

**Testimony of Commissioner Lorelei Salas  
New York City Department of Consumer Affairs**

**Before the  
New York City Council Committee on Consumer Affairs and Business Licensing**

**Hearing on  
Fiscal Year 2020 Preliminary Budget**

**March 15, 2019**

**Introduction**

Good morning Chair Espinal and members of the Committee on Consumer Affairs and Business Licensing. My name is Lorelei Salas and I am the Commissioner of the Department of Consumer Affairs (DCA). I would like to thank the committee for the opportunity to testify today about DCA's budget for the Fiscal Year 2020.

DCA's mission is to protect and enhance the daily economic lives of New Yorkers to create thriving communities. We do this by licensing more than 71,000 businesses across more than 50 industries and enforcing key consumer protection, licensing, and workplace laws that apply to countless more. This year is a time of celebration and reflection for DCA: 2019 marks the fiftieth anniversary of the agency's creation under Mayor John Lindsay in 1969. Today, I will share with you some of DCA's major successes for New Yorkers over the past year and show you where the agency plans to go in 2019. I will begin by discussing our budget for the upcoming fiscal year.

**Fiscal Year 2020 Budget**

DCA's total expense budget in the FY 2020 Preliminary Budget is approximately \$43.4 million, an increase of about 1.4% from the FY 2019 budget at adoption. Our total revenues are \$30,005,000, an increase of about 8.7% mainly attributable to an increase in the number of sidewalk café licenses and associated consent fees. Our agency headcount remains unchanged at 450 positions.

**Celebrating Fifty Years Helping New Yorkers**

This is an exciting time for DCA. During our fiftieth anniversary, Mayor de Blasio announced that DCA's mission will expand as the agency is renamed the Department of Consumer and Worker Protection (DCWP) with a powerful mandate to defend consumers and workers. As part of this endeavor, DCWP will develop a free, uniquely tailored alternative dispute resolution program to help domestic workers and employers resolve issues and provide both parties institutional support and tools for ensuring optimal employment conditions. We will also expand the groundbreaking program established under the Freelance Isn't Free Act, which helps ensure that freelancers are paid on time and in full for the work they've completed. Finally, DCWP will work to implement the first-in-the-nation mandate for paid personal time for New York City workers Mayor de Blasio proposed in his State of the City address. This builds on the landmark work done by DCA's Office of Labor Policy & Standards (OLPS), which enforces NYC's Paid Safe and Sick Leave law, the

Fair Workweek scheduling law that guarantees fast food and retail workers the right to a predictable and stable schedule, and implementation of the Freelance Isn't Free Act.

In the fall, we told the committee about the important work DCA has been doing to identify the challenges impacting student loan borrowers and better protect and promote their financial health. Building on original research conducted by our Office of Financial Empowerment (OFE), DCA launched student loan debt clinics to help New Yorkers understand their student loans and how to repay them. DCA's clinics provided education, student loan literacy, and opportunities for financial and legal counseling in neighborhoods that our research identified as having high levels of student loan debt-related financial distress. New Yorkers are excited about these services – more than 100 people attended appointments at our first round of student loan debt clinics and over 300 more signed up for the waiting list. We look forward to hosting more events to meet the strong demand, including our next clinic taking place the end of this month.

In addition, our Financial Empowerment Centers continue to be a critical resource for those struggling to manage their student loans by providing free, confidential, one-on-one counseling with professional financial counselors who can help open a bank account, tackle debt, improve credit, and save and plan for a stable financial future. Since the creation of Financial Empowerment Centers, OFE has conducted over 100,000 financial counseling sessions, helping over 52,000 New Yorkers improve their financial health, reduce their debt by \$65 million, and increase their savings by \$5.1 million. In addition, OFE has also helped New Yorkers file more than one million tax returns for free, helping clients to claim refund-boosting tax credits and saving \$150 million in preparation fees.

### **Protecting Consumers and Workers by Holding Businesses Accountable**

As the committee knows, DCA filed a lawsuit against the for-profit Berkeley College (Berkeley). DCA's lawsuit follows a nearly two-year investigation involving dozens of interviews with current, prospective, and former students; undercover operations; extensive research; and review of thousands of pages of documentation from Berkeley. Our complaint reveals that Berkeley engages in aggressive recruiting and debt collection tactics by luring consumers – many of whom are people of color and first-generation college students with low incomes – to one-on-one sales pitches where they deceive them about potential financial obligations and say misrepresentations about other higher education institutions. Among other things, our lawsuit alleges that Berkeley College misled students about financial aid, tricked students into taking out loans directly from Berkeley, deceived students about institutional grants, transfer credits, majors, and careers, and violated local debt collection laws by concealing its identity from former students when collecting debt, including debt that is not actually owed. That litigation is ongoing.

