have sick leave policies that either deny sick
9 leave to some category of their employees, typically
10 part-time or seasonal employees. Or, do not provide
11 the statutory rate and the amount of sick leave. To
12 fully investigate these large employers, DCA
13 investigators must review and analyze complex police
14 timekeeping tools and payroll records for hundreds,
15 if not thousands, of employees over a long period of
16 time. Although we continue to learn about the
17 prevalence of sick leave policies across New York
18 City's many different industries, it has informed the
19 next round of our rulemaking, a process which we will
20 be commencing shortly. We welcome the Council's
21 comments on draft rules upon their publication, and
22 we are very eager to work with the Council to
23 ultimately adopt rules that clarify our authority to
24 enforce paid sick leave.

25 I'm now going to switch gears and speak
 about transit benefits. DCA is also in the process

3 of preparing for our first round of rulemaking
4 pertaining to implementation of transit benefits.
5 Though the law does not go into effect until January
6 2016, we have already engaged both advocates and
7 private sector benefit providers on outreach and
8 implementation strategies. DCA is currently working
9 with benefit providers to understand how their
10 programs are priced and structured, and to solicit
11 from them questions they've received about how to
12 provide transit benefits. This type and level of
13 engagement will us to proactively develop a
14 frequently asked questions document before the law
15 goes into effect, and also to inform rulemaking. The
16 agency has already begun engaging key stakeholders
17 such as the Riders Alliance on the nature and scope
18 of our outreach to employees as we are focused on
19 ensuring that those who stand to benefit from this
20 law are made aware of it and have the tools to
21 request the benefits to which they are entitled from
22 their employers.

23 As has been evidenced, DCA has approached
24 the enforcement of paid sick leave in innovative and
25 strategic ways that have educated both employers and
employees. And ensured that employees' rights are

3 protected and that employers are given adequate
4 opportunities to comply with the law. We will be
5 pursuing a similar approach with the implementation
6 of transit benefits. And we look forward to working
7 with the Council on incorporating your comments on
8 our first round of draft rules, which are to be
9 published later this year.

10 Before turning to Intro 197, I briefly
11 wanted to offer comments on DCA's enforcement of the
12 Fair Wages for New Yorker's Act, Living Wage, and
13 Mayor de Blasio's Executive Order No. 7, EO7. The
14 Living Wage Law requires certain companies that
15 receive a million or more in financial assistance
16 from city agencies to pay no less than the living
17 wage, which has been set at \$13.13 per hour. In
18 September 2014, Mayor de Blasio signed Executive
19 Order 7, which significantly broadened the scope,
20 applicability and impact of the Living Wage Law by,
21 among other things, limiting the exemptions under the
22 Living Wage Law, and increasing the dollar amount of
23 the Living Wage floor. The office of the Controller
24 is vested with the authority to monitor and
25 investigate compliance with the requirements of the
Living Wage Law and Executive Order 7.

3 Controller investigations are commenced
4 in response to employee complaints or as a result of
5 the Controller's monitoring of employer compliance.
6 The Controller will report the results of
7 investigations to DCA, which is vested with the
8 authority to enforce the Living Wage Law and
9 Executive Order 7 by prosecuting administrative
10 enforcement actions. In order to carry out its
11 obligations under the law and Executive Order, DCA
12 working in conjunction with the Law Department and
13 other city agencies is in the process of preparing
14 implementation rules. Following this, we will be
15 preparing frequently asked questions and other
16 outreach materials; drafting standard contract
17 provisions for inclusion in agreements between
18 financial assistance recipients and city agencies;
19 implementing interagency protocols to facilitate
20 investigation and enforcement activities; and
21 preparing and posting required information and
22 reports. We anticipate we will begin engaging in
23 enforcement actions referred to us by the controller
24 before the end of 2015.

25 I will now offer comments on Intro 197, a
bill that would make it unlawful for an employer to

3 engage in retaliation against an employee who
4 discloses his or her wages. DCA believes as a
5 general matter that employees should not be
6 retaliated against for disclosing their own wages.
7 As our experience with implementing paid sick leave
8 has shown, employer retaliation can have a chilling
9 effect on a workplace leading to low morale, lost
10 productivity, and sometimes an infringement of an
11 employee's rights. It is also our understanding that
12 the Council seeks to address the issue of gender and
13 equity in pay through the passage of this bill. The
14 agency supports the intent of this bill. We also
15 know that there are federal laws, and executive
16 orders that address the issue of pay secrecy. And
17 that there are also laws in numerous states that
18 address this issue. We will work with the Mayor's
19 Office, the Law Department, and other relevant State
20 authorities to better understand the city's
21 jurisdiction in terms of regulating issues as to pay
22 secrecy. And we look forward to further engagement
23 with the Council once we've been able to make
24 progress on that. Once again, I want to thank you so
25 much for the opportunity to testify today, and myself

3 and my team are here to answer any questions that you
4 might have for us. Thank you.

5 CHAIRPERSON MILLER: Thank you,
6 Commissioner. We'd like to acknowledge members of
7 the Civil Service and Labor Committee, Crowley,
8 Constantinides, as well as Council Member Mealy.

9 COUNCIL MEMBER LANDER: [off mic] I just
10 arrived.

11 CHAIRPERSON MILLER: And Council Member
12 Lander who has just arrived. Thank you, sir. So, we
13 want to--we have a few questions for you, and we have
14 obviously a full day with seven bills being heard.
15 But while you will probably be the only
16 representatives from the Administration today, we
17 wanted to see if we could obtain as much information
18 as possible, and related to this legislation that's
19 before us today.

20 So, again, you started out by talking
21 about the earned sick leave, the Earned Sick Leave or
22 Sick Time Act.

23 COMMISSIONER JULIE MENIN: [interposing]
24 Uh-huh.

25 CHAIRPERSON MILLER: And did you say it
was more than 475 violations?

3 COMMISSIONER JULIE MENIN: We had had 473
4 complaints. So the complaint then if there is
5 retaliation we will investigate. As I mentioned
6 before, we have been able to mediate 70% of those
7 resolved complaints. Our first course of action, of
8 course, will always be mediation because it provides
9 the most expeditious relief for the employee. It's
10 best for both the employee and the employer.

11 CHAIRPERSON MILLER: So, while I am
12 obviously always in favor of negotiations and
13 mediations, could you explain, too, what type of
14 oversight or authority that you have over concerns of
15 retaliation?

16 COMMISSIONER JULIE MENIN: Sure.
17 Absolutely. When there is--when an employee comes to
18 us with allegations of retaliation, we take that
19 very, very seriously. And that's something that we
20 then will investigate. As I mentioned, we will go
21 visit the employer's office. We will interview the
22 employer. If necessary, we will interview other
23 employees as well, if we feel that that is warranted.
24 And we will launch an investigation to determine
25 whether or not retaliation has occurred. As I also
mentioned, we are seeing more retaliation cases as we

3 saw in January and February. And believe, again,
4 that is because when the expansion of the law first
5 went into effect, you know, the cases that we were
6 seeing in August were less likely to be retaliation.
7 We're seeing more retaliation now that there has been
8 more of a timeframe.

9 CHAIRPERSON MILLER: So in the cases
10 where there has been compliance, but obviously
11 subsequent retaliation of that compliance. What then
12 is the remedy sought, or what has DCA done, or what
13 is within your purview and authority to address this?

14 COMMISSIONER JULIE MENIN: Sure, and I'm
15 going to turn to Kristen Lasky, who is the Executive
16 Director of our Paid Sick Leave Division.

17 CHAIRPERSON MILLER: Okay.

18 KRISTEN LASKY: Good afternoon. Yeah,
19 you asked about retaliation and what we--what we do
20 once find dividends that supports the violation of
21 retaliation. We--under the law, we can provide
22 relief to an employee who's been retaliated against,
23 and the law breaks retaliation into two different
24 categories: Retaliation that involves discharge,
25 termination of employment, and then retaliation that
does not involve discharge. Obviously, those

3 employees who have been fired, that's a very, very
4 traumatic event--life event and loss of income. So
5 the law treats that very seriously, and their
6 employees are entitled to \$2,500 in relief as well as
7 any back wages that they're owed. And we can also
8 provide equitable relief in the situation. So we can
9 all--we can take the step to go as far as
10 reinstating, the ordering the reinstatement of the
11 employee. Now, for those cases where discharge is
12 not involved, but we find other evidence of
13 retaliation, the relief the law sets out is \$500 plus
14 any back wages owed. And again, equitable relief can
15 be granted then, too.

16 CHAIRPERSON MILLER: So that is--it
17 appears that it does have some teeth and again the
18 enforcement obviously to be able to investigate the
19 grievance and obviously prove that it has occurred is
20 another story. But we want to make sure that the
21 team has the tools to be able to exercise due
22 diligence in ensuring that these laws are being
23 properly applied and adhered to. Let me just digress
24 for a moment. And you talked about what, like what
25 implementation, the cost of implementation and you

3 talked about that. Which includes the additional
4 staff and costs of advertising.

5 COMMISSIONER JULIE MENIN: Uh-huh. I'm
6 sorry. Could you repeat that?

7 CHAIRPERSON MILLER: The cost of
8 implementation--

9 COMMISSIONER JULIE MENIN: [interposing]
10 Yes.

11 CHAIRPERSON MILLER: --as applied to
12 staffing as well as advertising--

13 COMMISSIONER JULIE MENIN: [interposing]
14 Correct.

15 CHAIRPERSON MILLER: --and some of the
16 other things that you--

17 COMMISSIONER JULIE MENIN: [interposing]
18 Sure.

19 CHAIRPERSON MILLER: --would probably
20 roll out.

21 COMMISSIONER JULIE MENIN: Sure, sure.
22 So in total, the spending has been \$6.59 million,
23 which includes the \$3 million, it was approximately
24 \$2.9 million in outreach, which included TV ads,
25 radio ads, print ads, all the outreach that we have
done. And then the other costs, of course, are

3 staffing costs. As I mentioned, we have 17 people in
4 the Paid Sick Leave Division. We have investigators.
5 We have lawyers. We have mediators and we have
6 outreach staff as well.

7 CHAIRPERSON MILLER: So what is the
8 number that--that--the number of impacted folks by
9 the implementation of the paid sick leave?

10 COMMISSIONER JULIE MENIN: So the
11 expansion covered one million employees. There is,
12 of course, data of how many private sector workers
13 are in New York City, which is approximately 3.4
14 million workers. I do want to add because this is a
15 question that we constantly get. Obviously, paid
16 sick leave also extends to not-for-profits as well.
17 In terms of the outreach we have done to the
18 employees, that includes all the outreach I
19 mentioned, the TV ads, the radio ads, the Day of
20 Action et cetera. But we also thought it was very
21 important to do industry-specific events. So we have
22 had over 850 events just since April. Those are
23 targeted to small business groups, and not-for-profit
24 groups. As I mentioned, 25% of those have been
25 conducted in a language other than English. And
approximately, almost 450 of those were held in

3 boroughs outside of Manhattan. And we think that's
4 very important.

5 CHAIRPERSON MILLER: So to me it's pretty
6 obvious that from the \$6.9 we got some bang for our
7 buck there. [laughter] I've seen projects
8 throughout the state that have had less success,
9 let's say that we've been able to reach so many
10 folks. So in terms of--and obviously I kind of
11 wanted to talk about the transit benefit, but we
12 haven't quite rolled that out, where you are in terms
13 of the rollout. Are we ready for that to happen--

14 COMMISSIONER JULIE MENIN: [interposing]
15 Sure. I'm--I'm happy--

16 CHAIRPERSON MILLER: --pretty soon for
17 January?

18 COMMISSIONER JULIE MENIN: --to discuss
19 that. So, yes, the law does go into effect in
20 January. We have met with advocates. We've met with
21 providers such as Wage Works to understand the types
22 of programs offered. The total number of staff for
23 that division is 11, and in terms of the budget for
24 that through the end of Fiscal Year 2016 it's \$2.2
25 million. So we are in the process of staffing up for
that division because we believe, as was our

3 experience with paid sick leave, we want to be out in
4 the field early in terms of advertising, in terms of
5 outreach. We demonstrated with paid sick leave that
6 by doing innovative outreach approaches it really
7 does pay off. So we want to adopt the same types of
8 strategies around transit benefits.

9 CHAIRPERSON MILLER: So, Have you--has it
10 been your experience with the obvious expansion of
11 your duties of your department, of your agency over
12 the past year that--that you've been able to meet the
13 needs, the additional needs and responsibilities that
14 you have been given? Considering that we, you know,
15 with the paid sick leave and the enforcement and wage
16 theft and all the things that have been going on.
17 And specific to this new administration and the level
18 of attention that has been paid to it. Do you have
19 resources? Have you been overwhelmed? Can you keep
20 up?

21 COMMISSIONER JULIE MENIN: Yes. So for--
22 let me talk a little bit about paid sick leave. As I
23 mentioned, we have 17 staff members in paid sick
24 leave. And because it was a high priority of the
25 Administration to focus on mediation first, we worked
very hard to mediate those cases first. And I would

3 note that the average time of mediation that we've
4 been able to achieve is 32 days. So, in terms of the
5 amount of complaints that we have, we believe that
6 we're moving them very quickly through. And that's
7 very important because the employer should get relief
8 as soon as possible, and cases should be closed for
9 the employer's benefit as well.

