

CITY COUNCIL  
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL SERVICE AND LABOR

-----X

November 17, 2009

Start: 1:33 pm

Recess: 6:07 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
MICHAEL C. NELSON  
Chairperson

COUNCIL MEMBERS:

Eric Ulrich  
Gale A. Brewer  
Jessica S. Lappin  
Letitia James  
Vincent J. Gentile  
Larry B. Seabrook  
Melissa Mark-Viverito  
James F. Gennaro  
Annabel Palma  
Robert Jackson

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

Donna Levitt  
Manager  
Mayor's Office of San Francisco

Greg Asay

David Jones  
President  
Community Service Society of New York

Sherry Leiwant  
Executive Director  
A Better Balance, the Working Family Legal Center

Kevin Miller  
Senior Research Associate  
Institute for Women's Policy Research

Amy Traub  
Research Director  
Drum Major Institute for Public Policy

Kathy Wylde  
Partnership for New York City

Carl Hum  
President and CEO  
Brooklyn Chamber of Commerce

Robert Bookman  
Legal counsel  
New York State Restaurant Association

Tom Minnick  
Business Council of New York

Tony Juliano  
Chairperson  
Greenwich Village Chelsea Chamber of Commerce

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

Doug Onyes  
President  
NATO of New York State

Quenia Abreu  
President  
New York Women's Chamber of Commerce

Ramon Murphy  
Bodega Association

Sung Soo Kim  
Korean-American Small Business

Miguel Peribañez  
President  
U.S. Latin Chamber of Commerce

Henry Meer  
Chef Owner  
City Hall Restaurant

Daniel Latham  
Latham's Communication Corporation

Andrew Rigie  
Mark Murphy  
New York State Restaurant Association

Larry Sills  
Standard Motor Products

Tom Scarangelo  
Scaran Small Business

Janet Weinberg  
Chief Operating Officer  
Gay Men's Health Crisis

Joel Shufro  
Executive Director  
New York Committee for Occupational Safety and Health

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

Mary Pappas  
School nurse  
St. Francis Prep High School  
A P P E A R A N C E S (CONTINUED)

Victor Sidel

Ginny Louloudes  
Alliance of Resident Theatres New York

K.Y. Chow  
GM Printing

Scott Buchanan  
Scott J Salons and Spas

Paul Seres  
Vice President  
New York Nightlife Association

Nora Nealis  
National Cleaners Association

Verdery Roosevelt  
Executive Director  
Ballet Hispanico

Freddy Castiblanco  
New York Small Business United for Health Care

Cherokee Graham  
Restaurant Opportunities Centers of New York

Melanie McEvoy  
Owner  
McEvoy & Associates

Noa Chametla  
Member  
Make the Road New York

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

John Bonizio  
Bronx Chamber of Commerce

Dan Margolis  
Auntie Anne's Pretzels

Doreen Zayer

Victoria Avilez

Pat Brodhagen  
Food Industry Alliance of New York State

Rosina Rubin

Becka Telzack  
Carmen Ledesma  
Small Business United for Health Care

Donna Dolan  
Chair  
NYS Paid Family Leave Coalition

Adela Valdez

Gabino Hernandez

Sheebani Patel  
Policy Organizer/Attorney  
Restaurant Opportunities Center of New York

Robert Federiko

Irene Lore  
Aunt Suzie's Restaurant

Debra Kravet  
Apthorp Cleaners

Theodore Renz  
Myrtle Avenue Business Improvement District

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

Maya Raghu  
Staff Attorney  
Legal Momentum

Catherine Shugrue dos Santos  
Deputy Clinical Director for Economic Empowerment  
Programs at Sanctuary for Families

Christina Gilbert  
Program on Human Rights in the Global Economy

Gary Phelan  
Outten Golden

CHAIRPERSON NELSON: Okay. Well welcome everybody, this is an exciting day in New York City, this is actually history making, we have the first videoconferencing set up with a lot of help, of course, by Gale Brewer, and we're joined by Donna Levitt, who happens to be the manager of the Mayor's Office of San Francisco, she happens to be the Department of Administrative Services, Office of Labor Standards and Enforcement. Did I get that right, Donna? Okay. She'll hear, I guess in about--

DONNA LEVITT: Yeah.

CHAIRPERSON NELSON: --there's about a three or four hour delay so we'll be--in case we say something nasty they don't want to hear in San Francisco, you know.

We are joined by the--okay, I'm Mike Nelson, chairing this committee. We are joined by Eric Ulrich, to my immediate far left, Gale Brewer, there she is, Jessica Lappin, and to my right we have Tish James and just joining me to my immediate left, we have Vincent Gentile.

Good afternoon, I am Council Member Mike Nelson, I chair the Committee on Civil

1 Service and Labor.

2  
3 Today the Committee will hold a  
4 hearing on Intro number 1059, a Local Law to amend  
5 the Administrative Code of the City of New York in  
6 relation to the provision of paid sick time earned  
7 by employees. I want to thank all of you for  
8 attending today's hearing on this legislation.

9 Intro number 1059 is sponsored by  
10 Council Member Gale Brewer and the Public Advocate  
11 Betsy Gotbaum and many others on the City Council,  
12 many other members.

13 Legislators and policy makers are  
14 increasingly exploring the idea of providing paid  
15 sick time for employees. This subject is  
16 currently being debated at the federal level and  
17 in many jurisdictions, at the state and local  
18 level, obviously, as well. Whether or not to make  
19 employers responsible for providing a minimum  
20 amount of paid sick time to their employees has  
21 both pros and cons.

22 The Committee expects to hear from  
23 individuals and organizations with a wide variety  
24 of viewpoints on this legislation. Some have  
25 asserted that the need to have this benefit is a



1  
2 right and must be mandated so that those less able  
3 to negotiate or insist on this provision would be  
4 able to receive that which is taken for granted by  
5 those in other economic scales.

6 On the other hand, some have  
7 asserted that it is not the role of government to  
8 regulate benefits that could impact how an  
9 employer does business and that employer's ability  
10 to survive in these harsh economical times.

11 More and more, health professionals  
12 are encouraging those who are ill to stay out of  
13 work or away from school. This legislation and  
14 other legislation similar to it in other  
15 jurisdictions have been viewed by some as a means  
16 to better protect their jobs and the well being of  
17 their families.

18 I would like to allow--before I  
19 allow Council Member Brewer, the author of this  
20 legislation to speak--oh, okay, I wanted to thank  
21 very much so Terzah Nasser, Laura Popa, and  
22 Shauneequa Owusu, and the positions are Deputy  
23 Director of Legislative Division, Terzah over here  
24 to my immediate right is a Deputy Director of  
25 Human Services and Shauneequa Owusu is the Policy

Analyst.

Having said that, I'd like to turn it over to the estimable Gale Brewer.

COUNCIL MEMBER BREWER: Thank you very much. I'm losing my voice ironically, but thank you very much, Mr. Chair, and I am really honored that everyone is here today to talk about good public health policy in the city of New York.

I think as the Chair has said, we are told from the President and the Mayor down, if you're sick, stay home, and for many people that is not possible if they're going to lose pay and could lose their job. And the issue is we're looking for legislation that is universal; we're looking for legislation that will give the opportunity for paid sick leave to 48% of working New Yorkers who don't have it; and we're looking for paid sick leave for 54% of all public school parents who do not have it; and we're looking for paid sick leave for the many individuals who are working families, people of color, and not people of color who do not have it.

This is an earned pay sick leave. This bill has a minimum number of days that you

2 have to be working, and it has a minimum number of  
3 hours and days before you are able to access the  
4 legislation.

5 As was stated earlier, this is part  
6 of a national movement, we'll hear from San  
7 Francisco in a moment who has legislation pending  
8 and actually being heard in Washington and many,  
9 many states are dealing and looking at this issue.  
10 We could be the city that people look to in terms  
11 of what we are supporting, what we're doing to  
12 support our workers and many Community Boards have  
13 already passed resolutions in support.

14 I want to thank Speaker Quinn, she  
15 has been to hundreds of meetings on this topic and  
16 I want to echo the Chair's support for the three  
17 people he mentioned and also add Rob Newman and  
18 Margaret Nelson, and I want to thank this amazing  
19 coalition who have put many hours, the unions, the  
20 non-profit and cultural institutions, the  
21 businesses on both sides of the issue. A lot of  
22 reasonable discussion has taken place.