DCA wants to do more than just hold companies accountable when their practices hurt students: we want to arm students with the information they need to protect themselves before harm occurs. DCA research and investigations, along with research and reporting by scholars, regulators, and others, suggest that some for-profit schools engage in patterns of deceit by misleading potential students about, among other things, the availability and impact of certain types of financial aid, the transferability of credits, and the actual cost of attendance. That is why DCA recently proposed

new rules to prohibit deceptive trade practices by certain for-profit schools and require new disclosures about program costs, graduation rates, job placement rates, completion times, and student debt amounts. With better information, prospective students can make informed decisions about what programs are right for them rather than taking on significant burdens based on misleading promises. We look forward to receiving comments from interested parties as these rules move through the administrative process.

DCA also closed a major case against Enhanced Recovery Company, LLC (ERC), a licensed debt collection agency that sent illegal collection letters to tens of thousands of New Yorkers. Our settlement resolved DCA's findings that ERC failed to include information required by law on their collection letters, including the name of the agency and the name of a live contact. DCA's settlement requires ERC to pay a \$105,000 civil penalty and to develop, implement, and monitor written policies to ensure compliance with both the settlement agreement and applicable DCA regulations, including training and compliance across all languages the agency uses to collect debt. DCA's settlement with ERC resulted from a larger compliance initiative that examined the policies, procedures and conduct of 40 licensed debt collection agencies with respect to New Yorkers with limited English proficiency (LEP) and their interactions with LEP consumers. We look forward to sharing the results and recommendations of that initiative in the coming weeks.

In September 2018, DCA announced the findings of a major OLPS enforcement initiative involving 42 home care agencies throughout the five boroughs affecting an estimated 50,000 workers. Home care aides are consistently a top complaint category for Paid Safe and Sick Leave violations. DCA used these data to proactively launch investigations into 42 home care agencies employing close to 30 percent of home care aides in New York City. DCA examined compliance with Paid Safe and Sick Leave, wage and hour requirements, and other workplace standards. The investigation began in July 2017 and focused on compliance with the Paid Safe and Sick Leave Law and included interviews with more than 500 workers and an extensive review of documents provided by workers and employers.

DCA has settled 21 cases that resulted in almost \$43,000 in restitution for workers, more than \$23,000 in penalties paid by agencies, and corrective actions to ensure compliance in the future. In addition, DCA filed 11 cases at the Office of Administrative Trials and Hearings (OATH) seeking restitution and fines. Cases filed at OATH affect more than 15,000 home care aides. Finally, DCA referred 13 cases to other governmental authorities for further investigation and is collaborating on ongoing investigations in some with the New York State Attorney General's Labor Bureau. Proactive investigations like these are an important part of DCA's commitment to enforcing minimum labor standards laws, especially in growing occupations like home care.

DCA also recently received a decision in a major case against Queens-based used car dealership Major World, one of the largest used car dealerships in New York City. DCA first filed the case in 2017, when we charged Major World with using deceptive and illegal practices to profit from vulnerable low-income and immigrant consumers. The decision found that Major World committed tens of thousands of violations of the laws and rules that DCA enforces, including by falsifying consumer income and/or monthly rent obligations on credit applications, falsely advertising the financial terms of deals in print advertisement and on its English and Spanish

websites, concealing the finance terms of deals from consumers, failing to provide deal documents in Spanish to certain Spanish-speaking consumers, and misleading consumers about their legal rights and the history, condition, and quality of the used cars they purchased.

I am proud to inform the committee that the decision awarded DCA more than \$3 million in fines and, importantly, puts Major World on notice that a continuation of its wrongful conduct could result in revocation of its license. The decision follows a 2018 settlement agreement with Major World that secured nearly \$142,000 in restitution to 40 consumers directly and \$68,000 to cover outstanding loans incurred as a result of Major World's actions.

### **Looking Back and Looking Forward**

DCA looks back proudly on five decades of protecting, educating, and empowering consumers and businesses, but we also have our eyes on the path ahead. As I told the committee at last year's budget hearing, many of the core tools DCA relies upon to protect New Yorkers have remained unchanged since the time the agency was created in 1969. Over the last year, we've been working to develop our proposals for updating these tools to better equip DCA to protect consumers and workers in a modern context. We look forward to continuing our conversations with the Council and working together to achieve this goal.

The Consumer Protection Law, the cornerstone of our work to protect consumers from unfair, deceptive, and unconscionable trade practices, has not been updated since the agency's foundation in 1969, the year of the moon landing. The penalty amounts have not even been adjusted for inflation during that time. That means that a business that engages in deceptive trade practices in 2019 is subject to the same penalties as a business that did so five decades ago, despite the fact that the consumer price index has increased more than 600% over the same period. If the Consumer Protection Law is to be an effective deterrent, then penalties for businesses that deceive consumers must, at a minimum, keep pace with the cost of doing business and the prices paid by consumers. In addition, DCA's authority to seek restitution for consumers harmed by these practices must be clarified. DCA believes that this proposal is a common sense step to bring our Consumer Protection Law into the twenty-first century and ensure that the tools for protecting consumers keep pace with changing practices and markets.