10 CHAIRPERSON MILLER: As far Intro 197 is
11 concerned, does that fall within your purview, or
12 what authority--do you have any oversight on that at
13 all or how would you address if that were--

14 COMMISSIONER JULIE MENIN: [interposing]
15 Sure.

16 CHAIRPERSON MILLER: --if at all.

17 COMMISSIONER JULIE MENIN: So, yes.
18 Well, I will say that the National Labor Relations
19 Board has indicated that many private sector
20 employees are prohibited from being subject to pay
21 secrecy policies. So we know that from the federal
22 government's standpoint, that that is in place. We
23 believe as an agency because we license over 80,000
24 business, and we have a high volume of licensing.
25 Which we're able to accomplish in five days. We do
have a unique relationship with many employers. The

3 same can be said obviously for paid sick leave where
4 we're working with literally hundreds of thousands of
5 businesses across the city. And I'll also turn it
6 over to Marla Tepper, our General Counsel to add
7 anything else.

8 MARLA TEPPER: As the Commissioner said,
9 federal law currently appears to cover many of these
10 practices. However, if we were given the authority
11 to enforce this law, we would do so with the same
12 speed and accuracy that we do with paid sick leave,
13 and conduct our licensing collections consumer
14 services. Which is our large-scale mediation of
15 consumer complaints. So we're well poised to handle
16 that if jurisdiction over this issue exists for us,
17 and authority is conferred--conferred to us by virtue
18 of this bill.

19 CHAIRPERSON MILLER: So having been one
20 who has dealt with the Nation Labor Board on many
21 occasions, and understanding that they're not
22 necessarily the swiftest in decisions and so forth.
23 And also, if you're not represented by an
24 organization or a specific bargaining unit, often an
25 individual does not have the resources to--for the
necessary redress of these problems. Or, to petition

3 grievances against a company or a corporation. So,
4 in that case, often it would be--which kind of
5 necessitates Intro 743 to have an Office of Labor
6 Standards to kind of oversee these practices aside
7 from the National Labor Board. Obviously, they set
8 the standards. But locally you have to have someone
9 take a look at that to represent workers that don't
10 necessarily have the wherewithal and resources to do
11 it on their own. How would you see 743 or the
12 creation of this Office of Labor impacting what you
13 guys are doing? Is it an extension of what you're
14 doing? Are they mutually exclusive? Or can you go
15 back to doing what DCA--

16 COMMISSIONER JULIE MENIN: [interposing]
17 Sure, sure.

18 CHAIRPERSON MILLER: --does to allow for
19 this to kind of just protecting workers--

20 COMMISSIONER JULIE MENIN: [interposing]
21 Sure.

22 CHAIRPERSON MILLER: --better.

23 COMMISSIONER JULIE MENIN: I'm--I'm happy
24 to comment on that. Well, should the bill pass, the
25 Mayor clearly has the discretion to decide which
agency would house an Office of Labor Standards. And

3 should DCA be chosen as that agency, we are very
4 willing and able to take on that responsibility
5 especially given that under the proposed bill, OLS
6 would have jurisdiction over two laws that we
7 currently implement, paid sick leave and transit
8 benefits. And as indicated in our testimony, we've
9 worked very effectively with both employees and
10 employers to successfully implement the Paid Sick
11 Leave Law.

12 CHAIRPERSON MILLER: Yeah, and I--I
13 agree, but I think that some of the things that are
14 intended to actually be a part of or under the
15 purview of this office would extend far beyond what
16 you're currently doing. And maybe outside of what
17 your expertise is. Although you've been able to
18 manage this. Do you see as we move forward, and the
19 emphasis that are being put on workers' rights, does
20 it--would that have an impact on what you are really
21 charged with doing, which is--

22 COMMISSIONER JULIE MENIN: [interposing]
23 Well, again, I'm going to reiterate it's a choice the
24 Mayor--

25 CHAIRPERSON MILLER: [interposing] the
technical thing.

3 COMMISSIONER JULIE MENIN: --the Mayor
4 would make as to which agency would house it. But if
5 it is housed in--

6 CHAIRPERSON MILLER: [interposing] Uh-huh.

7 COMMISSIONER JULIE MENIN: --in DCA, not
8 only given the work that we've done on paid sick
9 leave, and that we're going to do on transit
10 benefits, but we are in a unique position as a
11 licenser and as a regulator. Because we license over
12 80,000 businesses in the city, and hundreds of
13 thousands of businesses that we interact with all the
14 time around paid sick leave. We have obviously a
15 direct engagement with the city's businesses. I also
16 would add that many aspects of the bill focus on
17 education. Which again it's about education and
18 outreach. And in terms of education and outreach,
19 what we've done on the Paid Sick Leave Law and what
20 we will do on transit benefits, and what we recently
21 have done on the Earned Income Tax Credit Campaign
22 where for the first time the city has invested \$3
23 million of City money to reach hundreds of thousands
24 of New Yorkers who are eligible for the Earned Income
25 Tax Credit and aren't taking it. And we are proud of
the fact that the Mayor recently announced that as a

3 result of this \$3 million that we invested, we have
4 been able to expand the filers from 96,000 people
5 last year who went to our tax prep sites to 150,000
6 New Yorkers. We got a 50% increase. So we are very
7 proud of that, and that was a direct result of
8 advertising and outreach.

9 CHAIRPERSON MILLER: Well, I do agree
10 that I'm one of education before legislation. I do
11 agree that we should do a lot more of that in
12 government here. We've been joined by Council Member
13 Dromm. And I have--while I have you here, and that
14 you will be the only person from the Administration
15 testifying, and this certainly maybe outside of your
16 scope. And I wish we had DCAS here today, but we
17 have a number of complaints that have come before
18 this committee about pay equity within city agencies.
19 Any idea as to how we address that, and those pay
20 disparities based on gender and others that exist
21 currently within New York City agencies?

22 COMMISSIONER JULIE MENIN: Well, I'm
23 going to defer to the Mayor's Office for that and to
24 Commissioner Cumberbatch since it falls outside of
25 our jurisdiction.

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3 CHAIRPERSON MILLER: Okay. Okay, so we
4 have--we have my Co-Chair Laurie Cumbo.

5 CHAIRPERSON CUMBO: Thank you, Mr. Chair
6 Miller. [coughs] You asked many of the questions
7 that I had also. So I will be brief. Wanted to know
8 in terms of the Department of Labor Standards, are
9 there any issues with creating such an office that
10 the Council Might not have considered.

11 COMMISSIONER JULIE MENIN: So I'm going
12 to turn to Marla Tepper, our General Counsel who will
13 speak about that.

14 CHAIRPERSON CUMBO: Uh-huh.

15 MARLA TEPPER: The Department would, of
16 course, explore issues such as preemption, and that's
17 one of the issues that is certainly one that needs
18 consideration given that there is--there are existing
19 state and federal agencies. So jurisdiction is
20 currently one of the major issues. And has been
21 discussed, resources are--would be another issue for
22 us as well, but one that could be handled. We have
23 evidenced an ability to handle paid sick leave, and
24 other major issues efficiently, and done that quickly
25 as well.

3 CHAIRPERSON CUMBO: Are there other
4 cities that have Department of Labor Standard that
5 you would model this after that have had some
6 successes or challenges that we could benefit from?

7 COMMISSIONER JULIE MENIN: [off mic] Do
8 you want to address that?

9 DEPUTY COMMISSIONER BAGGA: [coughs]
10 Excuse me. We are aware that there are initiatives
11 in other places, but we--that would require
12 significantly more research--

13 CHAIRPERSON CUMBO: [interposing] Okay.

14 DEPUTY COMMISSIONER BAGGA: --and time
15 and Kristen Lasky can answer.

16 CHAIRPERSON CUMBO: Uh-huh.

17 KRISTEN LASKY: Yeah. So, currently the
18 City of San Francisco has an Office of Labor
19 Standards, and Seattle has just created one.

20 CHAIRPERSON CUMBO: They are always right
21 up there.

22 KRISTEN LASKY: They are.

23 CHAIRPERSON CUMBO: Seattle and San
24 Francisco. Always right up there. How are issues
25 such as this in terms of many of the responsibilities
that would come under the Department of Labor

3 Standards, how were or where were many of these
4 issues addressed because while there wasn't an office
5 necessarily, I'm sure all of these--many of these
6 issues came under your purview previous. No?

7 COMMISSIONER JULIE MENIN: Well, some of
8 the issues are addressed by the State Department of
9 Labor. If this office of Labor Standards is indeed
10 created, we would see it serving as a resource for
11 the State Department of Labor just in terms of the
12 New York City workforce, in terms of education, in
13 terms of outreach.

14 CHAIRPERSON CUMBO: So similarly, when--
15 was DCA prepared as far as staffing, infrastructure,
16 and so on to manage the Paid Sick Leave Division?
17 Because it was focused on education and enforcement?
18 And so, because it was so new in that way, did you
19 feel that once it rolled out in the expanded version
20 that you all came in prepared and ready? Or, was it
21 a lot of catching up based off of understanding the
22 volume and how it was increasing?

23 COMMISSIONER JULIE MENIN: We believe we
24 came in prepared and ready. Because this was
25 obviously a very expansive law, and a new law, we
focused primarily in the beginning on outreach

3 because it was critical to make sure that all
4 employees knew their rights, and that all employers
5 knew their responsibilities. I think the fact that
6 we have 473 complaints really speaks to the fact that
7 outreach has worked. That we have been able to go
8 into communities all throughout New York City and
9 where we reach out directly to employees and to
10 employers. And I think the implementation has been
11 very smooth.

12 CHAIRPERSON CUMBO: Thank you, and as far
13 as moving forward, what do you think would be the
14 staffing that would be required to create an office
15 such as this?

16 COMMISSIONER JULIE MENIN: I can't
17 comment on that at this early stage, but I mean that
18 would take obviously more conversations.

19 CHAIRPERSON CUMBO: Okay, thank you. And
20 then finally go to wage transparency--

21 COMMISSIONER JULIE MENIN: Uh-huh.

22 CHAIRPERSON CUMBO: --wanted to focus on
23 are there other states that prohibit employers from
24 taking action against employees who discuss their
25 wages with others?

3 MARLA TEPPER: Yes, there are and we will
4 have conversations with those states to discuss the
5 terms of their--their regulations and their
6 experience in enforcing those laws.

7 CHAIRPERSON CUMBO: Okay. And then my
8 last question will go in terms of the Department of
9 Labor Standards. Would all the work that you're
10 doing as far as paid sick leave, transit benefits and
11 other labor issues in addition to wage transparency
12 all be folded into one office that would manage all
13 of those different components?

14 COMMISSIONER JULIE MENIN: How the bill
15 is currently worded, that is what is contemplated
16 under the language of the proposed bill.

17 CHAIRPERSON CUMBO: Would there be other
18 components to it that would also be included in that
19 that are not listed here that you would think of?

20 COMMISSIONER JULIE MENIN: Well, there
21 are other elements in that proposed language of the
22 bill. Education efforts around gender and equity is
23 specifically mentioned in the proposed language.

24 CHAIRPERSON CUMBO: Okay. Do you think
25 that potentially moving forward--I guess that's where
I'm going with this--as far as the success that we

3 could have with pay equity, and moving forward, would
4 that also be a part of it. That while this is
5 something t hat we're putting forth a resolution in
6 that way. And I recognize you can't speak on
7 resolutions. But that's something that's similar to
8 pay equity would also fall under an office in a
9 similar way?

10 COMMISSIONER JULIE MENIN: Well, under
11 the proposed language of the bill, and again, I want
12 to stress that the ultimate--if the bill passes, the
13 ultimate choices is with the Mayor as to which agency
14 is designated. That under the issue of pay equity,
15 it contemplates tremendous outreach and educational
16 initiatives. And I think that with experience we've
17 learned from paid sick leave is that education really
18 does work.

19 CHAIRPERSON CUMBO: Uh-huh.

20 COMMISSIONER JULIE MENIN: It's critical.
21 It's critical to educate both the workforce,
22 employees as well as the employers. And I think that
23 in terms of an effective campaign on that it would
24 encompass the subway ads, the bus ads. All the kinds
25 of outreach that has to be done, as well as specific
outreach events as well.

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3 CHAIRPERSON CUMBO: Okay. I'll look
4 forward to all of that. Thank you very much.

5 COMMISSIONER JULIE MENIN: Thank you.

6 CHAIRPERSON MILLER: Thank you. Council
7 Member Johnson.

8 COUNCIL MEMBER JOHNSON: Thank you, Chair
9 Miller and Chair Cumbo. Again, Commissioner it is
10 pretty incredible give the amount that has been
11 before you all your team has accomplished over the
12 last 16 months. I think you've served the city well,
13 and I really appreciate your thoughtful and measured
14 comments with regard to introduction--the
15 introduction that I put forward on wage transparency.
16 I believe the other states that have done this are
17 Colorado and New Hampshire. I think the Colorado law
18 has been the one that has been looked at the most.
19 And I appreciate to hear from your General Counsel
20 that if, in fact, the Council passed this that you
21 all would be willing to continue to do the
22 enforcement actions that you already undertake within
23 the city. So I really appreciate that, and I look
24 forward to working with you all to see if there is a
25 way to move forward on this that works for the city.
So I just wanted to say thank you on that.