23 That's about the bill and I also  
24 want to say I must admit there are very few things  
25 that you feel very proud of, but today, thanks to

2 Kunal Malhotra in our office, Eric Feldman from  
3 the Mayor's office, Chris Loll [phonetic] and Iniq  
4 Ortiaz [phonetic] from the Speaker's IT office and  
5 Paul and Carlos Pontz [phonetic] from the  
6 Department of Citywide Administrative Services, we  
7 have the very first opportunity for a video  
8 conference in the history of the New York City  
9 Council and that is exciting that that is taking  
10 place here today.

11 It is on an important issue, we  
12 thought it was important to do because both Greg  
13 Asay and Donna Levitt when we spoke to them on the  
14 telephone some time ago are incredible oversight  
15 public servants in the city of San Francisco and I  
16 think we could learn a lot from them.

17 So in summary, I want to thank my  
18 colleagues for all of their support and look  
19 forward to the hearing today. Thank you, Mr.  
20 Chair.

21 CHAIRPERSON NELSON: Thank you,  
22 Council Member Brewer. And I want to again thank  
23 Ms. Levitt for her patience and for listening to  
24 what we had to say prior to your going on.

25 Are you going to be joined by Greg

1  
2 Asay as well, Ms. Levitt?

3 DONNA LEVITT: Greg Asay is at my  
4 side.

5 CHAIRPERSON NELSON: Terrific.

6 DONNA LEVITT: You want to...?

7 CHAIRPERSON NELSON: Come to--

8 DONNA LEVITT: You can't see him,  
9 but he's--

10 [Off mic]

11 CHAIRPERSON NELSON: Okay. Wish  
12 they couldn't see me. Okay. All right, well  
13 thank you, would you like to begin? Please do if  
14 you are ready.

15 DONNA LEVITT: Certainly.

16 CHAIRPERSON NELSON: Thank you.

17 DONNA LEVITT: Good afternoon  
18 Council Members. My name is Donna Levitt and I  
19 head the city and county of San Francisco's Office  
20 of Labor Standards Enforcement. Thank you so much  
21 for the opportunity to testify via video  
22 conference, by coastal video conference. I had no  
23 idea this was your first experience with this,  
24 it's ours also. It's truly an honor for me to  
25 appear before you today.

2 As you may know, San Francisco has  
3 some of the country's most progressive and  
4 groundbreaking labor laws and it's the job of the  
5 Office of Labor Standards Enforcement, which I'll  
6 refer to as the OLSE, to make these laws  
7 meaningful and really make a difference for  
8 workers who are employed in our city.

9 Our paid sick leave--first let me  
10 say what laws we enforce. The OLSE enforces  
11 living wage laws and prevailing wage laws on city  
12 contracts and we also enforce laws of general  
13 application that apply to the private sector, like  
14 our own minimum wage ordinance, health care  
15 security ordinance, and paid sick leave ordinance.

16 The paid sick leave ordinance was  
17 passed by the voters in November of 2006 and  
18 became effective in February of 2007. It's the  
19 first law of its kind in the United States. The  
20 legislative findings that accompanied the  
21 ordinance on the ballot showed that here, as is  
22 the case elsewhere, many workers lack paid sick  
23 leave and come to work sick because they can't  
24 afford not to, worsening their condition and  
25 exposing others to their illness, and that without

1  
2 paid sick leave, parents tended to send their  
3 children to school sick, worsening their condition  
4 and exposing others to their illnesses. Our law  
5 requires employers to provide paid sick leave to  
6 all employees in San Francisco, including  
7 temporary employees and part-time employees.

8 Workers begin to accrue paid sick leave 90 days  
9 after they begin work for a new employer and they  
10 accrue paid sick leave one hour of accrual for  
11 every 30 hours worked. Workers can use their paid  
12 sick leave when they're too ill to go to work or  
13 when they have a medical appointment or when  
14 they're caring for a family member who is ill, or  
15 has a medical appointment. If a worker does not  
16 have a spouse or domestic partner, they can also  
17 designate another person for whom they can use  
18 paid sick leave.

19 Although some employers were very  
20 alarmed when the law was passed, OLSE immediately  
21 engaged stakeholders in a public rulemaking  
22 process to address a number of issues that weren't  
23 clear in the wording of the ordinance. The  
24 resulting frequently asked questions and rules and  
25 regulations are available on our website. Many of

1  
2 the issues that we addressed in the rulemaking  
3 process are already addressed in the legislation  
4 that's before you in New York. One of the most  
5 important was how to treat salaried exempt  
6 employees regarding accrual of paid sick leave.

7 Your legislation also incorporates  
8 some changes to the San Francisco law which will  
9 make it easier to enforce and implement. For  
10 example, your legislation caps the number of hours  
11 that an employee can use of paid sick leave in a  
12 given year, whereas our ordinance is a bit more  
13 complicated, it caps the number of hours that any  
14 worker can accrue at any given time.

15 I'm pleased to see that other  
16 jurisdictions can benefit from lessons learned in  
17 San Francisco.

18 I wanted to speak for a moment  
19 about the education and outreach we did regarding  
20 our laws and it was the first of its kind. In  
21 conjunction with Mayor Gavin Newsom's Office of  
22 Economic and Workforce Development we conducted a  
23 robust, multilingual outreach and education  
24 campaign that included many presentations to  
25 employer groups and unions, merchant walks, signs



1  
2 in bus shelters, and information in the ethnic  
3 press. The OLSE also contracts with a  
4 collaborative of community-based organizations who  
5 specifically target outreach and education to San  
6 Francisco's immigrant communities. OLSE has also  
7 collaborated with other city departments to  
8 educate, to do education around paid sick leave.  
9 The Department of Public Health has sent a letter  
10 to all restaurant owners stressing the importance  
11 of paid sick leave in combating the spread of  
12 communicable diseases. And in conjunction with  
13 the Department of Public Health, we sent a notice  
14 home with all students in the San Francisco  
15 unified school district to remind parents of their  
16 rights to paid sick leave when their children are  
17 too sick to go to school.

18 As a consequence of involving  
19 stakeholders and the education and outreach that  
20 we've done, the implementation of our law has been  
21 quite smooth and businesses have not reported  
22 compliance with the law to be a major problem.  
23 Employees did not use all of the days of paid sick  
24 leave that were available and there were very few  
25 reports of abuse of paid sick leave. In the first

1  
2 2 1/2 years that our law was in effect, our office  
3 received 156 complaints, we were able to resolve  
4 130 investigations which resulted in about \$60,000  
5 in back wages and penalties.

6 The cases are generally easy to  
7 resolve, they don't involve a lot of days or a lot  
8 of back wages. When a worker comes forward to  
9 tell us that they were denied paid sick leave, we  
10 will investigate the entire business to make sure  
11 that the business comes into compliance with the  
12 law and that all workers who were denied paid sick  
13 leave receive back pay. In our case, we were able  
14 to easily integrate the enforcement of paid sick  
15 leave into our already existing enforcement of our  
16 minimum wage ordinance. We continue to field a  
17 large number of phone calls and e-mails daily and  
18 use the opportunity to educate employees about  
19 their rights under the ordinance and employers  
20 about their obligations under the ordinance.

21 In summary, I hope that our  
22 experience is valuable for you as you consider  
23 your legislation. We agree with you that paid  
24 sick leave is good public policy and that our city  
25 as a whole has benefited from our paid sick leave

2 ordinance. Should New York City decide to  
3 implement a paid sick leave law, we would gladly  
4 make ourselves available to provide any assistance  
5 that may be useful based on our experience in San  
6 Francisco. Thank you again for providing me the  
7 opportunity to speak with you today and I'm happy  
8 to answer any questions you may have.

9 CHAIRPERSON NELSON: Well, again,  
10 thank you and we're honored to have you joining us  
11 and hopefully you will avail yourself to New York  
12 City sometime and we can get together in person.  
13 Again, thank you so much for that.

14 Anybody have any questions for Ms.  
15 Levitt? Yeah, Council Member Brewer.

16 COUNCIL MEMBER BREWER: Thank you  
17 very much. I can't tell you how much we  
18 appreciate your participation and your staff's.

19 One question I have is the  
20 bookkeeping, some of the businesses have brought  
21 to our attention that they're concerned about that  
22 and I know you did a lot of education, so I was  
23 just wondering if you could describe how the  
24 bookkeeping is or is not working with the small  
25 business.

1  
2 DONNA LEVITT: The paid sick leave  
3 ordinance does not require much in the way of  
4 bookkeeping that employers are not already  
5 required to do. Employers are already required to  
6 keep track of hours worked, except in the case of  
7 exempt employees. And in the beginning we heard  
8 from some businesses that there were not payroll  
9 systems that could assist them with tracking the  
10 accrual of paid sick leave. It's our  
11 understanding that that has changed and that major  
12 national payroll services are now able to do that.  
13 I also, as I commented earlier, your law makes the  
14 tracking a bit easier than our law because there's  
15 a cap on the number of hours that can be used in a  
16 year, whereas our law has a rolling cap that's a  
17 bit more complicated to enforce.