### **Informing and Educating New Yorkers**

As we begin the next chapter of our history, DCA will focus on raising public awareness of the work we do and how it benefits New Yorkers. To reach the one million New Yorkers who have student loans and the thousands more who may be considering higher education, and to compete with the large investment in advertising and marketing by for-profit schools and debt relief programs, DCA plans to execute a highly visible and targeted public education campaign about student loan debt and for-profit schools this Spring. The integrated, multimedia campaign will educate aspiring college students about what to look for in a school and how to understand financing options, and it would help inform those who have loans about their rights and responsibilities, repayment options, and free financial counseling at the City's Financial Empowerment Centers, along with other City resources. Advertisements will run on the city's subway cars, bus shelters, telephone kiosks, LinkNYC, as well as in print, on radio, online (social

media, online, programmatic apps), and in local businesses (check cashers, bodegas, and laundromats). In addition to outdoor advertising and online, we will use ZIP Code and demographic information from DCA to hyper-target using placements in community media and on street furniture and street teams in neighborhoods known to have higher default and delinquency rates and/or are located near predatory actors.

Also this spring, DCA plans to launch an integrated, multimedia public awareness campaign to ensure that the critical new protections that the City of New York has created for workers under Mayor de Blasio are fully realized. The campaign will use broad and targeted media to inform New Yorkers about local workplace laws, including Paid Safe and Sick Leave, Fair Workweek, Freelance Isn't Free, and DCA's role as a general resource for workers, in particular low-wage and immigrant New Yorkers and paid care workers. Like the student loan debt campaign, this campaign will run on the city's subway cars, bus shelters, telephone kiosks, LinkNYC, as well as in local businesses and through various media outlets to reach populations of vulnerable workers.

### **Excellence in Service and Enforcement**

I'm happy to report that DCA continues to provide New Yorkers excellent service. According to the Preliminary Mayor's Management Report, DCA processed 71 percent of consumer complaints within 28 days compared to 61 percent during the same four-month period last year; all complaints continued to be processed within 90 days. The median time to resolve a complaint improved by four days to 20 days, continuing the improvement from the Fiscal 2017 average of 28 days. Our licensing division received 19,616 basic license applications in the first four months of Fiscal 2019 and approved 13,349 in that time. These figures represent increases of 72 percent and 86 percent, respectively. Even with the substantial increase in volume this year, the average wait time at the licensing centers remained stable at 10 minutes over that period while the average processing time for basic applications fell 50 percent, dropping from four days on average to two. We also successfully implemented the new license category for electronic cigarette dealers, processing 3,422 applications and issuing 2,929 licenses.

In addition, DCA's Enforcement division successfully refocused its tobacco inspection units to improve compliance with city and state tobacco laws regarding sales to minors. During the first four months of Fiscal 2019 the number of tobacco inspections conducted with minors increased by 23 percent, from 2,264 to 2,781. The overall compliance rate with regards to sales to minor laws increased by five percentage points, from 87 percent to 92 percent, while the compliance rate on follow-up inspections (conducted after a sale to minor violation was issued) increased by four percentage points, from 83 percent in Fiscal 2018 to 87 percent in Fiscal 2019.

### **Conclusion**

I would like to thank the committee for the opportunity to testify today. DCA looks forward to deepening and strengthening our partnership with the Council as we embark on the next 50 years of protecting and empowering consumers, workers, and businesses.

**TESTIMONY**  
**of**  
**National Day Laborer Organizing Network (NDLON)**

**Presented to:**  
**Committee on Consumer Affairs and Business Licensing**  
**Honorable Rafael Espinal, Chair**  
**Friday, March 15, 2019**

**Prepared by:**  
**Nadia Marin-Molina**  
**NDLON Co-Executive Director**

## **Background on Issues Facing Day Laborers**

Thank you for the opportunity to give testimony on behalf of the National Day Laborer Organizing Network (NDLON) in support of the New York City Day Laborer Workforce Initiative (DLWI). NDLON's mission is to improve the lives of day laborers, migrants and low-wage workers. We build leadership and power among those facing injustice so they can challenge inequality and expand labor, civil and political rights for all. Through this testimony, we would like to provide background information on day labor, a national perspective on the current political context, and an overview of the Day Labor Workforce Initiative.

Day laborers – men and women looking for employment in open-air markets by the side of the road, at busy intersections, in front of home improvement stores, and in other public areas are a common sight in most major cities throughout the United States. Day laborers provide an essential service to the US labor market by meeting the demand for an affordable, flexible, and skilled on-call workforce for construction, landscaping, domestic work, and home improvement industries. In addition, day laborers have played a vital role in disaster relief efforts throughout the country in places like New York after Hurricane Sandy and New Orleans after Hurricane Katrina.

However, due to the informal nature of day laborer market, day laborers are also vulnerable to many threats at the, usually unregulated, work sites. On any given day, hundreds of thousands of day laborers around the country are in danger of suffering workplace injuries, being exposed to dangerous or toxic workplace conditions, and rampant wage theft. In addition, as most day laborers in the United States are immigrants, a significant number of whom are undocumented, they face many barriers in accessing essential services such as medical care and legal assistance. Day laborers are often underpaid, with some paid less than the federal minimum wage, and are often subject to the whims of a fluctuating labor market. Median salaries for day laborers around the country are \$15,000 a year, far below a living wage especially for the two-thirds of day laborers who are supporting families on their income.