3 COMMISSIONER JULIE MENIN: Thank you.

4 COUNCIL MEMBER JOHNSON: On--where is it?

5 [coughs] If I can find it here. I wanted to ask

6 about higher minimum wage. I know that you mentioned

7 in your testimony that I believe the Mayor has come

8 out in support of \$13.30 for the local minimum wage

9 how it should be adjusted in this city. I know the

10 Controller, as you had mentioned, released a report

11 on what he thought that would do to wages in the

12 city. Have you heard, given that you all interact

13 with so many small businesses in such a regular way,

14 fear around hiking the minimum wage in the city?

15 What that could potentially do from businesses? Has

16 it been a big thing?

17 COMMISSIONER JULIE MENIN: We have not

18 heard from any small businesses on that issue. As I

19 mentioned before, we've been very focused on

20 implementation of paid sick leave, and I think we

21 have been able to show on that issue that you can

22 enforce a law in a way that does not in any way hurt

23 small businesses. And on that note, the fact that

24 the unemployment rate is the lowest it's been in many

25 years. It's 6.5% or the fact that you see the

private sector job growth of approximately 112,000

3 jobs created in the past year really proves that very
4 point.

5 COUNCIL MEMBER JOHNSON: The number of
6 New Yorkers with the expansion of paid sick leave
7 last year, the number of new people that qualified
8 was what, 400,000 additional people that were
9 qualified?

10 COMMISSIONER JULIE MENIN: That was
11 approximately 500,000 due to the expansion of both
12 the categories and removing various exemptions.

13 COUNCIL MEMBER JOHNSON: And has there
14 been difficulty-- I know you mentioned that the
15 agency did advertisements in six foreign languages,
16 but outreach was done in significantly more, 26
17 languages?

18 COMMISSIONER JULIE MENIN: Twenty-six
19 languages.

20 COUNCIL MEMBER JOHNSON: And so many
21 small businesses across the city--I mean I'm a huge
22 supporter and proponent, of course, of the law. And
23 I was very proud to vote in favor of it. But I had
24 certain concerns that there could be immigrant owned
25 businesses where English was not the first language
that could have difficulty understanding what the new

3 requirements were for them and for their employees.

4 Have you run into any issues surrounding small
5 businesses where English was not the first language?

6 And being able to fully communicate with primarily an
7 immigrant community on what the effect was going to
8 be on their small business?

9 COMMISSIONER JULIE MENIN: So one of the
10 reasons why we decided to go into the 26 languages as
11 opposed to the seven that are required by the law is
12 we felt very strongly that there were many immigrant
13 communities with small businesses where language
14 access could be an issue. And we wanted to make sure
15 that that was in no way ever a barrier, and I think
16 it has really helped considerably to have the
17 materials in those languages. Also, because our DCA
18 inspectors when they're going out to inspect not on
19 paid sick leave but just on general inspections, they
20 always carry with them a laminated card where
21 inspections can be done in the language of choice.
22 And they're also on the spot using Language Line, and
23 they're also disseminating paid sick leave materials.
24 We have found that that has worked extremely well.
25 Because of the fact that we have, as I mentioned, 850
events and we did 25% of the language in other than

3 English, again if there were questions in the small
4 business community, we were really able to get at
5 them up front in language of choice. And we also for
6 the first time ever have created a new position a
7 legal ombudsperson, who was there just to answer
8 business owner's questions about paid sick leave.
9 And I'll turn to my team to see if there is anything
else they want to add.

10 DEPUTY COMMISSIONER BAGGA: Thank you,
11 Commissioner Menin, and I'm going to have Kristen
12 Lasky comment on this as well. In addition to all of
13 the efforts that the Commissioner has talked about,
14 one thing that should be noted is that 25%--over 25%
15 I believe of our 850 or so events have taken place in
16 a language other than English. And the way we've
17 been able to accomplish this is by partnering with
18 local organizations, BIDs, chambers of commerce,
19 local groups, advocacy groups, et cetera to really
20 make sure that we're getting the word out about paid
21 sick leave. So, some examples are, you know, in the
22 coming weeks we will be going out with a BID in
23 Flushing to talk to primarily Mandarin and Cantonese
24 business owners, not only about paid sick leave but
25 about general compliance. That's something that our

3 outreach staff will be doing. In addition to that,
4 we've partnered with many Bangla, Bengali
5 organizations across the city to make sure that
6 Bangladeshi business owners have been made aware of
7 paid sick leave. In Council Member Dromm's district,
8 we actually sent out a native Bangla speaker, with
9 one of our inspectors on 73rd and 74th Streets to
10 conduct direct business owner to business owner
11 education about paid sick leave. There are many more
12 examples that I could give. But this is one of the
13 ways in which we are leveraging innovative and
14 strategic ways of approaching outreach. And I'm
15 going to also have Kristen comment on some of our
16 language access capabilities.

16 KRISTEN LASKY: We just wanted to tell a
17 story about what was going on in the office before I
18 left for this hearing. We had one of our
19 investigators speaking in Korean to a business owner
20 to explain the complaint that was filed against them,
21 and to explain how they could come into compliance.
22 It's just a story that illustrates how it was very
23 important to us when we were selecting those 17
24 people that we filled our staff with. To pick people
25 who had language skills. So we have Korean speakers.

3 We have Mandarin, Cantonese, Spanish, Russian,
4 Bengal, and Haitian Creole within our office. And
5 we're looking to hire more people, and with more
6 language skills. So it was a big priority for us
7 that people were able--employers specifically were
8 able to contact our office, and speak to someone that
9 spoke their language.

10 COUNCIL MEMBER JOHNSON: Thank you. My
11 last question on this. Commissioner, you had
12 mentioned that to date there had been 473 complaints.
13 186 have been closed. 70% were closed through
14 mediation. Is that--I don't know if you measure that
15 against other municipalities or other states given
16 that New York is so large, and the number of
17 businesses we have here that were newly covered as
18 large. Did you consider that to be a relatively low
19 number or on kind of a course of what you expected?

20 COMMISSIONER JULIE MENIN: In terms of
21 the 473?

22 COUNCIL MEMBER JOHNSON: Yeah.

23 COMMISSIONER JULIE MENIN: I think that
24 it really again speaks to the outreach because people
25 we feel have a high level of familiarity in terms of
rights and responsibilities at this early stage.

3 This is why we're starting to see the complaints.

4 And we do a tremendous amount of outreach to other
5 jurisdictions that have implemented paid sick leave.

6 So we are constantly speaking with other cities that
7 came before us. So I'll let Kristen address that in
8 terms of the metrics.

9 KRISTEN LASKY: I think it's--we are the
10 largest city, municipality to have a law like this on
11 our books. But I--I think the number of complaints
12 we have seen doesn't just reflect our size. I think
13 as the Commissioner pointed out, it reflects the
14 amount of outreach and media education that we've
15 taken part in. And, I don't have other numbers from
16 other jurisdictions. But I can say quite safely that
17 our numbers of complaints I think are a whole order
18 of magnitude different.

19 COUNCIL MEMBER JOHNSON: Thank you. Mr.
20 Chair and Chair Cumbo, I just want to say I know you
21 all spent a significant amount of time and this is an
22 incredibly important hearing given that our state and
23 federal agenda as included trying to lift up as many
24 New Yorkers as possible. So much of what is before
25 us, unfortunately, isn't allowed for us to directly
legislate. And we have to go to the state and feds

3 in so much of this. But I think that we have seen a
4 commitment from the de Blasio Administration, from
5 this particular city agency and what they actually
6 are allowed to do. I really praise the Commissioner
7 and her team for that, and I thank you all for taking
8 these issues so seriously, and how it affects New
9 Yorkers that people talk about this economic rebound.
10 Many New Yorkers have not felt any type of rebound
11 whatsoever as the economy has picked up. And that is
12 why I think the most important thing that we can do
13 as a Council is to push forward raising the minimum
14 wage getting local control over a minimum wage. And
15 hiking it to \$15 an hour, or the closest amount we
16 can get to that. And you all have been leaders on
17 that, and I appreciate being able to participate
18 today. Thank you Commissioner for all of your hard
19 work.

20 COMMISSIONER JULIE MENIN: Thank you so
21 much, Council Member Johnson.

22 CHAIRPERSON MILLER: Thank you, Council
23 Member Johnson for your tireless voice on this and
24 all of these issues. Council Member Crowley.

25 COUNCIL MEMBER CROWLEY: Thank you to
both of our chairs today. Last week I stood with

3 Council Member Johnson and many of my other
4 colleagues, especially Council Member Miller, and
5 Council Member Cumbo and called for an increase of
6 minimum wage on Tax Day from what we have now to \$15
7 an hour. So I, too, want to put my name and add it
8 to the chorus of supporters.

9 The questions I have, have a lot to do
10 with enforcement, whether you can answer that
11 question. But, you know, as the DCA Commissioner,
12 have you received complaints from businesses that
13 were affected by the two previous Council bills that
14 either called for prevailing wage for service
15 employee workers and/or living wage for projects that
16 received a million dollars in city financial
17 assistance.

18 COMMISSIONER JULIE MENIN: [off mic]

19 Yes, why don't you just address that? [on mic]

20 Okay, I'm going to--Marla Tepper is going to address
21 that.

22 COUNCIL MEMBER CROWLEY: Basically,
23 companies did they complain that this new city
24 regulation was going to put them out of business, or
25 create an undue hardship? And how many people really

3 benefitted from us passing those two types of laws in
4 the city?

5 MARLA TEPPER: So, the Department has not
6 received those complaints from businesses. If there
7 is a complaint from an employee, it is referred to
8 the Controller for resolution. As for complaints
9 about the law generally, we have not been the
10 recipient of any such complaints. With regard to the
11 scope of the--of the law and its coverage, numbers
12 have been thrown around. One of them is that it
13 would substantially benefit around 18,000 workers.
14 But that--that number--

15 COUNCIL MEMBER CROWLEY: [interposing]
16 Which--which one is that, the Living Wage Bill that
17 we have?

18 MARLA TEPPER: The Living Wage Executive
19 Order, yes. But that number may be low because if
20 there are more projects that have more workers on
21 them, that number may go out.

22 COUNCIL MEMBER CROWLEY: Now, it is up to
23 the Controller to enforce that these are--are adhered
24 to by the employers.

25 MARLA TEPPER: Under the Statutory
Scheme, Complaints are referred to the Controller in

3 the first instance, and then on a finding that's
4 referred to the department for prosecution by
5 administrative charges. The Controller also has
6 authority to investigate without a complaint.

7 COUNCIL MEMBER CROWLEY: Did the
8 Controller's Office receive any additional funding to
9 investigate violations that were or could potentially
10 be--happen with the pass of these--the passage of
11 these two laws that we passed?

12 MARLA TEPPER: We don't know the answer
13 to that.

14 COUNCIL MEMBER CROWLEY: I--I imagine
15 that there are a lot of workers that are not getting
16 what they're legally entitled to. And I don't
17 believe that they know their rights. I do want to
18 compliment you on your paid sick leave advertisements
19 because many, many New Yorkers have reached out to my
20 Council Office and are more aware today of what their
21 rights are in terms of paid sick leave. But I don't
22 believe they know what their rights are in terms of a
23 fair wage and/or a living wage especially if they
24 fall under employers that benefit from city wages,
25 from city contracts.

MARLA TEPPER: Uh-huh.

3 COUNCIL MEMBER CROWLEY: But there's no--
4 there's no campaign like that for workers to know
5 what they're entitled to?

6 COMMISSIONER JULIE MENIN: We are
7 engaging in the rulemaking surrounding living wage.
8 On April 17th, the Mayor announced the first
9 agreement, One Manhattan East that falls under the
10 New living Wage Executive Order, which will apply to
11 approximately 10,000 employees.

12 COUNCIL MEMBER CROWLEY: So that was the
13 first one under this new executive order abandoned
14 the law that the Council passed? The Council passed
15 a law that was getting sued, and then that's why the
16 Mayor did an executive order.

17 MARLA TEPPER: Yeah, it expands the scope
18 of the Council's law. So it extends the coverage to
19 other--to subtenants, for example, over covered
20 employers.

21 COUNCIL MEMBER CROWLEY: So the clock
22 only starts clicking at--ticking now in April versus
23 back when we passed the law?

24 MARLA TEPPER: I believe that's correct,
25 but we can follow up with you.

3 COMMISSIONER JULIE MENIN: Yeah, the
4 rates they don't apply to projects that were
5 authorized prior to September 30, 2014 or any
6 financial assistance awarded prior to September 30,
7 2014.

8 COUNCIL MEMBER CROWLEY: Okay. Now,
9 there are employers that get fined that are doing
10 business with the City for wage violation, wage theft
11 for not paying workers compensation, insurance or not
12 paying minimum wage. But they're not getting barred
13 from doing business with the city. Is there a
14 process that we're going to put forth to make sure
15 when we find employers that are violating Labor Laws
16 that they're not going to continue to do business
17 with the city?