18 So whereas it may be, you know, I  
19 actually think that the tracking is more  
20 complicated for larger businesses who may have  
21 employees in San Francisco and elsewhere, but I  
22 know that small businesses are concerned because  
23 there are some small businesses who've never had  
24 any kind of sick leave policy. But our experience  
25 was honestly that after implementation, the

2 concerns calmed down and we receive very few  
3 complaints that this is hard, was a terrible  
4 hardship to employers.

5 In fact, the head of the Chamber of  
6 Commerce and the Golden Gate Restaurant  
7 Association were both quoted in the press as  
8 saying that paid sick leave did not present undue  
9 hardships that could not be managed by their  
10 members and did represent good public policy.

11 CHAIRPERSON NELSON: Oh, okay.  
12 Council Member Gentile.

13 COUNCIL MEMBER GENTILE: Thank you,  
14 Mr. Chair, and thank you, Manager Levitt, for your  
15 presentation today.

16 I'm curious about the law in San  
17 Francisco, does it require or allow employers to  
18 verify someone's sickness?

19 DONNA LEVITT: No, our law respects  
20 the HIPAA guarantees of medical privacy, and it  
21 does allow for verification after three days of--  
22 if someone is out more than three days, an  
23 employer can require a doctor's note, but we're  
24 careful to respect laws of medical privacy.

25 COUNCIL MEMBER GENTILE: Right, but

2 as of for three days or longer, you do require  
3 some or allow the employer to ask for some type of  
4 note, doctor's note.

5 DONNA LEVITT: After three days,  
6 the employer can ask for a note. This is a kind  
7 of thing that was worked out in the rulemaking  
8 process because the law used language like  
9 reasonable verification and reasonable  
10 notification, so we got a lot of input from  
11 employers and employee organizations about what  
12 reasonable was and that was what we came up with.

13 COUNCIL MEMBER GENTILE: Right,  
14 okay. And does your law allow for the rollover of  
15 hours earned from one year to the next?

16 DONNA LEVITT: Yes, it does.

17 COUNCIL MEMBER GENTILE: It does.  
18 And has that caused any type of complications for  
19 small businesses?

20 DONNA LEVITT: Not that I know of.

21 [Crosstalk]

22 COUNCIL MEMBER GENTILE: Okay. I'm  
23 just curious because we're hearing a lot also from  
24 non-profits, particularly small non-profits, and  
25 I'm curious if you had any experience with non-

1  
2 profits under your law in that some of the non-  
3 profits are concerned about the fact that they  
4 operate on grants from year to year to year and if  
5 this is imposed on them in terms of paying for  
6 sick leave, the money would have to come out of  
7 those grants and, in effect, reduce the money for  
8 the program. Now I'm curious if you've had that  
9 experience with non-profits in San Francisco.

10 DONNA LEVITT: No, actually we did  
11 some outreach to non-profits and that went quite  
12 smoothly, we didn't hear it expressed in that way.  
13 But one thing I want to reiterate is that workers  
14 don't take all of the paid sick days that are  
15 available and I think that, you know, when our law  
16 was passed, there was some alarm in the business  
17 community and some calculations of the cost of the  
18 new law that assumed that workers would take all  
19 of the days that they were entitled to, but this  
20 is not a law that, you know, when a worker leaves  
21 the employment of the employer, the paid sick days  
22 that are accrued are not paid out, they're only  
23 paid when the worker is sick or entitled to use  
24 the sick leave.

25 COUNCIL MEMBER GENTILE: So in

2 effect, it's worked almost precisely as you  
3 designed it.

4 DONNA LEVITT: It has, yes, it has.

5 COUNCIL MEMBER GENTILE: Great,  
6 okay.

7 DONNA LEVITT: I think that it's  
8 been quite a success.

9 COUNCIL MEMBER GENTILE: And you  
10 have not had a real problem with non-profits  
11 complying with this regulation.

12 DONNA LEVITT: No, we've had very  
13 few complaints regarding non-compliance by non-  
14 profits and originally the greatest concern came  
15 from temporary agencies and restaurants, I would  
16 say, not from the non-profit sector.

17 COUNCIL MEMBER GENTILE: Great,  
18 okay. Thank you, Mr. Chairman, thank you, Ms.  
19 Levitt.

20 CHAIRPERSON NELSON: Council Member  
21 Jessica Lappin.

22 COUNCIL MEMBER LAPPIN: Thank you,  
23 Mr. Chair, I appreciate the indulgence, especially  
24 since I'm not a member of the committee.

25 My question is around staff who are



2 paid on a commission basis or who receive a lot of  
3 their remuneration in tips, how have you handled  
4 that?

5 DONNA LEVITT: Are you going to  
6 answer this one?

7 GREG ASAY: Thank you.

8 DONNA LEVITT: I'm going to ask  
9 Greg Asay, who's like our guru on paid sick leave  
10 to answer this question.

11 GREG ASAY: Hi, good afternoon,  
12 thanks for having us. Commissioned employees  
13 accrue and use paid sick leave the same as any  
14 other employee. We did, through the rulemaking  
15 process, have rules specific to the rate of pay  
16 when commission employees use their sick leave.  
17 So that was the only issue that needed some  
18 clarity and we did that through the rulemaking  
19 process.

20 Briefly, what we said was it's a  
21 lookback, so you would look at a prior year, how  
22 many hours the employee worked as a commissioned  
23 employee and how much and wages and commissions  
24 the employee earned in that prior year, you do the  
25 calculation and come up with a per hour rate of

1  
2 pay, and then we kind of bracketed that rate of  
3 pay, saying it could be no less than the San  
4 Francisco minimum wage and the employee was not  
5 entitled to more than twice the San Francisco  
6 minimum wage when the employee used the sick  
7 leave. So, you're right that that was an issue  
8 that took a little bit of rulemaking, but we  
9 thought we landed in a pretty good place.

10 Again, the only issue with  
11 commission employees is the rate of pay, otherwise  
12 the accrual and use is the same as all other  
13 employees.

14 COUNCIL MEMBER LAPPIN: And what if  
15 this was their first year on the job? How do you  
16 determine their--if you don't have a record to  
17 look back on in terms of a prior year?

18 GREG ASAY: It's a good question,  
19 it's also laid out in our rules, which is then you  
20 would do a lookback from the first day of  
21 employment and do the same math equation that way.

22 COUNCIL MEMBER LAPPIN: So that  
23 could fluctuate if you're in, you know, commission  
24 job where it could fluctuate month by month or  
25 year to year, then it would just fluctuate year to

2 year based on a formula that you come up with, am  
3 I understanding correctly?

4 GREG ASAY: That's correct and,  
5 again--

6 COUNCIL MEMBER LAPPIN: Okay.

7 GREG ASAY: --it's bracketed by no  
8 less than the San Francisco minimum wage and the  
9 worker is not entitled to any more than twice than  
10 the San Francisco minimum wage, so there could be  
11 some fluctuation. Again, though, if you look back  
12 to the prior year, then that sets the wage rate  
13 for the current year for all 12 months so it  
14 wouldn't fluctuate except by year, which, again,  
15 through our rulemaking process seemed to be a  
16 fairly rational way to address it.

17 COUNCIL MEMBER LAPPIN: Okay.

18 Thank you, Mr. Chairman.

19 CHAIRPERSON NELSON: Thank you,  
20 Council Member. Council Member James.

21 COUNCIL MEMBER JAMES: Thank you.

22 [Off mic]

23 COUNCIL MEMBER JAMES: Ms. Levitt,  
24 as a result of the paid sick leave ordinance, have  
25 any businesses in San Francisco closed?

2 DONNA LEVITT: No, there's no  
3 evidence of any businesses closing and citing paid  
4 sick leave as the reason.

5 COUNCIL MEMBER JAMES: As a result  
6 of the ordinance, have any businesses laid off  
7 workers?

8 DONNA LEVITT: Again, a study was  
9 done of the first year of our ordinance and found  
10 that no businesses had either closed or laid off  
11 workers specifically citing the cause as the San  
12 Francisco paid sick leave ordinance.

13 COUNCIL MEMBER JAMES: As we are  
14 all--a number of small businesses throughout the  
15 country are suffering right now because of the  
16 recession, have any of them cited this ordinance  
17 as a reason for their failure, closure, and/or  
18 disruption?