Day laborers face these challenges in a national context where their rights as immigrants and workers are under constant attack. Many anti-immigrant policies have already taken hold: a wholesale return to the "Secure Communities" Deportation Program; making all undocumented people deportation "priorities"; expanding detention capacity and deportations; and the terminations of DACA and TPS programs. As the political tide turns against immigrants, migrant communities also now report an increase in hate crimes and incidents as nativist organizations are further emboldened by political positions that reaffirm their hate.

This political and social climate intensifies the already difficult circumstances faced by day laborers; and contributes to a general sense of fear and displacement within the community. Day laborers suffer increased exploitation from unscrupulous employers that prey on workers' fear. With interactions of police or law enforcement leading to potential detention and deportation, the general sense of workers is that there is no recourse should an employer rob them of their wages, or if they are abandoned after an injury in the workplace; in the same way that migrant victims or witnesses of crimes and domestic abuse will not turn to the police for help.

The working conditions of day laborers are an important indicator for the conditions of workers in general, and immigrant workers in particular. When unscrupulous contractors see that day laborers are unprotected, and that they can exploit them without consequences, they will graduate to use this same tactic with more and more workers. When an immigrant worker first comes to this country, gets one of his first jobs on the corner (as many do), and finds that wage theft and hazards are a normal part of the job, they will expect these conditions in every industry they enter.

On the other hand, day labor centers serve as an important and effective form of grassroots enforcement of workers rights. While about 50% of workers on the corners report that employers have stolen their wages in the past two years, at day labor centers, only a small percentage report that an employer who hired a worker through the center fails to pay or pays less than agreed. This reduction in wage theft is largely due to the fact that the employer knows that the worker is not alone, and that there will likely be some consequences. In addition, day labor centers set standards for wages and provide trainings to workers that they would otherwise not receive.



One of NDLO's organizing principles is that day laborers can be an important collective force for social change. New York's day labor centers are proving this every day, as they develop and demonstrate effective strategies of worker defense and empowerment, even in very challenging circumstances.

### **DLWI - Day Labor Centers as Partners in Workers Rights Enforcement**

The New York City Day Labor Workforce Initiative (DLWI) is comprised of organizations in all five boroughs: Bronx - Catholic Charities; Staten Island - La Colmena; Queens - New Immigrant Community Empowerment; Manhattan - Northern Manhattan Coalition for Immigrants Rights; Brooklyn - Workers Justice Project; and the FPWA, which organizes the collaborative. The DLWI funds six day labor centers in all five boroughs, and you will hear testimony about each of them today. The services they provide include:

- 1) Job Referral,
- 2) Wage Theft Legal Clinics
- 3) Know Your Rights Trainings
- 4) Referrals to Critical Services
- 5) Workforce Development.

The DLWI has demonstrated astounding success in supporting immigrant workers at a local level. There are now 6 day labor centers in New York City, where there were only 3 when the initiative began. These centers are dispatching more jobs than ever - close to 1800 jobs dispatched to date in FY19 alone. They provide concrete skills trainings in painting, sheetrock, framing, and plumbing to workers struggling to get good jobs. They have held numerous workers rights workshops, outreach events, and filed cases in close collaboration with the Office of Labor Protection and Standards, the Department of Small Business Services, the Human Rights Commission, District Attorney's offices, and state agencies as well.

And yet, there is still much more to do. In the coming year, the DLWI centers will increase their capacity specifically in emergency response and disaster preparedness, to ensure that day

laborers are not left out of key environmental initiatives like the Green New Deal. They will also focus on building the leadership of women day laborers, who participate in the centers seeking good jobs not just in housecleaning, but also in construction.

Day labor centers that receive support from local government, in cities like Seattle, Los Angeles, and New York, have become important beacons of hope nationwide. Day labor centers show that regardless of whatever claims are made, day laborers and other immigrant workers are not afraid, and are not in hiding. They are visible, they are recognized as leaders, and they are respected both for their work and for their many contributions to their cities and communities.

We ask that New York City commit to support the continued expansion and development of Day Laborer Centers by continuing the Day Labor Workforce Initiative with funding of \$3.6 million in FY 2020. Thank you for the opportunity to testify. We look forward to working together with you to improve the lives of day laborers and all workers in New York City.

# Northern Manhattan

## COALITION FOR IMMIGRANT RIGHTS

TESTIMONY  
of  
Northern Manhattan Coalition for Immigrant Rights

Presented to:

New York City Council Committee on Consumer Affairs and Business  
Licensing

Hon. Rafael L. Espinal Jr., Chair  
Friday, March 15<sup>th</sup>, 2019

Prepared By:

Luis Cortes  
Northern Manhattan Coalition for Immigrant Rights  
5030 Broadway, Suite 639, New York, NY 10034  
[info@nmcir.org](mailto:info@nmcir.org)  
[www.nmcir.org](http://www.nmcir.org)

Testimony to New York City Council Consumer Affairs and Business Licensing  
Committee

Friday, March 15th, 2019

Good morning.