18 COMMISSIONER JULIE MENIN: So we're again
19 going to refer that back to the Mayor's office, and
20 the Mayor's Office of Contracts to address.

21 COUNCIL MEMBER CROWLEY: But what
22 exactly--I'm sorry because I had another hearing, and
23 I was a little delayed over there. What exactly is
24 the Department of Consumer Affairs role in the Living
25 Wage, and matters you work with in your office--[sic]

3 COMMISSIONER JULIE MENIN: [interposing]

4 My--my testimony was focused on paid sick leave, on
5 transit benefits and living wage. And living wage
6 authority extends from when the Mayor signed a new
7 Executive Order, which name the Department of
8 Consumer Affairs as the enforcement agency under the
9 living wage. As I testified, the Controller is
10 referred the cases under living wage and then he
11 refers them to us to prosecute. Because we are both
12 the prosecutorial agency, as well as to bring
13 administrative charges in the tribunal.

14 COUNCIL MEMBER CROWLEY: So, you're
15 acting somewhat like a State Department of Labor
16 would if somebody was violating the minimum wage law
17 of the state?

18 COMMISSIONER JULIE MENIN: So, I'll let
19 Marla take that.

20 MARLA TEPPER: Yeah, not--not exactly
21 because the responsibility is shared with the
22 Controller. And the State Department of Labor would
23 have responsibility to both investigate and
24 prosecute. In this statutory scheme, it is the
25 Controller's responsibility to investigate the
complaints and then make a finding and then refer

3 those--refer the findings to us for issuance of
4 charges or for settlement.

5 COUNCIL MEMBER CROWLEY: And what kind of
6 charges would they involve? Like for District
7 Attorney's Office or they would just be civil
8 charges?

9 MARLA TEPPER: Well, they--

10 COUNCIL MEMBER CROWLEY: [interposing]
11 Would they be legal charges?

12 MARLA TEPPER: Yes, they would be civil
13 charges brought before our Administrative Tribunal.
14 The same kinds of charges and the same tribunal that
15 we have for paid sick leave, for example. There are
16 civil charges, but at an administrative level.

17 COUNCIL MEMBER CROWLEY: Have you fined
18 any company? Have you found any company to be
19 breaking the Paid Sick Leave Laws?

20 MARLA TEPPER: No fine--no complaints
21 have been referred to us by the Controller's Office
22 yet.

23 COMMISSIONER JULIE MENIN: Oh, no, she's
24 asking about paid sick leave. You're asking about
25 paid sick leave?

COUNCIL MEMBER CROWLEY: Yes.

3 COMMISSIONER JULIE MENIN: On paid sick
4 leave we have not gone to a notice of hear, but we
5 have six cases that resulted in fines. The total
6 amount of fines is approximately \$40,000. The total
7 amount of restitution is approximately \$39,000 and it
8 extended to 70 employees.

9 COUNCIL MEMBER CROWLEY: Great. No
10 further questions. Thank you.

11 COMMISSIONER JULIE MENIN: Thank you.

12 CHAIRPERSON MILLER: Thank you, Council
13 Member Crowley and specifically, I want to thank the
14 members of--of this committee who are--who are never
15 just spectators, always participants. And continue
16 to show and demonstrate that we value workers, and we
17 are happy that we have a partner on that side that
18 has the same value, and have demonstrated that as
19 well. So with that, I thank you all for coming out.
20 I appreciate your time and look forward to working
21 with you in the future as you rollout transit
22 benefits, but also we'll be sending you additional
23 questions from the Council. Thank you.

24 COMMISSIONER JULIE MENIN: All right.
25 Thank you so much for the opportunity to testify
today.

3 CHAIRPERSON MILLER: Okay, so, we'll be
4 calling the next panel. Beverly Neufeld, Jake
5 McDonald and Donna Dolan.

6 [pause]

7 CHAIRPERSON MILLER: Okay, so we'll be on
8 three minutes. We have a number of panels to hear,
9 and a number of folks to testify, and we're going to
10 get it all in. So, we can begin in either direction,
11 and whomever.

12 BEVERLY COOK-NEUFELD: Great. Good
13 afternoon. I'm Beverly Cook-Neufeld, President of
14 BCN Consulting. We work on women's issues, and we
15 wellbeing of women and children. I also the founder
16 of Power Her New York, and the head of the Equal Pay
17 Campaign of Power Her. It was formerly called the
18 Equal Pay Coalition of New York City, but we've taken
19 on that work. Thank you very much for this
20 opportunity to offer testimony on No. 197. The Power
21 Campaign represents 30 years of fighting for reform
22 in New York State. So I think it's important for you
23 to realize how long it has taken for us to get her,
24 and how important what you're doing is. Since 2007,
25 the Equal Pay Coalition had been running that, and
most recently we connected with 60 civic groups

3 across New York State to work on this on the
4 municipal level, but also on a state level as well.
5 This year we are working specifically on the passage
6 of Assembly Bill--New York State Assembly Bill 6075.
7 We're also working around the state on municipal
8 bills and, of course, here in New York City. We
9 highlighted this work last week at the Ninth Annual
10 Equal Pay Day commemoration. Yay. And thank you so
11 much to the City Council for being there, for
12 supporting this issue and really being our liaison.
13 We appreciate that greatly.

14 We fully support all legislation, which
15 address closing the gender wage gap by protecting
16 employees when they voluntarily share information.
17 We applaud the New York City Council for this timely
18 and important action. The provisions of 197 will be
19 a clarion call that wage transparency is protected in
20 New York City, and retaliation for sharing salary
21 information will not be tolerated. It is a
22 significant statement that this is being done with
23 the amendment of the City Charter. It really tells
24 the world, not just New York City, that this is the--
25 that the largest city, the financial capital of the

3 world is taking this seriously and intends to take
4 action.

5 The Notice of Rights is particularly
6 important because right now this is a closed-door
7 conversation. This is a secret--this is secrecy.
8 And so by putting a notice or having to give an
9 employee a notice of their rights, which they have no
10 idea that they have, is probably one of the most
11 important things you're doing to open the door and
12 put light on--on this important issue. Guaranteeing
13 workers the right to share salary information without
14 penalty creates transparency, and detection of wage
15 discrimination. I mean how do you know if you're
16 being discriminated against [bell] if you do not know
17 what others are being paid? It's very simple. So
18 this protection will have the result of helping close
19 this wage gap that we keep talking about. Some of the
20 wage gap is caused by reasons that--that we can
21 explain, but there's a significant portion of the
22 wage gap that still is inexplicable, and it has to do
23 with discrimination and it has to do with secrecy.
24 Because in almost every profession at all levels of
25 education and at all ages there is a significant pay
gap, and that gap is costing women particularly--

3 CHAIRPERSON MILLER: Wrap it up, please.

4 BEVERLY COOK-NEUFELD: --their security.

5 So, in--in my testimony here there are many numbers
6 about what we are losing and how this impacts

7 individual--individuals. But right now people are

8 suffering in silence. The President has done what he

9 can do by using his executive authority because the

10 Pay Check Fairness Act is not moving forward in

11 Congress. The New York State 6075 Law must likely be

12 passed at the end of April. But this bill is actually

13 quite different, and if you have questions about that

14 I can share it. Around the country there are

15 different bills that are being done. One of them is

16 particularly interesting in that Rhode Island has

17 just opened up a Pay Equity Tip Line. So what you're

18 doing is very similar in that people are able to now

19 speak about it. I have here a list of other ideas

20 that Power Her New York Campaign I'd like you to

21 consider in the future.

22 CHAIRPERSON MILLER: [interposing] Great.

23 BEVERLY COOK-NEUFELD: Thank you for the

24 opportunity.

25 CHAIRPERSON MILLER: You're quite

welcome.

3 BEVERLY COOK-NEUFELD: Uh-huh.

4 CHAIRPERSON MILLER: Sir.

5 JAKE MCDONALD: Good afternoon. My name
6 is Jake McDonald and I am submitting testimony on
7 behalf of A Better Balance, a New York City legal
8 advocacy organization fighting nationwide to protect
9 workers and their families. For the last ten years,
10 we have advocated for legislation or promote
11 workplace fairness and sound policies such as the
12 Pregnant Workers Fairness Act and Earned Sick Time
13 Act here in the city. We are delighted that the
14 committees are holding a hearing on policies to
15 assist working families. We are hopeful that the
16 City Council will pass everyone of these measures.

17 Our written testimony explores our
18 support in greater detail, but right now based on our
19 particular expertise, I want to highlight three
20 specific issues. First, the establishment of an
21 Office of Labor Standards is a an excellent idea. In
22 our experience helping to draft, pass and enforce the
23 Earned Sick Time Act, we've learned that without a
24 dedicated agency it is very difficult to enact and
25 implement legislation protecting workers. For the
Sick Time Law we had to amend the City Charter in

3 order to grant enforcement authority to DCA who had a
4 new dedicated department created just for sick time.

5 Although DCA and Commissioner Menin have done an
6 excellent job with the Earned Sick Time Act, future
7 legislation will face the same problems of where to
8 put enforcement in. For example, our work in Seattle
9 and San Francisco has shown that a specialized office
10 creates an efficient one-stop shop for education and
11 about enforcement of labor standards. New laws are
12 simply adopted into their current infrastructure.

13 Such an agency would build expertise in a set of
14 issues while serving as an indelible sign of New York
15 City's dedication to fairness in the workplace.

16 Second, we applaud the committee's focus
17 on equal pay with its consideration of the City Wage
18 Transparency Bill as well as a resolution calling for
19 amendments to the State Equal Pay Law. The gender
20 wage gap is an insidious and pervasive. Yet, our
21 State Equal Pay Law suffers from loopholes that could
22 be closed by a simple amendment. Furthermore, with
23 many employers utilizing wage secrecy policies, few
24 workers can ever use existing equal pay laws because
25 they have no idea they are being paid unfairly. Both

3 of these pieces are required to combat wage
4 discrimination in New York.

5 In addition, we urge the City Council to
6 consider taking more expansive measures to fight wage
7 discrimination, including passing its own citywide
8 equal pay law. Third, and lastly, we commend the
9 committee's interest in Resolution No. 615, calling
10 for statewide Paid Family Leave Insurance . We've
11 spent eight years working to create this program. So
12 we greatly appreciate the committee's support, and
13 hope this resolution will push the state to action.
14 Paid Family Leave Insurance is vital to the workers
15 and families who current--currently face terrible
16 choices between caring for a loved one and paying
17 their bills. Similar programs in other states have
18 proven effective as a safety net for workers who need
19 some time off without creating a burden on business.
20 In conclusion, we want to thank the committees for
21 considering these issues, express our sincere
22 excitement at a new day for New York City families
23 and workers. And a pledge of A Better Balance's full
24 and complete support in passing and implementing
25 these measures. Thank you.

3 CHAIRPERSON MILLER: Thank you for your
4 advocacy, and now full disclosure before Ms. Dolan
5 comes on that we have worked on these Paid Family
6 Leave, you're talking about 30 years. It hasn't
7 quite been 30 years, but it's been almost 20 when I
8 was a--a trusting to be a new advocate as a single
9 parent and trying to work on this for a very long
10 time. So it is an honor and pleasure to help for it
11 to finally come to fruition today. And I'm just glad
12 to see that folks like and Ms. Dolan as--as not
13 giving up. And it still remains at the forefront,
14 and it still becomes--it remains a critical issue and
15 hopefully we can make it happen here with this group
16 here. So, with that being said, full disclosure is
17 someone who I respect very much and their advocacy.

18 DONNA DOLAN: [off mic] Thank you
19 Chairman Miller, and I'd like to say--

20 SERGEANT-A-ARMS: [off mic] In the mic.
21 You need to talk in the mic. [sic]

22 DONNA DOLAN: Oh, sorry. Thank you very
23 much Chair Miller and yes we've worked on the issues
24 of paid leave for a long time, many years. My work
25 on Paid Family Leave started the year after
Assemblywoman Kathy Nolan introduced the first State

3 Paid Family Leave bill and that was back in 1999.

4 And then in my work, my advocacy work working for--as

5 a national staff person for the Communications

6 Workers of America here in Lower Manhattan, Paid

7 Family Leave was added to my agenda beginning in the

8 Year 2000. And so it's long time, but this gets

9 taken care of at the state level. And I'd just like

10 to say that it's great be back here testifying for

11 the State Resolution on Paid Family Leave because we

12 took a detour back in the year 2009 to focus our work

13 here at the City Council level working to pass the

14 Paid Sick Days bill that the previous panel and

15 Commissioner Menin testified to. And we never

16 thought it would take us 4-1/2 years to do that. So

17 we--it's high time that we got this done at the state

18 level, and we're very excited that on March 17th, the

19 New York State Assembly passed our Paid Family Leave

20 Bill by an overwhelming vote of 97 to 43. And March

21 24th, there was a joint Senate and Labor Social

22 Services Committee hearing on Paid Family Leave that

23 many of us testified at. And, we're very hopeful

24 that the Senate--we think we--there's interest there.