19 DONNA LEVITT: Some restaurants  
20 have cited the combination of the paid sick leave  
21 ordinance, the health care security ordinance, and  
22 the San Francisco minimum wage ordinance as  
23 presenting challenges to them in this economic  
24 climate.

25 COUNCIL MEMBER JAMES: But--

2 DONNA LEVITT: None have  
3 specifically cited paid sick leave as a cause of  
4 layoffs or closures.

5 COUNCIL MEMBER JAMES: It's been  
6 primarily cumulative as opposed to this individual  
7 piece of legislation, is that correct? Okay.

8 DONNA LEVITT: That's correct.  
9 Very much so.

10 COUNCIL MEMBER JAMES: Has there  
11 been any business or government incentives offered  
12 to small business to assist them in compliance  
13 with this ordinance?

14 DONNA LEVITT: No, there's been no  
15 specific tax breaks or government assistance  
16 related to these ordinances. There's been funds  
17 dedicated to education and related to the  
18 ordinances, but that's it.

19 COUNCIL MEMBER JAMES: Any  
20 assistance related to technical assistance for  
21 small business?

22 DONNA LEVITT: The city has a Small  
23 Business Assistance Center and they have provided  
24 resources to employers who had questions about,  
25 for instance, model sick leave policies or other

1  
2 resources that small businesses may have needed to  
3 come into compliance with the law.

4 COUNCIL MEMBER JAMES: It's my  
5 understanding that the ordinance was approved by  
6 the voters in November if I'm not mistaken and it  
7 took some time before it went into effect. Why  
8 was there this gap and what happened during that  
9 period?

10 DONNA LEVITT: During that period,  
11 we worked on the rules and regulations and the law  
12 came into effect in February following the  
13 November election, but there was a 3-month sort of  
14 grace period during which we worked out all of the  
15 kinks and, although employees began accruing in  
16 February, employers were given until June to pay  
17 the paid sick leave if they wanted to take  
18 advantage of that period until we had finished the  
19 rulemaking process.

20 COUNCIL MEMBER JAMES: And was  
21 there any particular business sector that was  
22 affected by this ordinance?

23 DONNA LEVITT: The ordinance  
24 applies to all businesses in San Francisco.

25 COUNCIL MEMBER JAMES: Okay. Thank

2 you, Ms. Levitt.

3 DONNA LEVITT: There are some  
4 sectors who traditionally had paid sick leave and  
5 others who traditionally hadn't, so some were more  
6 impacted than others.

7 COUNCIL MEMBER JAMES: And I guess  
8 now that throughout the world we are dealing with  
9 H1N1 and, given the fact that you do have an  
10 ordinance, you probably have a good handle on this  
11 particular disease, is that true?

12 DONNA LEVITT: Yeah, yes, we feel  
13 like we're particularly proud of the outreach  
14 piece that went out to the school district because  
15 the--whereas the messaging, the Infect Me Not  
16 campaign and the messaging of, you know, don't  
17 send your kids to school when they're sick kind of  
18 ignores the economic realities that parents face  
19 and here in San Francisco we were uniquely  
20 positioned to address H1N1 by reminding parents  
21 that if they work in San Francisco, they have the  
22 right to paid sick leave.

23 COUNCIL MEMBER JAMES: Thank you  
24 and congratulations.

25 CHAIRPERSON NELSON: Thank you,

1  
2 Council Member. We've also been joined by Council  
3 Member Seabrook almost immediately in front of me  
4 and Council Member Melissa Mark-Viverito to my  
5 extreme right.

6 Just one question before I hand it  
7 over to Council Member Ulrich, in hindsight, would  
8 you recommend a change to the accrual rate of one  
9 hour for every 30 hours worked?

10 DONNA LEVITT: No, we believe the  
11 accrual rate is just fine, it's the cap that is  
12 different between your ordinance and ours, the  
13 accrual rate is the same and it seems to be  
14 working fine.

15 CHAIRPERSON NELSON: Thank you.  
16 'Cause my only major concern with this [off mic]  
17 I'll send it over--to not codify this or to codify  
18 this is to implement a decree like this, do you  
19 think it could cause a calamity in that some  
20 smaller businesses may close, thus taking away all  
21 the jobs. So as we proceed, do you have any like  
22 caveats for us?

23 DONNA LEVITT: Well that has not  
24 been our experience, this has not caused any  
25 businesses, small businesses or large, to close.



2 Any lessons learned, one is that having a robust  
3 education campaign is important and having a  
4 meaningful enforcement entity is important.

5 CHAIRPERSON NELSON: Well thank  
6 you, appreciate that. And Council Member Ulrich.

7 COUNCIL MEMBER ULRICH: Thank you,  
8 thank you, Mr. Chairman. If I could just  
9 embellish perhaps on one of your points. Ms.  
10 Levitt, thank you for joining us today. Based  
11 upon California's experience, could you speak to  
12 the relationship between paid sick leave policy  
13 and how it impacts or its affect on small  
14 businesses who only have part-time employees?

15 DONNA LEVITT: I think that, like I  
16 said, workers are not going to use all of their  
17 paid sick days and in those cases where they do,  
18 businesses need to have a plan in place for  
19 substitute workers. So that would be the takeaway  
20 from our laws that businesses should work on, what  
21 is their plan, you know, how far in advance do  
22 workers need to call in sick so that they can make  
23 alternative plans. Businesses have those plans in  
24 place because workers are sometimes too sick to  
25 come to work, it's just in the past they weren't

1  
2 paid for it and now they have the opportunity to  
3 stay home without having to choose between a  
4 paycheck and their health.

5 COUNCIL MEMBER ULRICH: My follow-  
6 up question is do you have any feedback or have  
7 you gauged any responses from small businesses or  
8 smaller non-for-profits who only have part-time  
9 employees? For instance, a small non-for-profit  
10 that, rather than having one full-time employee,  
11 perhaps divides those responsibilities between two  
12 part-time employees. Have you had any feedback or  
13 experiences or responses from some of those  
14 smaller non-for-profits or businesses that you  
15 feel might be valuable or helpful to us?

16 DONNA LEVITT: No, we really  
17 haven't had any anecdotal feedback that I know of  
18 from small businesses with only part-time  
19 employees as opposed to full-time employees. I  
20 don't know that the business plan would need to be  
21 any different.

22 COUNCIL MEMBER ULRICH: And then  
23 finally, do you think that on a macro level that  
24 paid sick leave policy has helped job growth in  
25 San Francisco or do you think that it's been, you

2 know, obviously concurrent with the national  
3 trend, you know, either homeostasis or in the  
4 decline?

5 DONNA LEVITT: The employment  
6 trends in San Francisco stay consistent with the  
7 employment trends in the state of California,  
8 although unemployment in San Francisco is not as  
9 high as it is statewide here in our city, the  
10 trends are consistent.

11 COUNCIL MEMBER ULRICH: Thank you,  
12 Mr. Chair, thank you very much.

13 CHAIRPERSON NELSON: Welcome,  
14 Council Member. Do any of my colleagues have any  
15 questions for Ms. Levitt? Just as perhaps a  
16 parting shot perhaps by Council Member Brewer.

17 COUNCIL MEMBER BREWER: Thank you  
18 very much. Two quick questions, one is some  
19 businesses have a PTO, Personal Time Off, and it's  
20 sort of like a bucket approach and I've been  
21 talking to some of the businesses that we meet  
22 with and a lot of them already have the  
23 opportunity for paid sick leave, but they do it in  
24 a bucket approach, so I was wondering if you've  
25 had that experience in San Francisco.

2 And my second question is I would  
3 believe that if you as a parent have the time  
4 particularly for your kids to pick them up and  
5 take them home or yourself, you're less likely to  
6 go to emergency rooms and we're trying so hard to  
7 cut down on emergency room use or misuse in our  
8 city, so I'm wondering if that's been your  
9 experience.

10 And then finally for everyone to  
11 know, I want to thank Shula Warren from our office  
12 for making this hearing happen.

13 Thank you very much, Ms. Levitt, go  
14 ahead.

15 CHAIRPERSON NELSON: Thank you,  
16 Council Member Brewer. With--

17 COUNCIL MEMBER BREWER:  
18 [Interposing] We want to hear the answers.

19 [Off mic]

20 CHAIRPERSON NELSON: Oh sure, would  
21 you like to answer that?

22 DONNA LEVITT: Yes.

23 CHAIRPERSON NELSON: Didn't mean to  
24 give you the bum's rush.

25 DONNA LEVITT: Our laws provide--

2 CHAIRPERSON NELSON: Okay, I'm  
3 sorry.

4 DONNA LEVITT: Our law provides  
5 that if a business has a paid time off policy that  
6 provides an employee with the same amount of paid  
7 sick leave that they're entitled to under the  
8 ordinance for that can be used for the same  
9 reasons, that the business doesn't need to change  
10 that paid time off policy and it is adequate to  
11 comply with the law. That's been a bit of a  
12 controversy because some workers who thought this  
13 law was going to give them something that they  
14 didn't already have, have been disappointed, but  
15 this law was intended to provide paid sick leave  
16 for workers who had none, whether it's called paid  
17 time off or sick leave. So I think that answers  
18 your first question.