My name is Luis Cortes and I am the Worker Center Director at the Northern Manhattan Coalition for Immigrant Rights, an organization that for over 35 years has been providing high quality, trustworthy immigration-related legal services to the immigrant community. NMCIR is a non-profit organization founded in 1982 to educate, defend and protect the rights of immigrants, through direct services, civic engagement, community organizing and advocacy. The Worker Center grew out of our community services and we have created a new space for workers looking for better job opportunities and a safe and trustworthy place to receive a variety of trainings

We are part of the coalition that makes up the Day Laborer Workforce Initiative. The initiative partners include Worker's Justice Project (WJP), New Immigrant Community Empowerment (NICE), Staten Island Community Job Center, and Catholic Charities of the Archdiocese of New York, each of whom have a long history of engaging immigrant communities and working with Day Laborers in all five boroughs.

We are thankful for the support that City Council provided the Initiative in FY19 and **urges the Council to invest \$3.6 million in the Day Laborer Workforce Initiative** for the next fiscal year.

The Day Laborer Workforce Development Initiative came together to address the needs of this underserved population, services that are even more essential now than ever before. As members of the city's informal workforce, day laborers experience rampant wage theft, pervasive construction accidents, workforce hazards, lack of access to workforce development training, and lack of infrastructure. The Initiative's goal is to address these issues by linking day laborers to vital services, providing trainings on workforce safety and legal rights, addressing wage theft, providing access to jobs, and, most importantly, creating safe and dignified spaces for day laborers to congregate as they search for gainful work. New York City has the potential to lead the nation in the fight for day laborer rights.

I am here to speak on behalf more than 2,000 workers who have reached out to us in the last year looking for work, asking about our ongoing OSHA training workshops, and calling to report wage theft. Many immigrant workers have a lot of work experience in their countries of origin but because of various barriers including language, may be working in a different field or struggling to find work.

I would like to draw your attention to this quote from the NYC Department of Small Business Services about immigrant communities: “Foreign born New Yorkers face unique challenges in connecting to living wage employment, and are often “over-employed” but at or near the threshold for poverty in New York City”. This is the reality of thousands today. They want to work. They want to learn new skills. They want to be trained. What we at NMCIR provide is a Worker Center opening its doors offering respect, dignity, community, and a real possibility of bringing money home to pay rent and put food on the table. This is also an anti-poverty measure that brings economic health to individuals and to neighborhoods.

This is why we are providing a space for organizing and providing opportunity for workers to build power together. The space also removes workers from the *paradas* so they are not affected by adverse weather and abuses in the streets. With our job dispatching process our goal is to increase wages, holds employers accountable, reduce likelihood of employer abuse, and increase safety.

Through an **enhancement to \$3.6 million in FY20** a total of six day laborer centers will operate in New York by the end of the FY20. We will enhance our services to provide more construction safety and skills trainings, immigration and know-your-rights workshops, and referrals to our organization’s free legal services. The initiative will also train and equip day laborers to safely and strategically respond when natural disasters strike the city, by aiding the city and its residents in the clean-up and reconstruction. We are poised to take major steps in addressing the needs of day laborers in FY20 and we need the continued support of the city Council to make these plans a reality.

We thank the City Council for the opportunity to testify. We hope that you will consider our budget priorities and recommendations during this year’s budget negotiation process, and look forward to continue working closely with you to ensure hard working individuals and families have opportunities to achieve economic advancement and create shared prosperity for all New Yorkers.

**TESTIMONY of:**

**Alexis Paz  
Member Engagement Coordinator,  
New Immigrant Community Empowerment (NICE)**

**PRESENTED to:**

**Committee on Consumer Affairs and Business Licensing  
Honorable Rafael Espinal, Chair**

**Friday, March 15, 2019**

My name is Alexis Paz and I am here on behalf of New Immigrant Community Empowerment (NICE). We are a community organization devoted to improving the lives of immigrant workers that depend on dangerous and unregulated industries for work, such as day laborers and non-union construction workers. I am here in support of the Day Laborer Workforce Initiative (DLWI), a City Council funding initiative that allows organizations like NICE to provide critical services to day laborers. I hope that by sharing my story as an employee at NICE -- working directly with some of the most vulnerable workers in our city -- you get a sense of the work we do and the need to continue supporting and protecting day laborers in New York.

For me, working at NICE is more than just a job. The problems our members face are the same my family faced when we first arrived to the United States. I belong to the P'urhepecha community, an indigenous group from south-central Mexico, where we experience discrimination and economic hardships. Like many of our members, my family came to this country for opportunities not available in Mexico. Unfortunately, here, we found ourselves facing some of the same discrimination and abuse we experienced back in our country.

NICE receives immigrants from all over Latin America with a variety of needs. When our members first arrive in this country they don't always understand how things work and end up being taken advantage by employment agencies, lawyers, notaries, and employers, due to the lack of information and knowledge of their rights. Newly arrived immigrants have a high need to find work and oftentimes take jobs where wages and health and safety conditions are terrible. Many come from countries where they survive on \$5 to \$7 dollars a day, and where the presence of government institutions is almost nonexistent. As a result, many times they do not know they are being exploited. And even if they understand that their rights have been violated, they believe there is no remedy and that this is the cost they have to pay for being immigrants.