25 And some out-of-the-box ideas to try to get this done

this session. So, we hope, in fact, that happens and

3 we think the New York City Council voting in favor of
4 a resolution and asking the State Legislature and the
5 Governor to pass and sign Paid Family Leave would be
6 very, very important. We want to make New York next
7 and the fourth state in the Country to pass Paid
8 Family Leave.

9 Real quick. Our bill calls for 12 weeks
10 of Paid Family Leave at the time of the birth or
11 adoption or foster care placement of a child. And
12 also at the time for a sick family member. Now, I'm
13 not talking about the last bill, the Paid Sick Time
14 Bill. That's for like a day or two off, very short
15 periods of time. We're talking about a longer block
16 of time that you might need to care for a sick family
17 member or for a dying parent [bell] et cetera. So
18 we're talking about two different periods of time.
19 This one, Paid Family Leave, the State bill being for
20 the longer chunks of time. So, you have my testimony
21 here, and we have the researchers who did [coughs]
22 the research on the California Paid Family Leave
23 Program, which went into effect in 2004. And New
24 Jersey's law has been in effect since 2009, and all
25 of the naysayers, primarily the business lobbies that
came out in opposition prior to the law's passage

3 we're seeing that here in New York State. But that
4 happens no matter what law it is that's going to
5 uplift working families anywhere. So we ask the
6 Council to keep that in mind, and my testimony does
7 go into just how it was just a great experience for
8 businesses and working families in the states that
9 have passed Paid Family Leave to date.

10 CHAIRPERSON MILLER: I have one question
11 for--for Ms. Dolan, but someone else on the panel may
12 be able to answer it. Could you just speak to this
13 Reso as opposed to FMLA and the similarities. But
14 more importantly the difference in the federal act.

15 DONNA DOLAN: Well, with respect to our
16 bill, if you--structurally if you just think about it
17 in terms of taking the unpaid FMLA and making it
18 paid. And that's essentially what we're trying to do
19 here, and we are trying to pay for it through--and
20 have it administered through an existing social
21 insurance system that we have just as California, New
22 Jersey, and Rhode Island, the other three states that
23 have passed Paid Family Leave have. So we're not
24 talking about setting up a whole new bureaucracy in
25 order to administer this. And the Paid Family Leave
benefit is paid for by small deductions from

3 employee's paychecks. The first year starting 45
4 cents a week, and year four, approximately 88 cents a
5 week. And, we have--a second part of the bill is to
6 take the temporary disability insurance cap, which
7 has been frozen for 26 years at \$170 a week and
8 modernizing that very gradually through small
9 increases in the insurance premiums. And those
10 premium costs are shared by both employers and
11 employees. But we're talking about very small
12 amounts of money here--

13 CHAIRPERSON MILLER: [interposing] So--so
14 this--

15 DONNA DOLAN: --in order to get this
16 benefit.

17 CHAIRPERSON MILLER: --this would
18 obviously be administered through the State
19 Disability Fund.

20 DONNA DOLAN: This is--it would be--yes,
21 it would be through the--through the Temporary
22 Disability Program. Now, the majority of employers
23 in New York State have their insurance privately
24 through private insurers. So this would continue
25 through their private insurers.

CHAIRPERSON MILLER: Okay, thank you.

3 JAKE MCDONALD: I just want to add that
4 many of our callers aren't eligible for the FMLA
5 because their employer is too large, and that in this
6 state Paid Family Leave Insurance would cover many of
7 those people

8 DONNA DOLAN: Thanks Jake.

9 CHAIRPERSON MILLER: Okay, thank you to
10 the panel and then thank you for--for your expert
11 testimony, and your due diligence--due diligence and
12 advocacy on behalf of working families. Before you
13 get out of here, we do have--Council Member Crowley
14 has a question.

15 COUNCIL MEMBER CROWLEY: I do want to
16 thank all the people on the panel for their advocacy
17 in helping achieve fair wages for workers. I have a
18 question follow up with the Paid Family Leave Act.
19 I, too, support one for our state and one resolution.
20 I am curious to know even though Council Member
21 Miller mentioned, you know, our federal government
22 has on that ensures that workers will have that
23 protection, but not necessarily being paid. What is--
24 -is the federal government helping states achieve
25 more? Are they doing anything? Or how it is that

3 California and Rhode Island and other--those--and
4 then there is one other municipality--

5 DONNA DOLAN: [interposing] New Jersey.

6 COUNCIL MEMBER CROWLEY: Those three
7 states have laws, and we don't have a law yet. How
8 did they achieve that? Did they do it in help with
9 the federal government?

10 DONNA DOLAN: No, they passed it at the
11 State level.

12 COUNCIL MEMBER CROWLEY: Right, but I
13 had--I thought I had heard that the--the federal
14 government was giving money to put the plan of action
15 together on how to achieve this insurance program?
16 Do you know if they were giving any states monies?

17 DONNA DOLAN: Council Member Crowley,
18 yes. Last June many of us attended the White House
19 Summit for Working Families, and that day the
20 Secretary of Labor, Tom Perez, announced he was
21 setting up a grant fund of \$500,000 that states could
22 apply to in order to study the feasibility of setting
23 up their own Paid Family Leave Insurance programs.

24 COUNCIL MEMBER CROWLEY: Did we apply for
25 that grant?

3 DONNA DOLAN: We were very disappointed
4 that the Governor's Office did not apply for that
5 grant even though many advocates and electeds in the
6 State did ask them to apply for it. They felt they
7 had all the data that they needed in order to enact a
8 Paid Family Leave program.

9 COUNCIL MEMBER CROWLEY: And is it true,
10 and do you know if it's true that a lot of European
11 countries have a paid leave for families?

12 DONNA DOLAN: Yes, they all do, and it's
13 very embarrassing that in this country our policies
14 do not indicate that families are valued in the
15 United States. It's only our country and Papua, New
16 Guinea.

17 COUNCIL MEMBER CROWLEY: And then the
18 final question, I think it's important to emphasize
19 that employers are not paying for this type of
20 service. Such that they would say they're paying for
21 paid sick leave. Employees would be paying?

22 DONNA DOLAN: Employees. That's correct,
23 Council Member Crowley. Employees would be paying
24 for the Paid Family Leave benefit, and to bring the
25 benefit level up to an acceptable level. New
Jersey's is over \$600 a week cap, 55% of their wages

3 up to a cap of \$600, a little over \$600 a week. New
4 York's cap has been stuck at \$170 a week for 26
5 years, and that's 50% of the average weekly wage up
6 to the cap of \$170. So, folks have not been able for
7 off-the-job injuries, or at the time of the birth of
8 a child for maternity leave for that six to eight-
9 week period, no one has been able to get--unless
10 their employers are more generous--more than \$170 a
11 week in the past--

12 COUNCIL MEMBER CROWLEY: [interposing]

13 And then--

14 DONNA DOLAN: --for the past 26 years.

15 COUNCIL MEMBER CROWLEY: --and then just
16 to follow and a final question. Can we do something
17 for New York City? Can we do a paid sick leave for
18 families without waiting for the State to take
19 action?

20 DONNA DOLAN: Well, because we're talking
21 about it through using an existing temporary
22 disability insurance program, and as such, the New
23 York City public sector is not in that--this
24 particular temporary disability insurance program, I
25 would say no. There's a provision in our bill that
certainly where there are collective bargaining

3 agreements that those public sector groups could
4 bargain their paid family leave within their own
5 collective bargaining unit. And we do have public
6 sector unions that have done that in New York City.

7 The TWU bargained--I mean it's two weeks of paid
8 family leave in their last contract negotiations.

9 And the Professional Staff Congress, the CUNY
10 professors bargained eight weeks of paid family leave
11 in their last collective bargaining negotiations.

12 COUNCIL MEMBER CROWLEY: Thank you.

13 CHAIRPERSON MILLER: Thank you, Council
14 Member and thank you again to the panel for your
15 expertise on this issue. Thank you.

16 [background comments]

17 CHAIRPERSON MILLER: I'll call the next
18 panel. Jesus Bueno, Valeria Treves, Gonzalo Mercado,
19 and Nancy Rankin.

20 [pause]

21 CHAIRPERSON MILLER: So whoever has the
22 mic, you can just push the button and start over
23 there.

24 [background comment]

25 VALERIA TREVES: Good afternoon,
Chairperson Miller, Chairperson Cumbo, and the

3 distinguished members of the New York City Council
4 Committee on Civil Service and Labor and the Women's
5 Issues Committee. On behalf of New Immigrant
6 Community Empowerment, I want to thank you for this
7 opportunity to testify on the importance of creating
8 safe and working conditions--safe and fair working
9 conditions for all New Yorkers. My name is Valeria
10 Treves, and I am the Executive Director of NICE, the
11 New Immigrant Community Empowerment.

12 JESUS BUENO: [Speaking Spanish]

13 TRANSLATION: My name is Jesus Bueno.
14 I'm translating for him. I work in construction
15 everyday, but today because of rain, our work got
16 cancelled.

17 JESUS BUENO: [Speaking Spanish]

18 TRANSLATION: If I don't work, I don't
19 make any money, but at least I got the opportunity to
20 come here, and present my testimony before you.

21 JESUS BUENO: [Speaking Spanish]

22 TRANSLATION: Also, when I got sick
23 nobody recognizes those un--those unpaid days, but
24 that's the life of a day laborer.

25 JESUS BUENO: [Speaking Spanish]

3 VALERIA TREVES: Oh, wait, wait. I need
4 to-- Excuse us. [Speaking Spanish] NICE is an
5 organization dedicated to American workers' rights.
6 We're focused on organizing and serving primarily day
7 laborers like Jesus and also domestic workers.
8 Today, I will focus on an issue that has to do
9 primarily with the day laborers, including pervasive
10 wage theft that they experience, not only in
11 Northwest Queens, but also as I will elaborate,
12 across the city as well. We're here today in support
13 of LS 4455, the creation of--of the Office of Labor
14 Standards here, and also in favor of Resolution 610,
15 611 and 612. So that the City Council--so that this
16 office has more jurisdiction over what they can
17 enforce.

18 We strongly believe that the bill and the
19 resolutions will help to bring change to some of the
20 harsh realities we witness everyday working with this
21 community of low-wage workers. As part of our work
22 organizing day laborers, NICE runs a monthly Wage
23 Theft Clinic at our offices in collaboration with
24 Urban Justice Center where immigrant workers meet
25 with an organizers, but also individually with an
attorney to discuss their wage theft cases. In 2014

3 alone 87 different individuals from the Northwest
4 Queens community came to the clinic due to unpaid
5 wages. [bell] Together, they had almost \$240,000
6 stolen from their wages. This means a total of 653
7 days of work that they--that they worked and that
8 they were not paid for. Often after doing grueling
9 back-breaking work under all types of circumstances
10 in the harsh weather, include excavation, moving
11 sand, pouring concrete, cleaning construction sites,
12 amongst others. [cough] This work--this theft of
13 the wages of low-income New Yorker is an affront to
14 their human dignity. When you work, you should get
15 paid.

16 JESUS BUENO: [Speaking Spanish]

17 TRANSLATION: To give you an example,
18 I'm going to tell you the story of what happened to
19 our companion Julian [sic]. He's also a day laborer
20 at 69th Street stop, and he came by the NICE Office
21 last week.

22 JESUS BUENO: [Speaking Spanish]

23 TRANSLATION: Here is what he has to
24 say:

25 JESUS BUENO: [Speaking Spanish]

3 TRANSLATION: I got a job at the 69th
4 Street stop, the day laborer stop, working from 10:00
5 a.m. to 6:00 p.m. Before getting into the employer's
6 car with another worker, we negotiated the work with
7 the employer. He said he would pay us \$120 for the
8 day's work. The work was to remove sand from high up
9 in a house and bring it down in buckets.

10 JESUS BUENO: [Speaking Spanish]

11 TRANSLATION: When the day was over, we
12 left in the employer's car.

13 JESUS BUENO: [Speaking Spanish]

14 TRANSLATION: Suddenly, he told us to
15 get out of the car and he gave us \$35 each.

16 JESUS BUENO: [Speaking Spanish]

17 TRANSLATION: When I told he had
18 promised me \$120 for the job, not \$35, instead of
19 giving me an answer, he yelled at me and told me to
20 get out of his car. He left us in an unknown place
21 where we didn't know how to get back, and he robbed
22 us of our wages.

23 JESUS BUENO: [Speaking Spanish]

24 TRANSLATION: In another case, I worked
25 cleaning a basement and a second floor doing
construction clean up. The employer said he was

3 going to pay us for the whole week. When Saturday
4 arrived, I thought that was the day we got paid
5 because I trusted him at his word.

6 JESUS BUENO: [Speaking Spanish]

7 TRANSLATION: But that day came and he
8 didn't pay, the Saturday came, and he didn't pay.
9 Since he didn't--since I didn't have another job, and
10 I trusted him I stayed working. I believed that if I
11 kept working he would pay me now the bigger amount
12 that he owed me. And I kept spending my money on
13 transportation.