19 The second question--what was--

20 GREG ASAY: Emergency room--

21 DONNA LEVITT: [Interposing] Oh,  
22 emergency rooms, well, again, I think that's an  
23 interesting point you raise and our city, as I  
24 mentioned before, we also have a health care  
25 security ordinance that has the goal to provide

2 universal health care to our residents and in that  
3 way to reduce the reliance on emergency rooms.

4 So, again, it's hard to look at the paid sick  
5 leave ordinance not in the context of the other  
6 health care policies in the city.

7 CHAIRPERSON NELSON: Okay.

8 DONNA LEVITT: I think that what  
9 you're saying makes good sense.

10 CHAIRPERSON NELSON: Okay. Council  
11 Member Lappin.

12 COUNCIL MEMBER LAPPIN: Just a  
13 quick follow-up.

14 CHAIRPERSON NELSON: My bad.

15 COUNCIL MEMBER LAPPIN: Thank you,  
16 Mr. Chair. I just want to be clear because there  
17 have been business owners who have said to me this  
18 is going to be a disaster for us, why do we even  
19 need it because we already provide sick time, but  
20 what I think is in the bill and what you're saying  
21 is that it wouldn't have an impact on those  
22 employers if they are providing sick time already  
23 as is called for in the legislation, it wouldn't  
24 impact them, is that correct?

25 DONNA LEVITT: That's correct, I

2 believe your law mirrors ours in saying that if a  
3 business already provides for a paid time off  
4 policy, that they need do nothing more as long as  
5 it meets the requirements of the ordinance.

6 COUNCIL MEMBER LAPPIN: Thank you  
7 very much.

8 CHAIRPERSON NELSON: Last minute  
9 questions anybody? Well I think we'd all be proud  
10 being pioneers in this media attempt to get some  
11 cross country knowledge here and you've been a  
12 terrific spokesperson, Ms. Levitt, and also Mr.  
13 Asay. We thank you so much and look forward to  
14 future communications and cooperation between our  
15 great cities. Thank you very much.

16 DONNA LEVITT: Thanks so much,  
17 let's do this more often.

18 CHAIRPERSON NELSON: Yes, I think  
19 so.

20 [Pause]

21 CHAIRPERSON NELSON: We're reduced  
22 to that at this stage, all right. It's always  
23 raining out there, isn't it? So thank you for  
24 standing by. And now we want to try to move the  
25 agenda a little bit 'cause most of us want to be

2 home before Letterman, or at least--I'm prepared  
3 to stay 'til Good Morning America, but I don't  
4 know what's on your calendars for this afternoon  
5 and evening.

6 We could start off with a panel I  
7 hope.

8 [Off mic]

9 CHAIRPERSON NELSON: Okay. [Pause]  
10 Okay. We were waiting also, we're not going to  
11 any longer for Borough President Stringer, he's  
12 been delayed at a conference, but when he comes,  
13 we will let him, of course, speak as soon as he  
14 gets here.

15 The first panel will consist of  
16 Sherry Leiwant, did I pronounce that right? Kevin  
17 Miller, David Jones, [off mic] and Amy Traub from  
18 the Drum Major Institute for Public Relations and  
19 CSS, prior to that Institute for Women's Policy  
20 Research and A Better Balance, Working Families.

21 And Council Member Seabrook has a  
22 conflict, he's in a meeting across the street, so  
23 you can't be two places at once, so he'll be back  
24 later, thank you.

25 [Off mic]



2 [Pause]

3 CHAIRPERSON NELSON: Oh yeah, and  
4 thanks to the IT team for putting this together,  
5 it was not as easy as it appears to be.

6 And for the record, whoever's going  
7 to speak first, please always state your name at  
8 the beginning and you could toss a coin or however  
9 you want to work that out who goes first.

10 [Off mic]

11 DAVID JONES: Is it on?

12 FEMALE VOICE: Yes.

13 CHAIRPERSON NELSON: Yes, sir.

14 DAVID JONES: Okay. My name is  
15 David Jones, I'm President of the Community  
16 Service Society of New York. I am here speaking  
17 as an advocate for low income workers in New York  
18 City. I've led CSS for 25 years, it's among the  
19 oldest not-for-profits, not only in the city, but  
20 in the country.

21 Interestingly, we, in terms of  
22 health care, we're one of the founders of the  
23 Hospital of Special Surgery and took an active  
24 part in the 1918 flu epidemic, which perhaps as  
25 analogs today.

2 CSS fully supports Intro 1059 which  
3 would provide paid sick leave to New York City  
4 workers. This legislation is critically important  
5 for the economic security of low income workers.  
6 We believe that this is an economic competitive  
7 issue, a public health issue, and a moral issue.  
8 We commend Council Member Brewer and her  
9 leadership and the co-sponsors of this legislation  
10 and we encourage the City Council to pass and  
11 Mayor Bloomberg to sign this critical piece of  
12 legislation.

13 In collaboration with better  
14 balance, the Community Service Society recently  
15 released Sick in the City: What the Lack of Paid  
16 Sick Leave Means for Working New Yorkers, they're  
17 handing it out now. This report's findings  
18 support the need of this legislation. We found  
19 that at least 1.3 million New Yorkers have neither  
20 paid sick leave nor paid vacation, nearly 48% of  
21 the working New Yorkers in our survey report that  
22 they do not have paid sick leave. Our estimate is  
23 based on findings from an annual survey we do,  
24 which is the largest of its kind in the nation,  
25 and it looks at the issues and conditions of low

1 income New Yorkers.

2  
3 Among New Yorkers without paid sick  
4 leave, we found major disparities by income, race,  
5 employer size, and industry sector. Low income  
6 workers below 200% of federal poverty line are  
7 twice as likely as higher income workers to report  
8 not having paid sick leave--two-thirds of low  
9 income New Yorkers lack this benefit. Low income  
10 Latinos fare the worst--more than 7 in 10 don't  
11 have paid sick leave. We believe that this is in  
12 part because low income Latinos are more likely  
13 than blacks and whites to be working in sectors  
14 where union density is low.

15 Workers in smaller firms are less  
16 likely to have paid sick leave as well.

17 Disturbingly, sectors with the most  
18 contact with the public--food service,  
19 hospitality, and retail--have the lowest rate of  
20 paid sick leave. And the numbers of those without  
21 paid sick leave is increasing dramatically.

22 Let me cut to the chase, what's  
23 most worrisome, both federal and local data is the  
24 fact that people are going to work sick. They do  
25 this when we do it as a quantitative study and

1  
2 qualitatively when you interview. People who are  
3 in marginal jobs go to work no matter what because  
4 they can't afford the loss of wage and that's what  
5 really is driving, this is a public health  
6 emergency, hopefully not as bad as 1918, but it's  
7 serious by any measure and to allow low wage  
8 workers to be forced and they have to come in  
9 without any respite is not a good way to craft  
10 public policy in the city of New York. We think  
11 this is a vital move, we think it'll not only  
12 protect the workers, but the bosses and managers  
13 who are in these businesses and particularly the  
14 public who come in to eat off the dishes and to  
15 get services from individuals like this. Thank  
16 you.

17 CHAIRPERSON NELSON: Thank you, Mr.  
18 Jones. I have to implement a two minute time  
19 limit, apologize for that, but for obvious  
20 reasons, we have about--how many, 200 people? At  
21 least, so you figure that out.

22 Okay. Next speaker, please.

23 DAVID JONES: Oops.

24 SHERRY LEIWANT: Hi, my name is  
25 Sherry Leiwant and I'm Executive Director of A

1  
2 Better Balance, the Working Family Legal Center  
3 and our mission is to promote equality and expand  
4 choices for men and women so they can care for  
5 their families without sacrificing their economic  
6 security. And recognizing the importance of paid  
7 time off for illness and to care for family  
8 members, we've been at the center of the campaigns  
9 for paid sick days around the country and at the  
10 federal level since 2006 doing the legal work  
11 necessary to craft and defend the laws that are  
12 guaranteeing paid sick time for all workers around  
13 the country.