Along with my colleagues, I work closely with day laborers who visit our Community Job Center in Jackson Heights Queens on a daily basis. We are located next to one of the largest clusters of day

laborer corners in the country, off the Brooklyn-Queens Expressway. Workers come to NICE seeking assistance to find work, recover unpaid wages, and access health and safety training, among other things. Many, however, come to NICE just seeking community and shelter from the freezing cold and to use the restroom and have a drink of water. We offer these services regardless of immigration status and at no-cost.

Throughout my time at NICE, I have led our wage theft recovery with members. When I started several years ago, we received between 10-15 different cases a month. Now we see between 30-40 new cases every month. We don't just refer to legal service providers, we actually call employers directly to ask why our members are not getting paid, and we collect all of the information that the lawyers or city agencies will need to file official complaints. At NICE, we don't establish a limit of people we see; we take in all the cases that come in, and we screen all of our members for wage theft, discrimination, worker's compensation, and health and safety cases. As a result, in the last year, we have conducted intakes for nearly 300 different cases of wage theft, of more than \$600,000 to recover. But the sad reality is that although workers are taking a step forward to report cases of wage theft, it takes too long to recover wages via city and state agencies -- often many years, if ever.

At NICE, members receive more than a direct service; we build their leadership as members of the community who have the agency to report abuses and motivate their colleagues to do the same. We build member leaders who can participate with us to promote social movements that will protect our immigrant community better. The strong relationships and trust that we establish with our members help NICE identify more instances of wage theft because our members are the ones encouraging their co-workers to report bad employers.

In addition to continued services, we also need systematic solutions. We need to put a stop to bad actor employers who keep abusing our members. While these bad actors continue to operate without any consequences, our members struggle to keep up with rent or other basic needs. We need to make sure that these bad actors are aware that what they are doing has consequences. This can be done by suspending or revoking the construction licenses of these bad actors so that they can't continue operating as usual. I encourage the city council to hold construction contractors accountable by revoking or suspending their licenses for failing to pay wages and keeping unsafe work conditions.

Because I know this struggle personally, I am very committed to ensuring that our members receive the resources they need. I often stay well into the evening to accommodate our members' work schedules. Because NICE is located in the heart of the immigrant community and staffed by many 1st and 2nd generation immigrants, our members feel comfortable coming to us, particularly now in this anti-immigrant environment, when many are afraid of approaching government agencies. We are able to reach some of the hardest to reach populations in the city because of our ongoing relationship with them. I believe this is the most important reason to continue supporting organizations like NICE.

I thank you for making this work possible and ask that the City Council continues to support this critical work to empower the day laborer community.



**TESTIMONY  
of  
WORKERS' JUSTICE PROJECT**

**Presented to:**

**New York City Council Committee on Consumer Affairs and Business  
Licensing Hearing**

**Honorable Rafael L. Espinal, Jr., Chair, Chair**

**Friday, March 15<sup>th</sup>, 2019**

**Prepared By:**

**Margarita Arana**

***WJP Workers' Right Organizer & Member Leader***

**Workers' Justice Project (WJP)  
365 Broadway Brooklyn, NY 11211**



Buenos días, Honorable Rafael Espinal y distinguidos miembros del comité de asuntos al consumidor de la Ciudad de Nueva York. Mi nombre es Margarita Arana, soy madre de una pequeña y hermosa bebe de un año que se llama Zoe, soy trabajadora de construcción y miembro del Proyecto Justicia Laboral. Primero agradecer la oportunidad de que este día pueda testificar.

Quiero compartirles que mi experiencia en este país no ha fácil, pues cuando uno llega tiene la idea de que por estar en un país donde no es tu tierra no tenemos derechos y tenemos que aguantar lo que venga, así sea un mal trato, que nos humillen, que tengamos que aceptar las malas condiciones de los trabajos, los salarios injustos y personas que se aprovechan haciendo odio racial por ser inmigrante.

He realizado diferentes tipos de trabajos, removiendo nieve, limpiando casas, trabaje para una panadería y finalmente tuve que entrar al mundo de la construcción para poder suplir mis necesidades económicas, pase por condiciones muy malas de trabajo a veces yo decía: no es justo porque tengo que trabajar con estos peligros. En ocasiones mi jefe no me brindaba el equipo de protección personal necesario para realizar trabajos que afectan mi salud y si yo reclamaba el argumentaba que no había y que si no me gustaba me buscara otro trabajo y fue de esa manera cuando empecé a buscar soluciones buscando información de algún lugar que pudiera respaldar y asesorar sobre mis derechos (si era que existían), me comentaron que tenia que sacar mi OSHA-30 fue así cuando en mi búsqueda a respuestas para sacar dicha licencia, encontré al Proyecto de Justicia Laboral. Me inscribi y pude tomar el curso de OSHA-30 de manera gratuita lo que me pareció grandioso pues en otros lugares la licencia tenía un costo muy alto y en mis condiciones no podía cubrirlo.