14 JESUS BUENO: [Speaking Spanish]

15 TRANSLATION: But at the end, I could no
16 longer do it. Two whole weeks went by. I worked
17 from 8:00 a.m. to 6:00 p.m., and he didn't want to
18 pay me. Because of this, I ended up having to sleep
19 on the street because I could no--not pay my rent. I
20 was left confused and very distressed.

21 JESUS BUENO: [Speaking Spanish]

22 TRANSLATION: Just like this happened to
23 our companion Julian, this happens to all of us as
24 the day laborers at the 69th Street stop.

25 VALERIA TREVES: There are currently 8 to
10,000 day laborers in New York City estimated, and

3 we could--it could be even more--who often experience
4 rampant wage theft. We have outdated data, but the
5 2006 National Day Labor estimates that about 49% of
6 them are experience wage theft, and we believe this
7 is an undercount these days. The median income for
8 this community is \$15,000 a year. We're talking
9 about very poor New Yorkers. In addition to wage
10 theft, this community faces pervasive construction
11 accident, workforce hazards as well as per--as well
12 as lack of access to workforce development, and lack
13 of infrastructure. Which are topics we could discuss
14 more at another hearing. Although day laborers, like
15 all workers, are protected under current workers
16 protection laws, these are often difficult to
17 enforce. In a recent report by the SWEAT Coalition,
18 and we'll talk about the report soon, called *Empty*
19 *Judgments: The Wage Collection Crisis in New York*,
20 researchers found that almost \$130 million in court
21 judgments and New York State Department of Labor
22 decisions have gone uncollected.

23 This means that the State enforcement
24 mechanisms are clearly leaving our community short.
25 It is for this reason that we call on the City
Council to pass its own Office of Labor Standards.

3 And also we support Resolutions 610, 611 and 612. We
4 believe this will assist the City in preventing wage
5 theft by bolstering the City's enforcement powers so
6 they can act on the issue that is of crisis
7 proportion to the New York City day laborers as well
8 as other low-wage working New Yorkers.

9 In addition, today, we're also asking the
10 City Council to support the Day Labor Workforce
11 Initiative. This is a budgetary initiative with an
12 allocation of \$365,000 in the Fiscal Year '11 Budget.
13 This will go to the expansion and development of day
14 labor centers across the city. And with the extended
15 support of these worker centers, we cannot only
16 continue to assist workers like the story we just
17 heard who have experienced wage theft, hopefully
18 collaborating with the New City Division of Labor
19 Standards that our centers can actually prevent wage
20 theft.

21 In contrast to what happens on the street
22 when workers--

23 CHAIRPERSON MILLER: Wrap it up, please.

24 VALERIA TREVES: Sure. In contrast to
25 what happens on the street when workers meet an
employer if they go through a center, they know who

3 that employer is and they can better negotiate with
4 them, and we can hold the employer accountable.

5 JESUS BUENO: [Speaking Spanish]

6 TRANSLATION: We hope to count on your
7 support not only for this important bill and
8 resolution, but also for our day labor centers.
9 Thank you.

10 [background comments, pause]

11 GONZALO MERCADO: Good afternoon,
12 Chairperson Miller, Chairperson Cumbo, and
13 distinguished members of the City Council. My name
14 is Gonzalo Marcado Director of the Staten Island
15 Community Job Center. This center was established by
16 a group of day laborers and the domestic workers and
17 allies to provide a space where workers and potential
18 employers can come together. And also the informal
19 way in which many laborers access work is the main
20 reason for the high rates of wage theft, and
21 workplace accidents. Job centers are a proven
22 alternative that offers the employers access to
23 qualified and dependable workers. And at the same
24 time the workers can have access to education and
25 training and dignified wages.

3 We are here in support of LS 4455 and
4 Resolution 610, 611 and Resolution 612. Because of
5 our work with day laborers and other immigrant
6 workers in New York City, we strongly believe that
7 both bills--both the bill and the resolutions will
8 help to bring change to some of the harsh realities
9 that we witness every day. Valeria mentioned about
10 the population of day laborers, which is still an
11 estimate because we don't have a clear count. But we
12 think it is about 10 to 12,000 in any given day in
13 this city. They often experience rampant wage theft
14 or basic construction accidents, workforce hazards,
15 lack of access to worker development training, and
16 lack of infrastructure. Women day laborers who are
17 often housed in domestic workers have also
18 experienced high volumes of sexual harassment and/or
19 assault. Day laborers who are undocumented
20 immigrants are often threatened with deportation
21 after completing their jobs and cannot advocate for
22 their pay.

23 In 2009, a report issued by the City
24 Council Temporary Commission on Day Labor Job Centers
25 recommended that New York City government should
encourage and assist in the development of

3 appropriately located and configured community
4 facilities where low-wage immigrant workers including
5 day laborers can receive the critically needed job
6 created programs. However, eight years later no
7 significant investment has been made, and the working
8 conditions of day laborers has continued to
9 deteriorate. Workers continue to suffer wage theft,
10 wage and hour violations, and workplace accidents and
11 fatalities continue to climb. The proposed
12 legislation would only enhance the protection of
13 workers in our city, and we must support any efforts
14 that will improve the working conditions and
15 wellbeing. We have to also keep in mind the nuances
16 of the day labor workforce to make sure the
17 implementation of this proposed legislations will
18 impact the day labor community as well.

19 Although day laborers include the
20 undocumented, are protected under current worker
21 protection laws, they are often difficult to enforce.
22 It is for this reason that we strongly support, and
23 call the New York City Council to pass LS 4455,
24 Resolution 610 and 11 and 12 and we believe that both
25 the bill and the resolutions will assist the city in
preventing wage theft, educating and enforcing

3 existing laws for protection of workers. And, most
4 importantly, to uplift the day labor workforce, which
5 often bears the brunt of unsafe and unfair work
6 practices and conditions.

7 We also ask you to support the Day
8 Laborer Workforce Initiative and the Day Labor, which
9 supports the expansion and development of day labor
10 centers across the five boroughs. There are four
11 main centers in New York City: The Bay Parkway
12 Community Job Center in Brooklyn; and the NICE
13 Workers Centers in Queens, and the Staten Island
14 Community Job Center. This initiative will support
15 the expansion of these four day labor centers, which
16 will provide dignified physical space for day
17 laborers and provide support through job referrals,
18 wage theft clinics, referrals to critical services,
19 and workplace development. Thank you.

20 NANCY RANKIN: Good afternoon. Thank you
21 for the opportunity to testify today in support of
22 several proposed actions that would help raise the
23 incomes of New York City's working women and low-
24 income families. My name is Nancy Rankin and I'm
25 Vice President for Policy and Research at the
Community Service Society of New York, a non-profit

3 organization that works to advance upward mobility
4 for low-income New Yorkers. While my written
5 testimony expresses support for all of the measures
6 being considered today, I would like to focus my oral
7 remarks on Paid Family Leave. Paid Family Leave is
8 an economic necessity for all working families in New
9 York State, but especially for working women
10 struggling to survive on low wages. In New York
11 City, one out of four working women lives in a low-
12 income household. That's close to half a million
13 working women scraping by on less than \$38,000 for a
14 family of three. Almost two-thirds of them are Black
15 or Latino.

16 Their jobs and earnings are essential for
17 keeping both their families afloat, and the local
18 businesses, where they shop and work, thriving. Some
19 will argue that workers could have saved up vacation
20 and sick days to deal with family needs. But that
21 ignores the stark reality that half of low-wage
22 workers do not get any paid vacation at all. While
23 the Council can take pride that legislation it passed
24 in 2013 and 2014 that we heard about earlier ensured
25 all workers have access to sick leave, those five
days are for routine illnesses. Not the extended time

3 needed to care for a new born, or a seriously ill
4 family member. Low paid workers aren't able to save
5 anything from their inadequate wages to sustain
6 themselves and their families for days, much less
7 weeks without a pay check. According to CSS' latest
8 Annual Unheard Third Survey, close to half of low-
9 income working mothers in New York City have \$500 or
10 less to fall back on in emergency. For someone
11 earning a minimum wage, seven days lost pay would
12 wipe out their entire life savings.

13 CSS recently conducted a series of focus
14 groups with low-income new moms. They told us of
15 feeling pressured to return to work. In some cases
16 in as little as two weeks after giving birth, for
17 fear of losing their jobs, and worries over mounting
18 bills. As one young mother put it, I'm petrified I'm
19 going to lose my job. Another described her anxiety
20 about falling behind with Con Edison and payment
21 plans. I'm constantly in fear waking up in the
22 middle of the night. Almost none of the new members
23 were informed by their employers, as required by the
24 law, of their right to temporary disability insurance
25 benefits. [bell] Which even though inadequate in

3 duration and amount, would have provided at least
4 some help.

5 I just want to make this one point that
6 as an immediate step, the Council should consider
7 actions that can be taken even ahead of passage of
8 Paid Family Leave to ensure that pregnant working
9 women in the city are aware at least of their
10 existing rights to FMLA leave, to reasonable
11 accommodation at their workplace during their
12 pregnancy and the few weeks of minimal TDI benefits
13 we currently have. For example, can medical
14 providers treating pregnant patients be encouraged or
15 required to provide a basic guide developed and
16 distributed by the city? Can the city create an act
17 for pregnant workers? Beyond this outreach to raise
18 awareness of the laws already on the books, we need
19 to make New York the next state to provide paid
20 family leave. Modernizing our existing temporary
21 disability insurance system is a smart, affordable
22 way to provide Paid Family Leave. It makes sense to
23 build on the statewide system as the Council
24 Resolution urges. Thank you.

25 CHAIRPERSON MILLER: Thank you for that
testimony. Council Member Cumbo.

3 CHAIRPERSON CUMBO: Thank you, Chair.

4 [Speaking Spanish]

5 JESUS BUENO: [off mic] [Speaking
6 Spanish]

7 CHAIRPERSON CUMBO: Jesus. Jesus.

8 [Speaking Spanish] You are very brave and very

9 courageous and I really thank you for your word and

10 your coming forth. Because you're speaking, as you

11 said, for tens of thousands of people. And I wanted

12 to know how can we--because you being up such an

13 important point in terms of wage theft as it pertains

14 to our day laborers. How can we in the Council do

15 more? Because so many day laborers are paid off the

16 books, how do we know, or how can we calculate, or

17 how can we prove this? What can we do to change that

18 dynamic? Are there programs that would allow day

19 laborers to work without having to, you know, work on

20 the day or off the fly [sic]? That they're actually

21 able to go through an agency of sorts, or a program

22 that they register through. Or is it that there will

23 always be a day laborer program that won't be able to

24 be regulated in such a way that we can't determine

25 wage theft?

[pause]

3 JESUS BUENO: [Speaking Spanish]

4 TRANSLATION: The way that you could help
5 us is to support the day labor centers that we are
6 forming and sustaining and expand--and want to
7 expand.

8 CHAIRPERSON CUMBO: Okay.

9 VALERIA TREVES: And to answer your
10 question further is when workers are on the street,
11 there's a high level of informality. When they come
12 to a day labor center, things become a lot more
13 formalized. So, for example, in Astoria where he got
14 into somebody's car, and he didn't know who it was--

15 CHAIRPERSON CUMBO: [interposing] Right,
16 it's so dangerous.

17 VALERIA TREVES: It's very dangerous and
18 it happens all the time. What happens when an
19 employer comes to a day labor center looking for a
20 worker, they have to say who they are, how much
21 they're going to pay. They negotiate like openly,
22 and then if the employer ends up not paying, we have
23 a record of who that employer is, and can more easily
24 go after them. So the process of formalization in
25 the day labor industry is to support day labor
centers, and this city is behind the times compared

3 to cities throughout the country that have made
4 actual substantial investments in these centers.

5 CHAIRPERSON CUMBO: Thank you very much.

6 GONZALO MERCADO: If I could just add to
7 that, when you have a worker center or day labor
8 center as an intermediary of this very formal
9 economy, the rates of wage theft and workplace
10 accidents go down dramatically for those workers.

11 Usually the horrible stories like the worker that
12 Jesus mentioned how many workers get to the day labor
13 centers with these huge cases, these very bad cases.
14 But once they are part of the centers, those--those
15 type of wage theft, and violations go down really
16 dramatically. Making sure that day labor centers
17 actually provide not only a space for workers to
18 learn about their rights and training and all of
19 that, but also to lower the rates of wage theft and
20 workplace accidents.

21 CHAIRPERSON CUMBO: How does immigration
22 status fit into the day labor centers. So
23 individuals that don't feel that their immigration
24 status is strong enough or it's not in compliance.
25 How do they then interact with these centers, or
their protections in these centers where it's a--It

3 doesn't matter what your status is, we're here to
4 protect you and to provide you with employment
5 without taking into account your immigration status?
6 Or could your immigration status prevent you from
7 becoming or joining the center?

8 GONZALO MERCADO: Yeah, I mean, we, as
9 you said, we don't ask immigration status for any of
10 the--either training or programs that are provided
11 through these day labor centers. And if anything
12 they could be--they can actually be an asset for
13 programs like executive--executive action and that.
14 But that if it hopefully soon gets implemented. But
15 that's a--that is a way for workers who are afraid
16 for that very same reason of filing a complaint or
17 saying anything to the employers that these centers
18 provide those facilities for them to talk to lawyers,
19 to talk to attorneys and fight those cases back.