14 As you heard from Donna, San  
15 Francisco is first and following passage of their  
16 law, the National Partnership for Women and  
17 Families and my organization, A Better Balance,  
18 began working on a model paid sick days law based  
19 on the San Francisco law, but also with attention  
20 paid to some of the issues that arose in San  
21 Francisco as Donna was saying. And that model law  
22 was constructed with input from the San Francisco  
23 people, from labor lawyers, human resources  
24 executives and advocates around the country, and  
25 the resulting model is the basis of the New York

2 law. It's also the basis for the Healthy Families  
3 Act at the federal level.

4 My written testimony contains a  
5 list of states where paid sick time bills like  
6 Intro 1059 have been introduced and more likely to  
7 introduce them in the coming year as the  
8 Progressive States Network has made paid sick time  
9 a key priority.

10 As you just heard from San  
11 Francisco, there've been no significant problems  
12 with implementation of this law and no poor  
13 effects on the economy of the city. Also attached  
14 to my testimony is the analysis of the economic  
15 effects in San Francisco, which Donna alluded to,  
16 and finding that job growth was the same or better  
17 in San Francisco than surrounding counties and  
18 also a report on implementation by the board of  
19 supervisors.

20 I'm going to quickly highlight some  
21 of the key aspects of our law and I'll be happy to  
22 answer any questions about it later.

23 Okay, I guess I'm out of time. But  
24 I will be happy to answer any questions. As Gale  
25 has said, paid sick time is earned, there's a

2 limit on the number of days per year and that's  
3 different from San Francisco and probably better  
4 for businesses. And most of all, and I just want  
5 to emphasize this because it's really been a  
6 question, I don't know why it's a question, but  
7 other kinds of policies that have the same amount  
8 of time like paid time off policies, they're  
9 totally protected under this law and they would  
10 count and businesses would not have to change  
11 their policies in any way, as was the case in San  
12 Francisco. Thank you.

13 CHAIRPERSON NELSON: Thank you, Ms.  
14 Leiwant. Kevin Miller going to speak next? Okay.

15 KEVIN MILLER: Hello, yes, can you  
16 hear me?

17 CHAIRPERSON NELSON: No, see if the  
18 light turns red.

19 KEVIN MILLER: Testing.

20 CHAIRPERSON NELSON: Or redder.

21 KEVIN MILLER: Are we good? Yes,  
22 okay.

23 CHAIRPERSON NELSON: No.

24 MALE VOICE: I don't think so.

25 [Crosstalk]

2 CHAIRPERSON NELSON: I'm sorry,  
3 excuse me, well maybe move it a little closer then  
4 please.

5 KEVIN MILLER: Better?

6 CHAIRPERSON NELSON: Yes.

7 KEVIN MILLER: Okay.

8 CHAIRPERSON NELSON: Okay, thanks.

9 KEVIN MILLER: Chairman Nelson and  
10 Members of the Committee, thank you for having me.  
11 My name is Kevin Miller, I'm representing the  
12 Institute for Women's Policy Research where I'm a  
13 senior research associate.

14 The Institute for Women's Policy  
15 Research has been conducting data and policy  
16 analysis and creating cost benefit estimates  
17 regarding paid sick days for almost a decade since  
18 the issue first drew the attention of policy  
19 makers. Our research has been presented to the  
20 U.S. Congress, to state legislators, and to local  
21 governments, such as the City Council.

22 Our cost benefit analyses have  
23 contributed to the passage or adoption of paid  
24 sick day standards in San Francisco, the District  
25 of Columbia, and Milwaukee and continue to inform



1  
2 policy making.

3           The Institute has just released a  
4 report detailing our estimate of the costs and  
5 benefits of this paid sick days policy that the  
6 City Council is currently considering. I submit  
7 our report along with my testimony. The report  
8 contains extensive details regarding our estimate  
9 methodology.

10           Our analysis was conducted using  
11 publicly available data from the Bureau of Labor  
12 Statistics, the New York State Department of  
13 Labor, the National Health Interview Survey, and  
14 other sources detailed in our report.

15           We estimate conservatively that  
16 850,000 New Yorkers would receive new leave under  
17 the law and that on average workers receiving new  
18 sick days will use fewer than three days of sick  
19 leave per year. The average cost to New York  
20 employers of implementing the policy per employee  
21 receiving new leave would be about \$7.50 per week  
22 or about 21 cents per hour worked. Costs would be  
23 lower at small businesses due to the provisions of  
24 the bill and lower wages paid at small businesses.  
25 Citywide this sums to a cost of \$332 million

1  
2 annually.

3                   We estimate, however, that  
4 universal paid sick days will result in a  
5 significant savings for employers as well and as  
6 well as for workers, families, and the general  
7 public. Employers are expected to see much of the  
8 cost of implementing paid sick days defrayed by a  
9 reduction in cost associated with employee  
10 turnover, while families, insurers, and public  
11 agencies will benefit from reductions in  
12 contagion.

13                   I would be happy to take questions  
14 about our analysis or about paid sick days in  
15 general.

16                   CHAIRPERSON NELSON: Thank you, Mr.  
17 Miller. And I believe, is Ms. Leiwant, did I  
18 pronounce that right? Oh that was--oh, I'm sorry.  
19 This is, oh, Amy Traub.

20                   AMY TRAUB: Yes, hi.

21                   CHAIRPERSON NELSON: We heard from  
22 Ms. Leiwant, I apologize.

23                   [Crosstalk]

24                   AMY TRAUB: Good afternoon, sir, I  
25 am Amy Traub, I am the Research Director for the

1  
2 Drum Major Institute for Public Policy. We're a  
3 non-partisan, multi-issue think tank here in New  
4 York City. Thanks for this opportunity to speak a  
5 little.

6 As we've heard today from San  
7 Francisco, this really isn't a pie-in-the-sky  
8 idea, it's a proven policy that has a real track  
9 record in San Francisco, and so we really don't  
10 have to wonder what will happen to employment if  
11 we pass this, what will happen to small business.  
12 We can look at what happened when they implemented  
13 substantially the same policy in San Francisco.  
14 The results show that employment was not harmed,  
15 businesses, including the smallest companies  
16 report very few problems. The San Francisco  
17 Chamber of Commerce and the Golden Gate Restaurant  
18 Association raised the alarm about paid sick days  
19 before the policy was passed, but once it was in  
20 place and the implementation issues were worked  
21 out, the San Francisco Chamber of Commerce said  
22 that they really had not heard about it being a  
23 major issue for a lot of business and that's a  
24 quote from the Wall Street Journal. The Urban  
25 Institute conducted a broad survey of San

1  
2 Francisco businesses and they came to the same  
3 conclusion.

4           In the year after paid sick days  
5 went into effect in San Francisco, job growth  
6 remained strong relative to the surrounding  
7 counties that didn't have the same legislation.  
8 In fact, employment in the restaurant and  
9 hospitality industries and, as we've heard, those  
10 were the industries that were most affected by the  
11 law because they didn't necessarily offer paid  
12 sick days before, in those industries, employment  
13 grew even faster than it did in the year before  
14 the bill went into effect, and this is consistent  
15 with international research. There was a  
16 comparative study done by the Center for Economic  
17 and Policy Research which showed that paid sick  
18 days do not increase unemployment internationally.  
19 It's no surprise that the Golden Gate Restaurant  
20 Association, which had opposed the law, described  
21 it to USA Today as successful.

22           I think that other business  
23 concerns have really been extensively addressed in  
24 both the San Francisco and New York legislation.  
25 The bill includes provisions ensuring that

2 employees don't misuse the sick time, even though  
3 the best research indicates that employee abuse is  
4 rare. In fact, half of all workers who currently  
5 have paid sick time did not take any days off for  
6 illness in a given year.

7 Under this bill, employers that  
8 already offer equivalent paid time off or vacation  
9 time don't need to change their policies, as we've  
10 said before. In San Francisco, one common  
11 employer response was to begin offering paid time  
12 off that combined sick time and vacation time.

13 In speaking with some of the  
14 organizers that helped to get the policy passed in  
15 San Francisco, one lesson they found is that the  
16 law really levels the playing field there.  
17 Companies want to provide paid sick days to their  
18 employees, but if their competitors aren't  
19 providing that benefit, they find themselves at a  
20 disadvantage.