Me di cuenta de que el Proyecto de Justicia Laboral era el lugar donde yo me podía informar sobre mis derechos y tenían una respuesta para las preguntas que me hice hace tiempo desde que llegué a este país, poco a poco me fui incorporando a las actividades de la que es hoy en día mi organización.

Hoy estoy aquí para pedir que que en este nuevo año fiscal se invierta **3.6 millones en los Centros Jornaleros** y que sigan apoyando a nuestro centro (Proyecto Justicia Laboral) y que nos permitan poder seguir contribuyendo a esta ciudad con nuestro trabajo y con nuestros valores. En esta era de odio, racismo y sobre todo miedo, dependemos de nuestro centro.

Mi centro (Proyecto Justicia Laboral) es mi segundo hogar, es aquí que encuentro el respaldo que necesito para sacar a mi familia adelante y aprender a como defender mis derechos laborales y exigir respeto. En el centro he podido aprender nuevas habilidades con mi desarrollo personal, conocer cómo negociar salarios justos (como \$20 la hora), hacer que me respeten y saber que no importa mi estatus migratorio para poder tener respeto hacia mi persona y defender mis derechos como ser humano. En el centro he encontrado una familia porque convivimos y luchamos juntos por los mismos objetivos que es tener una vida mejor.

También, en mi centro usamos nuestras voces y poder colectivo para combatir el robo de salario, se imparten talleres acerca de cómo prevenir el robo de salario, mejorar las condiciones de salud y seguridad en el lugar de trabajo y entrenamientos de construcción por lo que se ha creado un comité de destrezas en el cual estoy involucrada.

Hoy más que nunca dependemos de nuestro centro para poder defendernos del sentimiento anti-inmigrante, actos racista que existen en este país. La amenaza de deportaciones y redadas ha generado miedo y temor en nuestra comunidad, lo cual malos empleadores toman ventaja para no pagar los salarios, amenazar con llamar a la migra si nos organizamos y reclamamos nuestros derechos.

Muchos trabajadores dependen de nuestro centro para tener un trabajo más digno, conocer sus derechos y hacer que los negocios cumplan con las leyes laborales y empleadores respeten los derechos de los trabajadores. También, vemos la oportunidad de colaborar con su comité y agencia de asunto al consumidor para hacer que negocios y contratistas cumplan con leyes laborales y aquellos que no cumplan renovarles sus licencias, puesto que ningún negocio debería operar en esta ciudad si está violando los derechos de los trabajadores y robándole los salarios a los trabajadores.

También le pido apoyo para que podemos seguir dando clase de OSHA-30 en español en nuestro centro. En los últimos 7 meses hemos entrenado 811 trabajadores y tenemos una lista de espera de 400 trabajadores que no podemos entrenar porque ya no tenemos recursos.

Estoy aquí para pedir su apoyo para que se invierta 3.6 millones para que centros como el Proyecto Justicia Laboral puedan seguir existiendo y respaldando a mi comunidad. Esperamos que ustedes consideren los centros de jornaleros como parte de sus prioridades durante el proceso de negociación presupuestaria de este año y esperamos seguir trabajando estrechamente con ustedes.

Muchas gracias!

- In English

Good morning, Honorable Rafael Espinal and distinguished members of the New York City **Committee on Consumer Affairs and Business Licensing**. My name is Margarita Arana, I am the mother of a beautiful one-year-old baby named Zoe, I am a construction worker and a member of the Workers Justice Project (WJP). First thank the opportunity that this day can testify.

I want to share with you my experience in this country, which has not been easy. I through that because I am not from this country, I do not have rights and I have to put up with whatever comes, even if that means a inhumane treatment and humiliation. I thought I had to accept the bad conditions on the job, unjust salaries and let people take advantage of me and let me express their hatred towards me because I am an immigrant.

I have done different types of jobs; removed snow, cleaned houses, worked on a bakery and I had to enter in the construction industry to be able to make ends meet. I endured very harsh conditions, but I often ask myself as why I had to endure these dangerous conditions. Sometimes my boss would not provide me with the Personal Protection Equipment (PPE) necessary to do unsafe jobs, but I would argue for better conditions and the response was always that if I don't like, just to leave and get another job. I did looked for jobs, but also searched for more information or a place that could support and advice me on the rights that I have. I began to look for information or a place that could advice on my rights (if they existed). I was told take the OSHA-30 and that was when I found out about the Workers Justice Project (WJP).

I realized that Workers' Justice Project (WJP) was an organization where I can get informed about my rights and get the answers to the many questions I had asked myself since I arrived in this country, little by little I joined the activities of my organization up to today.

Today, I am here to request your support to invest 3.6 million dollars on Day Labor Centers and and to support immigrant workers and day laborers who are contributing to this city with our work and our values. In this era of hate, racism and fear, we depend on our center.