20 CHAIRPERSON CUMBO: Okay, thank you.

21 VALERIA TREVES: Well, just to add
22 briefly, I mean there's contractors and individuals
23 hiring undocumented workers all over the city all the
24 time. So that's happening, and what the day labor
25 center does is that it formalizes the relationship--
it creates a safe space to negotiate that

3 relationship. And, where then we can apply the law
4 if the relationship fails. So even if you are an
5 undocumented worker, you have a right to wage and
6 hour protections. And for example out of the 87
7 people that came to our clinic last year, which I
8 said was 240,000, we were able to recuperate two-
9 third of those stolen wages through the work of our
10 attorneys. Because these workers have a right to
11 earn. So it's paradoxical. Sometimes you're here
12 without status, and you don't have work
13 authorization. But once you work, the law protects
14 you. It goes all the way up to the Supreme Court,
15 and the laws protect you that you have to get paid.
16 So when the interaction between an undocumented
17 person and an employer happens in a worker center,
18 there is then more protection should anything fail.

19 CHAIRPERSON CUMBO: And I just want to
20 say I think you all for your testimony. It was very
21 eye-opening, and inspirational. I know that we have
22 this room until 4:00 and there are more people that
23 need to testify.

24 VALERIA TREVES: Thank you for your
25 interest.

3 CHAIRPERSON MILLER: Okay, thank you.

4 Yeah, I just--just to--

5 CHAIRPERSON CUMBO: [interposing] I'm
6 sorry.

7 CHAIRPERSON MILLER: No, no. Thank you
8 for moving this along.

9 CHAIRPERSON CUMBO: That's all right.

10 CHAIRPERSON MILLER: I just still have in
11 terms of the centers, you talked about the funding
12 and the services provided on Staten Island and your
13 centers in particular. Are you funded? And I know
14 you mentioned that there were some city funds
15 involved in the operations aspect of the center. Is
16 that the case in your particular center that you're
17 involved in as well?

18 GONZALO MERCADO: Actually, the temporary
19 Commission on Day Laborers that the City Council
20 started back in 2006, and didn't come with a report
21 until 2009, was to actually do that. To make sure
22 that New York City provides funding for day labor
23 centers because they know that it is a proven model.
24 Not just here but across the country where other
25 cities like LA, like Seattle, like Denver. And now,
even in Dallas, Texas the city council there is, you

3 know, discussing that we need to make sure that we
4 address this issue. So we have recommendations given
5 back in 2009. Yet, until today, the City has not
6 moved with any meaningful program that goes directly
7 to fund the labor centers. Right now, they're
8 basically funded through foundations and the like.

9 CHAIRPERSON MILLER: Okay. So, and
10 that's the way. Are there--are there--and so because
11 that the centers act essentially as agents, do they--
12 do they take a percentage of something that is
13 negotiated?

14 GONZALO MERCADO: We don't. None of the
15 centers that are actually part of the National Day
16 Labor Organizing Network receive any money. Or, they
17 don't even get the money from the employer and pass
18 it to the worker. That is a negotiation that happens
19 among themselves. We just make sure they get paid.

20 CHAIRPERSON MILLER: All right.

21 GONZALO MERCADO: That they get paid what
22 they promised.

23 CHAIRPERSON MILLER: Because I know in--
24 in past hearings and--and other research that there
25 was organizations, coalitions, and so forth that
actually took a portion, percentage of workers. And

3 that doesn't occur in there. Okay. Thank you. Thank
4 you so much for your testimony.

5 VALERIA TREVES: I just--I just want to
6 confirm that we don't touch the money. The money
7 goes from the employer to the worker. We just
8 provide the space for that negotiation and that
9 safety.

10 CHAIRPERSON MILLER: I see. Thank you.
11 Next panel. Daniel Kroop, Toya Chester, and Margaret
12 Collins.

13 [pause]

14 DANIEL KROOP: Good afternoon and thank
15 you to the chairs for inviting me to speak today. I
16 would also like to thank Council Members Johnson and
17 Crowley for endorsing the \$15 an our demand and \$15
18 Now Campaign. I would encourage all council members
19 to consider doing the same. My name is Daniel Kroop
20 and I am New York's lead organization for 15 Now,
21 part of a nationwide grassroots movement around the
22 \$15 an hour minimum wage. On behalf of thousands of
23 people who have signed our petition, I speak in
24 support of resolution 610, which calls on Albany to
25 grant New York City home rule on the minimum wage.
However, we believe there are additional steps that

3 the City Council must take now including supporting
4 \$15 for all city workers.

5 First, I would like to share with Council
6 Members the massive scale of the \$15 an hour
7 movement. 63% of Americans now support a \$15 an hour
8 federal minimum wage, and on April 15th, we saw the
9 largest ever mobilization of low-wage workers in
10 history with 60,000 people in the streets and 15,000
11 in New York. My organization 15 Now was formed in
12 Seattle in January 2014 with the support of socialist
13 alternative City Council Member Kshama Sawant, labor
14 unions and community groups. 15 Now played a key
15 role in the historic victory of \$15 in Seattle, and
16 there are now chapters in over 25 cities.

17 The fight for 15 is key in New York
18 because poverty and inequality are at crisis levels.
19 Forty-six percent of our neighbors live at or beneath
20 the poverty line, and our paltry minimum wage of
21 \$8.75 contributes directly to that. Comptroller
22 Stringer's recent report shows that New York's
23 minimum wage is the lowest of any major city after
24 cost of living is taken into account. Yet, this
25 poverty festers in the shadow of extreme wealth. New
York has more billionaires than anywhere in America,

3 and New York's financial sector gave out bonuses of
4 \$28.5 billion last year alone. That is twice what
5 all full-time federal minimum wage workers earn a
6 year. Runaway inequality and poverty are fueling the
7 fight for 15, and in two years it has grown into the
8 largest workers movement in decades. It represents
9 the aspirations of Americans fed up with the rule of
10 big corporations and the one percent. It is joining
11 up with Women's Movement, Black Lives Matter, the
12 Immigrant Justice Movement, and many others because
13 women, African-Americans and Latinos make up a
14 disproportionate share of low-wage workers. We
15 support resolution 610 and the Council's call for
16 home rule on the minimum wage. But we should have no
17 illusions. Albany has already shown its priorities.
18 Governor Cuomo's State Budget was riddled with tax
19 breaks on yachts and private jets, but lacked any
20 raise for low-wage workers. This is why the Council
21 must do the right thing and support 15 for city
22 workers as a first step towards winning 15 for every
23 New Yorker. A similar law was adopted in February in
24 Portland, Oregon, which also lacks home rule.

25 Just to sum up, as we build an even
greater mass movement of the working class, 15 Now

3 calls on the Council to take arms in the live battle
4 between workers and big business. Resolution 610 is
5 a start and now it must be followed by support of 15
6 in every way possible, including by raising city
7 workers' wages. For millions of New Yorkers the rent
8 can't wait. Thank you very much.

9 CHAIRPERSON CUMBO: Thank you for your
10 enthusiastic testimony. Thank you.

11 TOYA CHESTER: [off mic] Thank you for
12 having--Oh, thanks. [on mic] Thanks for having me
13 here. Unfortunately the rest of the Council is not
14 here to hear this testimony, which is really
15 important on especially considering the mass movement
16 that's been had throughout this past year, starting
17 here in New York City with fast food workers in
18 Brooklyn. So as Dan mentioned, in Seattle they
19 raised the minimum wage to \$15 an hour. Thank you
20 for Council Member Kshama Sawant who really pushed
21 that through, and San Francisco has done the same.

22 CHAIRPERSON CUMBO: [interposing] I'm
23 sorry. Can you just state your name for the record?

24 TOYA CHESTER: Oh, sorry. I'm Toya
25 Chester.

2 CHAIRPERSON CUMBO: Okay, thank you,
3 Toya.

4 TOYA CHESTER: And so in New York the
5 Belly of the Beast of this capitalist system that we
6 live in should really be doing this for our workers
7 that work industries, in the service sector. And
8 \$15--\$15 an hour started off for low-wage for fast
9 food workers, but there are a lot of workers besides
10 just fast food workers that make less than \$15.
11 School staff, for example, hospital workers, crossing
12 guards, domestic workers, retail workers, and other
13 restaurant--other restaurant workers. Right now in
14 New York making \$8.75 an hour that comes to \$1,400 a
15 month. In my borough in Queens the median rent is
16 \$1,300 a month. So with the minimum--the current
17 minimum wage, you do not have enough money to pay
18 your rent and buy a monthly pass for the train.
19 Which is absolutely ridiculous.

20 Going along with Governor Cuomo's plan to
21 attack public sector unions starting with the
22 Teachers Union, I think it's absolutely urgent that
23 the City Council take this on, and set a precedent by
24 raising the minimum wage for the City workers. de
25 Blaiso did raise the living wage, but it was a small

3 percentage of workers. There's no reason that the
4 City Council can't set a minimum wage of \$15 an hour
5 for all city workers, which would then help boost the
6 economy. Because these workers when working class
7 people get money in our pockets, because we don't
8 have enough money to pay for things already, we go
9 and we spend that money. Which will help boost the
10 economy on its own, and allow for other businesses to
11 hop on board in paying their workers a \$15 an hour
12 minimum wage.

13 In New York City we're seeing high levels
14 of gentrification. In my borough in Queens,
15 especially Jackson Heights, for example, with the BID
16 coming in and pushing working class people out, we
17 need to be able to begin to compete. As Dan
18 mentioned, \$15 an hour is not going to be the end
19 all. It's \$30,000 a year. It's really not that much
20 money, but it's a start. And so, I really want to
21 urge the Council to consider not only passing
22 Resolution 610, which absolutely is essential because
23 there's no reason that five hours away they're going
24 to determine what here New Yorkers are going to make
25 as a minimum wage. But also taking the first step in
giving city workers in this--in this town a \$15

3 minimum wage. Thank you so much for hearing our
4 testimonies.

5 CHAIRPERSON MILLER: Thank you. Do you
6 guys--anybody work for 372 over there?

7 TOYA CHESTER: No.

8 CHAIRPERSON MILLER: Okay. It's just
9 that I'm just throwing it out there. I do actually
10 absolutely agree and believe that we should make sure
11 that our house is in order before we step outside.
12 That people who are providing such critical services
13 deserve compensation that is consistent with the
14 services that they're delivering. And, of course,
15 the city that they live in, and that they could
16 afford to live in the city that they serve. We
17 believe in that here at the Council, and we stand
18 with you on that issue for sure. So, we have a
19 question from our Co-Chair Council Member Cumbo.

20 CHAIRPERSON CUMBO: [off mic] Thank you.
21 [on mic] Thank you both for your testimony. Wanted
22 to ask the impact of what's happening in Seattle.
23 Have you been watching it closely? Because the fear
24 across the board is what it's going to mean for small
25 business owners, what it's going to mean for the
economy. How long has it been since it's been

3 implemented? And what has been the effects on the
4 ground in Seattle?

5 DANIEL KROOP: Sure. I'd be happy to
6 answer that question, Chair. So in Seattle on April
7 1st, the first of the steps toward 15 was--it--it
8 began. So it was \$11.50 for workers that companies
9 like McDonald's that have over 500 employees and do
10 not provide health benefits. The reality is, the
11 economy is very strong in Seattle. And that's really
12 the--what--what is sort of framing this whole debate
13 is that we're having such consequential amounts of
14 wealth pocketed away, squirreled away by the one
15 percent. And so, for workers to get 15 or to be on
16 the road to 15, like we see in Seattle, it's really a
17 transfer of wealth from the richest in our society.
18 The people who do the hard work, who come in
19 everyday. And in many cases, people who put their
20 lives on the line in dangerous--in dangerous jobs
21 like we've just heard about from other folks. So
22 what's really what we're seeing in Seattle is no--And
23 most of the studies have also suggested this coming
24 out of the University of California at Berkley, who
25 have looked at raises that San Francisco has done as
well that there is a negligible--a negligible impact

3 on employment. And that actually what you see is a
4 boost in the economy. And Comptroller Stringer's
5 report said \$10 billion put into the pocket's of New
6 York's lowest paid workers if we went up to \$15. So
7 we need to be very forthright in answering those
8 questions. And also in Seattle I would finish by
9 saying Council Member Kshama Sawant proposed a surtax
10 on the biggest businesses, the Wal-Marts, the
11 McDonalds to help business go to \$15 immediately. I
12 think that's something that we should continue to
13 consider in New York. Because we can't allow big
14 corporations to use small businesses as a shield.
15 Which is what ALEC, the Koch Brothers and many of the
16 people have been on record as saying that there's
17 their tact in the minimum wage struggle--

18 CHAIRPERSON CUMBO: [interposing] Right.

19 DANIEL KROOP: --is to make it look like
20 small businesses are going to be hurt. But we know
21 that there's a different reality out there.

22 CHAIRPERSON CUMBO: And then my final
23 question as it pertains to the minimum wage if it had
24 been indexed from the--from the point of inception of
25 a minimum wage, do you know what it would be now?