21 Thank you.

22 CHAIRPERSON NELSON: Thank you, Ms.  
23 Traub. Before I hand it over to some of our  
24 panelists, added to the record will be the  
25 testimony of David Rivel, Executive Director of

2 City Parks Foundation, and also the President of  
3 the Association of Water and Sewer Excavators.

4 Any Council Members have questions  
5 for this panel? Ah, comment if you will? Sure.

6 COUNCIL MEMBER LAPPIN: You go  
7 ahead and then I'll--

8 COUNCIL MEMBER ULRICH: Apologize  
9 for the--

10 [Pause]

11 CHAIRPERSON NELSON: What was that?  
12 Okay.

13 COUNCIL MEMBER ULRICH: Thank you,  
14 Mr. Chair, I just want to--

15 CHAIRPERSON NELSON: Sure.

16 COUNCIL MEMBER ULRICH: --thank  
17 obviously the panel for their very valuable  
18 testimony. I do want to in particular single out  
19 Mr. Jones for your testimony. I thought it was  
20 very touching in that very few people are talking  
21 about paid sick leave policy as a moral issue,  
22 everybody seems to be concerned with the nuts and  
23 bolts and the bottom line, which is very  
24 important, which is very helpful, but in the City  
25 Council, we pass laws that affect people, people's

1  
2 lives, their everyday lives. I just want to share  
3 with you very briefly and then I do have to go to  
4 another hearing my reasons for supporting this  
5 bill, which I believe you share. I think  
6 everybody knows I'm a Republican--

7 FEMALE VOICE: Yeah.

8 COUNCIL MEMBER ULRICH: --all  
9 right? So that's strike one in this building  
10 sometimes.

11 CHAIRPERSON NELSON: Not lately.

12 COUNCIL MEMBER ULRICH: But--not  
13 all the time, but sometimes.

14 COUNCIL MEMBER JAMES: But we  
15 applaud you.

16 COUNCIL MEMBER ULRICH: Thank you  
17 very much.

18 [Crosstalk]

19 CHAIRPERSON NELSON: --for your  
20 courage.

21 COUNCIL MEMBER ULRICH: But I do  
22 want to say why I support this bill. When  
23 Councilwoman Brewer first informed me about the  
24 legislation she was introducing, I took a look at  
25 it and I read it, and, like all the other members,

1  
2 you know, we had some questions and we went back  
3 and forth, but after reading it, I sat down and I  
4 reflected to myself and I recalled my grandmother  
5 who helped raise me because I had a single mother  
6 who worked two jobs. After raising five of her  
7 own children, she then had to raise me, and if my  
8 grandmother didn't go to work, if she missed a  
9 shift, she didn't get paid, and that meant that  
10 there was no food on the table, that meant that we  
11 had to struggle to pay a bill, and we weren't very  
12 rich, I'm the poorest Republican you'll ever meet,  
13 that's for sure. But when I think of my  
14 grandmother working in the laundromat, after  
15 already working another shift, pulling the heavy  
16 clothes, the wet clothes out of the machine, and  
17 then having to come home and cook dinner for me,  
18 knowing that if she didn't do all that, that we  
19 wouldn't have food on the table.

20 You know, to me, this is not a  
21 democratic or republican issue, this is a moral  
22 issue, people in this city work damn hard, people  
23 in this city work extremely hard and in my opinion  
24 they deserve a day off every now and then and  
25 that's just the way it is. Thank you very much.



2 CHAIRPERSON NELSON: Republicanism  
3 isn't a dirty word if it's applied properly,  
4 that's all.

5 Any other--ah.

6 COUNCIL MEMBER LAPPIN: Thank you,  
7 Mr. Chair.

8 CHAIRPERSON NELSON: Council Member  
9 Lappin.

10 COUNCIL MEMBER LAPPIN: Move over  
11 Michael Mulgrew, I think Gale Brewer has a crush  
12 on Council Member Ulrich. It is a private joke,  
13 not that private.

14 So I have a question for the Better  
15 Balance folks, it's about your model legislation,  
16 which this is very helpful, the testimony you  
17 provided and where it's pending in other places,  
18 but my question is why you chose 10 employees as  
19 sort of the limit between what's a large business  
20 and a small business. So, one, you know, FMLA has  
21 a higher number, so why did you choose that  
22 number, and two, you know, something that I've  
23 heard from folks is maybe it would make more sense  
24 to look at a revenue number or percentage as  
25 opposed to a number of employees, so I just would

1  
2 love to get your response to those two questions.

3 SHERRY LEIWANT: Yeah, the first  
4 question, the 50 threshold on FMLA has been really  
5 criticized because it leaves out the workforce  
6 that you really need to cover and I think if the  
7 data from the report that CSS and ABB did on who  
8 doesn't have paid sick days, they're the employees  
9 who are in smaller businesses, not, you know, way  
10 under 50.

11 The 10 cutoff is really, it's San  
12 Francisco's cutoff and, you know, we are kind of  
13 riffing on their bill and that's where it comes  
14 from, quite honestly.

15 Your second question on the  
16 revenue, generally speaking was like the civil  
17 rights laws and even FMLA and other kinds of laws  
18 that apply different ways, depending on whether  
19 it's a big business or small business, the test is  
20 the number of employees and I think that is  
21 generally speaking full time equivalents, I heard  
22 somebody from the business community saying, oh,  
23 but all my people are part-time people, well it  
24 wouldn't hurt them that that's how you're counting  
25 them, you would put them together, so you know

2 what I'm saying. So it's not disadvantaging  
3 businesses that have part-time employees.

4 But the only place I know that does  
5 it by revenue basis is Minnesota and it's more  
6 difficult logistically to do that or calculate  
7 that, so that's really that's the reason for the  
8 numbers.

9 COUNCIL MEMBER LAPPIN: And one  
10 thing I wanted to mention because the Chair  
11 referenced the City Parks testimony which was  
12 submitted for the record and their concern about  
13 seasonal employees who, for example, work in our  
14 parks, but I think as you noted and certainly your  
15 documentation notes, this wouldn't go into effect  
16 until an employee had worked for 90 days, so if  
17 you're a seasonal employee, this isn't going to  
18 impact you or your organization.

19 SHERRY LEIWANT: Yeah, that's  
20 absolutely right and we've been talking to a lot  
21 of non-profits, camp counselors, that kind of  
22 thing, this bill will not really affect those  
23 workers particularly unless they work for longer  
24 than 90 days.

25 COUNCIL MEMBER LAPPIN: Or if

2 you're in a retail establishment that hires  
3 additional people for the Christmas rush and  
4 they're people who only work for four or five  
5 weeks out of the year, this isn't going to impact  
6 you in that.

7 SHERRY LEIWANT: That's absolutely  
8 correct.

9 COUNCIL MEMBER LAPPIN: Thank you,  
10 Mr. Chair.

11 CHAIRPERSON NELSON: I hear that  
12 Borough President Stringer is in the house. It's  
13 okay with you, Council Member James?

14 [Off mic]

15 CHAIRPERSON NELSON: If--

16 [Off mic]

17 CHAIRPERSON NELSON: You want to  
18 ask some question prior to the--

19 [Off mic]

20 CHAIRPERSON NELSON: Okay. You  
21 have a couple of minutes, Scott?

22 [Off mic]

23 CHAIRPERSON NELSON: Great, okay,  
24 thanks. Council Member, I thought James was  
25 before Brewer.

2 COUNCIL MEMBER JAMES: Yeah, I--

3 [Crosstalk]

4 CHAIRPERSON NELSON: Okay, I mean--

5 [Off mic]

6 FEMALE VOICE: Melissa.

7 CHAIRPERSON NELSON: Melissa.

8 FEMALE VOICE: Yeah.

9 CHAIRPERSON NELSON: Mark-Viverito.

10 COUNCIL MEMBER JAMES: It's really  
11 a comment to Council Member Ulrich, who--

12 FEMALE VOICE: Ulrich.

13 COUNCIL MEMBER JAMES: Ulrich,  
14 excuse me, see I really don't know him, but it's a  
15 welcome addition to this body.

16 CHAIRPERSON NELSON: Yes.

17 COUNCIL MEMBER JAMES: You know, as  
18 someone who considers herself really progressive,  
19 it's really refreshing to see someone in the light  
20 of former Mayor Lindsay and I just wanted to, you  
21 know, thank you on behalf of all of the  
22 constituents that I represent who are struggling  
23 each and every day. You really give true meaning  
24 to compassionate republican.

25 [Off mic]

2 COUNCIL MEMBER JAMES: And so it's  
3 an honor and a privilege to be associated with  
4 you. And your grandmother did a really excellent  
5 job.