My center (Workers Justice Project) is my second home, it is here that I have found the support I need to take care of family, learn how to defend my labor rights and demand respect. At the center I was able to learn new skills, know how to negotiate fair wages (like \$ 20 an hour), make them respect me and know that my immigration status does not matter when it comes to reclaiming respect and rights as human being. In the center I have found a family that is committed to fight together for the same goals as having a better life.

Also, at my center we used our voices and our collective power to combat wage theft, provide workshops on how to prevent wage theft, improve health and safety conditions in the workplace and construction training.

Today more than ever we depend on our center to defend ourselves against anti-immigrant sentiment and racist acts that exist in this country. The threat of deportations and raids has generated fear in our community, which has led for irresponsible employers to take advantage of not paying wages, threatening to call the immigration if we organize and claim our rights.

Many more workers rely on the center to access dignified jobs, know their rights and make businesses comply with labor laws and employers respect the rights of workers. Also, we see the opportunity to collaborate with your committee and the consumer affairs agency to make businesses and contractors comply with labor laws. Those business that do not comply with the labor laws, should not be allowed to operate in the city. The business licences should be revoked if a business is violating workers rights or stealing wages from workers.

I request your support so that we can continue to provide free OSHA-30 trainings in Spanish at our center. In the last 7 months we have trained 811 workers and we have a waiting list of 400 workers that are waiting for a class, but we no longer have resources.

I am here to request your invest support of 3.6 million so that day laborer centers like the Workers Justice Project can continue to exist and support my community. We hope you will consider the day laborers center as part of your priorities during this year's budget negotiation process and we look forward to continuing to work closely with you. Thank you!

**TESTIMONY**

**of**

**La Colmena**

**Presented to:**

**Committee on Consumer Affairs and Business Licensing**

**Honorable Rafael Espinal, Chair**

**Friday, March 15, 2019**

**Prepared by:**

**Gonzalo Mercado  
Executive Director**

## **Day Laborers on Staten Island**

Thank you for the opportunity to give testimony on behalf of La Colmena in support of the New York City Day Laborer Workforce Initiative (DLWI) for FY20. La Colmena is a community based organization and worker center based on Staten Island with the mission to empower the immigrant community through education, culture and economic development.

Wage theft and workplace accidents continue to disproportionately affect the day laborer workforce and on Staten Island they face unique challenges, particularly after the last presidential election where we have seen an uptick in report of harassment and discrimination adding to the already precarious nature of the industry.

Thanks to the Day Laborer Workforce Initiative we have been able to open a safe space for day laborers where they can access dignified jobs, critical training in occupational health and safety, know your rights and referrals to legal and other critical services. They also have a space to protect themselves from unscrupulous employers and access to basic needs such as restrooms and protection from the elements in the extreme heat in the summer and harsh winters for a workforce that traditionally shapes up in corners. They also have a space to discuss their issues and articulate collective solutions based on the values of solidarity and economic democracy

## **Conclusion**

We ask that New York City to continue to be a bold leader in protecting one of the most vulnerable workers in our City and commit to support the continued expansion and development of Day Laborer Centers by continuing the Day Labor Workforce Initiative with funding of \$3.6 million in FY 2020. Thank you for the opportunity to testify. We look forward to working together with you to improve the lives of day laborers and all workers in New York City.

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 3/15/2019

(PLEASE PRINT)

Name: Luis Cortes

Address: 5030 Broadway, Suite 639, NY 10034

I represent: Northern Manhattan Coalition for Imm. Rights

Address: 5030 Broadway, Suite 639, NY 10034

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 3/15/19

(PLEASE PRINT)

Name: Casey Adams, Director of

Address: City Legislative Affairs

I represent: DCA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 3/15/19

(PLEASE PRINT)

Name: Lorelei Salas, Commissioner DCA

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms



**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: \_\_\_\_\_

**(PLEASE PRINT)**

Name: Nick Rozza Executive Director of Finance

Address: 42 Broadway N.Y.C.

I represent: Department of Consumer Affairs

Address: 402 Broadway N.Y.C.

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 03/15/19

**(PLEASE PRINT)**

Name: Alexis Paz

Address: 3240 54<sup>th</sup> St, Woodside, NY 11377

I represent: New Immigrant Community Empowerment

Address: 71-29 Roosevelt Ave. Jackson Heights, NY 11372

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 3/15/2019

**(PLEASE PRINT)**

Name: Nadia Macin-Molina

Address: 410 Jacobus Tyn, Apt 2B W. Hyde Park, NY 11040

I represent: National Day Laborer Organizing Network

Address: S/o Worker Inst at Cornell, 16 E 34<sup>th</sup> St NY, NY



# THE COUNCIL THE CITY OF NEW YORK

## Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Myrna Warkoff Wilfong

Address: \_\_\_\_\_

I represent: NDLW, WIP, NICE, LA Colmena, NMCIR

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

# THE COUNCIL THE CITY OF NEW YORK

## Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
☐ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Christian Zelazny

Address: 771 West Highland Ave

I represent: La Colmena

Address: 771 West Highland Ave

Please complete this card and return to the Sergeant-at-Arms