2 DANIEL KROOP: [off record] Do you want
3 to--? [laughs]

4 TOYA CHESTER: I was going to say if
5 you're adding in inflation and productivity, which is
6 productivity is often forgotten, I believe it's
7 \$22.50.

8 CHAIRPERSON CUMBO: \$22.50, and how did
9 you all come to the number or 15?

10 TOYA CHESTER: That was actually the low-
11 wage workers here in New York City, McDonald's
12 workers that went on strike in 2013. They came up
13 with that. Me, I would say we should be fighting for
14 \$30 an hour but--

15 CHAIRPERSON CUMBO: [interposing] I hear
16 you.

17 TOYA CHESTER: --this is basically double
18 what the minimum wage is. It's something that these
19 workers, these fast food workers felt confident
20 enough in fighting for. And--and--and a step in
21 raising their--their lives out of poverty.

22 CHAIRPERSON CUMBO: Thank you. Well, I
23 applaud you for your work. It's been an honor to
24 shut down McDonald's restaurants all across the city
25 with you all at 6:00 a.m. and 5 o'clock p.m. and it's

3 really been an honor. But it's also been exciting to
4 see that progress is being made. Nowhere near as
5 fast as it needs to be made, but in a short time that
6 I've been in the Council it has been exciting to see
7 that our collective voices and different
8 organizations are mobilizing together. And I believe
9 that collectively we will have the impact that we
10 wish to see. Thank.

11 DANIEL KROOP: Thank.

12 TOYA CHESTER: Thank you.

13 CHAIRPERSON MILLER: Thank you, and now
14 our final panel. Jim Ming, Andy Tai, Marco Lennon,
15 Lenno and Joanne Lim--Lum.

16 [background comments and noise]

17 AMY TAI: [off mic] Good afternoon, Chair
18 Miller.

19 SERGEANT-A-ARMS: Turn your mic on.

20 AMY TAI: Good afternoon, Chair Miller,
21 Chair Cumbo and Committee members. Thank you for the
22 opportunity to testify. My name is Amy Tai and I'm a
23 Senior Staff Attorney at the Community Development
24 Project of the Urban Justice Center. I am here today
25 on behalf of the Urban Justice Center and the
Coalition to Secure Wages Earned Against Theft also

3 know as SWEAT, to speak about Resolution 612. Which
4 calls upon the New York State Legislature to pass and
5 the Governor to sign State Assembly Bill No. A5501,
6 which would strengthen New York's labor laws and help
7 workers collect their stolen wages. The Urban
8 Justice Center is a non-profit based in New York City
9 that represents low-wage workers who have been
10 exploited by their employers. We litigate cases
11 against employers for their failure to pay the
12 minimum wage and overtime, retaliation against
13 workers, labor trafficking and other violations of
14 federal and state labor laws.

15 We are part of the SWEAT Coalition, which
16 is a growing group of grassroots organizations,
17 worker centers, legal service providers, advocates,
18 and faith-based organizations throughout New York
19 State fighting for New Yorkers to be able to recover
20 the wages that are owed by their employers. As our
21 colleagues from New Immigrant Community Empowerment
22 testified earlier, wage theft is rampant in New York.
23 Not only are day laborers, who work for days or weeks
24 without pay, there are restaurant workers who are
25 paid monthly salaries of \$400 for working 60 to 70

3 hours per week. This amounts to an hour wage of
4 \$2.00 without even accounting for overtime pay.

5 Even worse, when workers take the time to
6 bring their employers to court and win their case,
7 they still are not able to collect on their hard
8 earned wages. During the course of the investigation
9 by the New York State Department of Labor or in a
10 lengthy court case, employers often hide or transfer
11 their assets to avoid paying an eventual judgment to
12 workers. Workers walk away with empty judgments
13 anywhere from thousands of dollars to millions of
14 dollars. A recent report that the Urban Justice
15 Center co-authored, *Empty Judgments: The Wage*
16 *Collection Crisis In New York*, found that over \$25
17 million was owed to almost 300 New Yorkers who
18 recently had won their cases in court. In addition
19 the State Department of Labor was not able to collect
20 over \$101 million in wages owed to workers over a
21 ten-year period.

22 When low-wage workers are unable to
23 collect the wages they are owed, the minimum wage and
24 overtime are rendered useless. [bell] The New York
25 State Assembly Bill No. A5501, would provide workers
with the tools to collect their hard earned wages in

3 three ways: One is to expand New York's Lien Law to
4 allow workers the right to put a temporary lien on
5 their employer's property when they have not been
6 paid. The second is to modify New York's current
7 attachment standard, which would allow workers to
8 preserve their employer's assets during the course of
9 litigation so that they don't disappear after they
10 win their court judgment. And the third is to amend
11 New York's business, corporation, and limited
12 liability company laws to eliminate hurdles that
13 exist in the current law that are already intended to
14 protect workers. So we call on the City Council to
15 pass Resolution 612 to encourage the State
16 Legislature to pass the SWEAT Bill so that New
17 Yorkers have the tools they need to actually collect
18 their hard earned wages. And ensure that our labor
19 laws are enforce--enforced and meaningful. Thank
20 you.

21 [background comments]

22 MARCO LENO: [Speaking Spanish]

23 TRANSLATION: My name is Marco Leno. I'm
24 a member of NMASS, National Mobilization Against
25 Sweat Shops.

MARCO LENO: [Speaking Spanish]

2 TRANSLATION: I worked at a Rosemary Farm
3 Market for more than four years.

4 MARCO LENO: [Speaking Spanish]

5 TRANSLATION: Six days a week, 13 hours
6 per week.

7 MARCO LENO: [Speaking Spanish]

8 TRANSLATION: They only paid me \$4.67 an
9 hour.

10 MARCO LENO: [Speaking Spanish]

11 TRANSLATION: I went to the New York
12 Department of Labor in 2008 to put a complaint
13 against Rosemary Farm.

14 MARCO LENO: [Speaking Spanish]

15 TRANSLATION: But after seven years, I
16 haven't received anything. The Department of Labor
17 arrived at an agreement of \$51,000, but they told me
18 that they can't collect my stolen wage--my stolen
19 wages. I worked hard for this money. How can this
20 be?

21 MARCO LENO: [Speaking Spanish]

22 TRANSLATION: If the Department of Labor
23 can't collect our stolen wages, this means that the
24 law has to be changed.

25 MARCO LENO: [Speaking Spanish]

2 TRANSLATION: Every week workers in the
3 City of New York were robbed of \$20 million each week
4 in total.

5 MARCO LENO: [Speaking Spanish]

6 TRANSLATION: We encourage the City
7 Council to approve the resolution to support the
8 legislation to strengthen the labor law.

9 MARCO LENO: [Speaking Spanish]

10 TRANSLATION: We hope that the City
11 Council takes leadership to stop wage theft. This is
12 a crime against us workers. Thank you.

13 CHAIRPERSON MILLER: You're welcome.

14 JING MING CHAO: Hi, my name Jing Ming
15 Chow [sp?] a member of Chinese Staff Workers
16 Association. I've been working at the Chinese
17 restaurant more than ten years. From 2006 I've
18 worked at the Chinese restaurant called Uda Yi [sp?].
19 I've worked there 66 to 70 hours per week. The boss
20 pays me \$300 per month. This is less than \$1.00 per
21 hour. So I organized my co-workers and 26 workers
22 come together and filed a lawsuit to the boss. The
23 lawyer told me head a house, he have many restaurants
24 in Manhattan. But after I got a judgment, the lawyer
25 told me, oh, he don't have house. I said where did

3 house go? He said he transferred it. He don't know
4 who owns that house right now. And, the restaurant
5 they shut down. Three weeks later, we did--they
6 reopened with a different name, but the same kind of
7 restaurant, same food, same manager, same cook. I
8 went to the house. I talked to the tenants in the
9 house. I asked about the, you know, the boss James.
10 They said oh, he's the landlord. He still come to
11 pick up the rent every month. The house still
12 belonged to him, but until today. I got a judgment in
13 2010, October 2010. I still have the piece--the
14 judgment here. It's for \$1.8 million. Personally, I
15 have \$140,000 unpaid wages. Until today, I cannot
16 collect anything. So wage theft it's not just affect
17 low-wage workers. It also impacts all workers. It
18 doesn't matter if you're a union worker, not union.
19 You know, it doesn't matter if you are office worker.
20 All these employers, you know, how can you prevent?
21 They can close their business, transfer it. So
22 that's why I'm here today. I hope the City Council
23 can pass the resolution to, you know, support the
24 State bill. Thank you.

25 CHAIRPERSON MILLER: [off mic] So, I
have--[on mic] I have just one or two very, very

3 brief questions, and we are right on time there. And
4 you were very specific about the industries that we
5 see the most pervasive wage theft. But I think that
6 what we just heard testified to is not only does this
7 occur often, but in many industries throughout the
8 city. And often times in areas, which we wouldn't
9 often expect, even in corporate. There are folks
10 that are working many hours, and even when they had
11 provisions within the collective bargaining
12 agreement, if they kind of pushed the issued, they
13 would find themselves out of a job as well. So, I
14 think that there are certainly commonalities amongst
15 workers. Even when we don't recognize that until we
16 sit down and have these really conversations that we
17 see the complaints that come into our office or come
18 through this committee are very, very similar.

19 Although they are very different
20 industries, but there are like issues and common
21 issues that workers can certainly get behind. And
22 this legislation--this legislation package I think it
23 was our goal to set out to address a number of
24 issues. There are a number of concerns and pieces of
25 legislation that are still--they had been sitting out
there. And we wanted to take this opportunity to

3 kind of just package it, and move it on behalf of
4 working families throughout the City. And I think
5 that the testimony that we heard today culminated by
6 the testimony here that is indicative of that. And
7 so, I'm grateful to each and every one of you, and
8 everyone including the Administration who came today--
9 --came together collaboratively to address the issues
10 that we've seen around wage theft and workers right
11 and lack there--thereof. So I'm very thankful for
12 everyone who has come out and given their time and
13 testimony today. This is something that I have
14 obviously, as a former labor leader, and spent my
15 entire adult life advocating on behalf of working
16 families, working people.

17 I am, as Council Member Cumbo said, my
18 Co-Chair, that I am energized, re-energized, ready to
19 go around this issue knowing that there are advocates
20 and folks out there that who not only need but are
21 doing the work. And hopefully that we can just give
22 them--give you the resources that you need in many
23 different ways in terms of creating legislation and
24 public policy. And obviously the Office of Labor.
25 Most importantly with real teeth to go after
individuals who think that in this town in this day

2 and time that they will continue to exploit workers.

3 I think that we have demonstrated over the last year
4 through the passage of employee protection provisions
5 and so forth, that we value workers, and that, we
6 will continue to do so. So I am eternally for you
7 being here this afternoon. I want to thank everybody
8 for their time, and pass it over to my Co-Chair for
9 closing remarks.

10 CHAIRPERSON CUMBO: Thank you, Chair
11 Miller. This was really very informative and an eye-
12 opening hearing today. And I just want to say for
13 all of the advocates I'm so glad that you came out
14 here today. But also for those that have been the
15 victims of wage theft. Because it takes a lot of
16 courage to come before the City Council, but even to
17 mobilize those very staff members and the workers
18 that you're working with. Because when you're trying
19 hard to pay the bills and buy your Metro card, and
20 buy food to put on the table for your family, it's
21 very difficult how to think about how can I take a
22 step back from this and mobilize other workers. So
23 that we can create a great good for everyone. So I
24 really applaud you for--for coming forward in that
25 way because it takes a special mind, and a special

3 appreciation and a--and very unique kind of
4 courageousness to come forward to say, I'm going to
5 pout the needs of all ahead of my own. And so, I
6 thank you all for putting needs of the community--
7 community--putting the needs of the whole ahead of
8 your individualist self. And because of your
9 courageousness in doing that, I feel very confident
10 that we're going to have the victories. Which were
11 the intended purpose of the sacrifice and the courage
12 that you expressed. So thank you. Thank you, Chair
13 Miller. Thank you to everyone that helped put this
14 together and all our colleagues. And we're going to
15 urge our colleagues here in the City as well as the
16 State that is the direction that we need to move in,
17 and your advocacy will help us to get us to that
18 point. So thank you.

18 CHAIRPERSON MILLER: So with that, I
19 thank you, and I'd like to thank my Co-Chair for
20 really--this is--this is really something that--that
21 was needed. We'll probably have to do it again
22 because there are a number of folks that, as you
23 said, that women are disproportionately paid
24 throughout the City of New York. And they are in
25 many industries and right here in government that

3 they are not earning salaries consistent with their
4 male counterparts. And, we want to make sure that we
5 bring justice to those issues. So I thank you for
6 this. Yeah, absolutely, and I thank you for your
7 collaboration on this. And with that [gavel] this
8 hearing is adjourned.

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1 COMMITTEE ON CIVIL SERVICE AND LABOR JOINTLY
2 WITH THE COMMITTEE ON WOMEN'S ISSUES

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C E R T I F I C A T E

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



Date April 30, 2015