6 [Pause]

7 COUNCIL MEMBER MARK-VIVERITO:

8 Thank you, Mr. Chair, and I want to thank--yes,  
9 Council Member Ulrich for his comments, which are  
10 very much appreciated and I also really wanted to  
11 commend Mr. Jones and the Community Service  
12 Society for your consistent, you know, work with  
13 [off mic] particularly with the unheard third, you  
14 know, and looking at low income individuals in the  
15 city of New York to see and to know that we have  
16 36% of our city's population that is living at  
17 below 200% of the poverty level, which, if we look  
18 at the numbers, you know, you're talking about for  
19 one person, it's \$20,000 a year and for a family  
20 of four, \$44,000, which is really not quality of  
21 life in this city. We have to and we have a  
22 mandate ourselves now, I think this election is a  
23 mandate for us to really as a council step up to  
24 the plate to really represent and speak out and  
25 enact policies and stand up for the working class

2 and the working poor in this city. This  
3 legislation speaks to that, it speaks to providing  
4 relief and providing compensation to people that  
5 are really making this city tick and work.

6 So I really just want to commend  
7 you and CSS being a constant reminder to us of  
8 what our mandate is as a City Council to really  
9 stand up for that one unheard third of the city of  
10 New York.

11 DAVID JONES: Thank you.

12 COUNCIL MEMBER MARK-VIVERITO: So I  
13 just wanted to say that and I obviously strongly  
14 am a supporter of this bill and legislation as  
15 well.

16 DAVID JONES: Thank you.

17 CHAIRPERSON NELSON: Thank you,  
18 Council Member Viverito. No further questions for  
19 this panel, we thank you all so much for--

20 DAVID JONES: Thank you for the  
21 time, sir.

22 CHAIRPERSON NELSON: --and being  
23 patient. And Borough President Scott Stringer has  
24 joined us, if you'd please come down to the  
25 podium.

2 [Pause]

3 CHAIRPERSON NELSON: Hi, Scott.

4 [Pause]

5 CHAIRPERSON NELSON: May begin any  
6 time you wish.

7 [Pause]

8 PRESIDENT SCOTT STRINGER: How's  
9 that? Okay.

10 CHAIRPERSON NELSON: Good.

11 PRESIDENT STRINGER: Great. Well  
12 Good afternoon, Members of the City Council's  
13 Committee on Civil Service and Labor and, Chair  
14 Nelson, it's good to see you, and I want to thank  
15 you for holding this hearing on a very important  
16 matter, which is paid sick leave.

17 I wanted to come here to talk  
18 directly to you for my support for this measure  
19 because I believe that working New Yorkers should  
20 not be put in the position of having to choose  
21 between a paycheck and putting their health at  
22 risk. Never has the importance of dealing with  
23 this problem been clearer than it is today. City  
24 officials and health experts are doing everything  
25 they can to get parents to keep their sick



1  
2 children at home for fear of spreading the H1N1  
3 virus. [Off mic] too many New Yorkers caring for  
4 themselves or for their sick children is simply  
5 not an option. For a worker without paid sick  
6 leave, staying home means loss of pay and we all  
7 know sometimes it means even a loss of a job.

8 A long-term study by the Community  
9 Services Society determined that approximately 1.7  
10 million workers of New York City receive no paid  
11 leave, no sick leave. Not surprisingly, the  
12 burden of balancing home and work without paid  
13 leave does not fall equally across the workforce.  
14 To take just one example, 72% of low income Latino  
15 workers in our city make due without a paid sick  
16 day.

17 We have heard and we will hear  
18 again from passionate opponents of this  
19 legislation who say that it imposes too large a  
20 burden on businesses. Concerns from small and  
21 large businesses about government mandates must  
22 always be seriously weighed when a new program is  
23 being launched, especially when we are all facing  
24 difficult economic times like the one we're living  
25 through. New York City's economy must keep

1  
2 growing and diversifying, but as equally important  
3 in evaluating the legislation before this  
4 committee that we accurately assess the cost it  
5 would impose.

6           And I want to thank Council Member  
7 Brewer because I believe that in crafting this  
8 legislation, she is working to balance the needs  
9 of business and also people who this legislation  
10 would impact in a favorable way, and thank you  
11 Council Member, and obviously, this is all a work  
12 in progress.

13           I want to mention that according to  
14 the Institute for Women's Policy Research, for  
15 large businesses, the per worker cost of providing  
16 paid sick leave will be \$7.94 a week, or 23 cents  
17 an hour. For small businesses, the per worker  
18 cost will be an average of \$5.37 dollars a week,  
19 or about 15 cents per hour. My office has  
20 explored ways in which our city and state can make  
21 paid leave and paid family leave an affordable  
22 option for workers their family's employers. We  
23 actually hosted focus groups on the need for this  
24 benefit and the obstacles that prevent employers  
25 from offering it. Our report, which we issued

1  
2 some time ago, is called A Working Balance that  
3 found that paid sick leave provides real benefits  
4 to business owners of all sizes. Employers  
5 providing paid sick leave acknowledge that it  
6 reduces turnover by creating a more loyal and  
7 stable workforce, that translates directly to a  
8 more profitable bottom line.

9 San Francisco and Washington, D.C.,  
10 each have enacted laws requiring paid sick leave  
11 for workers and their families. An initial  
12 examination of San Francisco's employment rate in  
13 the year following implementation showed that the  
14 city, "maintained a competitive job growth rate.  
15 For New York City to maintain the nation's best  
16 workforce in a competitive economy, we must never  
17 lag behind the standards set by our competitors.  
18 If we fail, New York risks losing the working  
19 people who have built this city and continue to  
20 make it run.

21 Paid sick leave is an economic  
22 issue, one that affects the future and vitality of  
23 our great city. But more importantly, it's a  
24 human issue, for 1.7 million people who come to  
25 work in New York City but cannot take a paid sick

1  
2 day, this will be landmark legislation. We must  
3 not look working New Yorkers in the eye and tell  
4 them that their health and the wealth of their  
5 families are simply unaffordable luxuries, we  
6 should pass this bill, but we should pass it with  
7 the mind set and the belief that we are balancing  
8 the needs of our small and large businesses with  
9 making sure we have a workforce that is able to  
10 actually go to work.

11           And one of the things that we  
12 struggle as--you know, I'm an employer and many of  
13 you are too, I struggle with the illnesses that we  
14 can't control, whether it's the flu, H1N1, or a  
15 host of other medical issues, we must ensure that  
16 when one person gets sick, we don't infect the  
17 rest of the work pool.

18           And second, I just want to add one  
19 thing, we all have parents and grandparents who  
20 are aging and living longer and that's something  
21 the mayor talks about with great pride and I  
22 happen to think that's a wonderful thing happening  
23 and unfolding in New York. But let's face it, you  
24 can't have it both ways, you can't have parents in  
25 their 90s or living to 100 without thinking we

1  
2 have to have some mechanism for the children to  
3 help these parents as they reach a certain age, so  
4 there has to be a delicate balance, that is what  
5 this legislation is all about. I urge you all to  
6 pass it, let's not lag behind these other great  
7 cities in the United States, let's break ground  
8 before someone breaks the ground from under us and  
9 we once again are lagging behind other cities.

10 I'm glad to be here, Chairman, it's  
11 good to see you here today, if you have any  
12 questions.

13 CHAIRPERSON NELSON: Thank you,  
14 Borough President Stringer. Let me short circuit  
15 a potential gripe in how come you were allowed to  
16 speak more than two minutes. You just know, he  
17 represents over 2 million people, this is the  
18 philosophy--

19 BOROUGH PRESIDENT STRINGER:  
20 [Interposing] Let me just, and I thank you for--

21 CHAIRPERSON NELSON: Sure.

22 BOROUGH PRESIDENT STRINGER: --  
23 exaggerating that, but I represent about 1.5  
24 million, but maybe after an accurate census count  
25 we'll get to 2 million.

2 CHAIRPERSON NELSON: Oh, that's  
3 right, they're leaping over to my borough, aren't  
4 they? Jumping across the--

5 BOROUGH PRESIDENT STRINGER:  
6 [Interposing] I'm going to testify at the Economic  
7 Development Committee.

8 CHAIRPERSON NELSON: Jessica Lappin  
9 had a question. I'm going to pass the gavel for a  
10 little while to Council Member Viverito, I have to  
11 take care of some business for about 15, 20  
12 minutes--

13 [Crosstalk]

14 BOROUGH PRESIDENT STRINGER:  
15 [Interposing] It's good to see you, Chairman.

16 CHAIRPERSON NELSON: Same here,  
17 Scott, thank you.

18 COUNCIL MEMBER LAPPIN: Thank you,  
19 Mr. Chairman. Not a question, just a comment--

20 CHAIRPERSON NELSON: [Interposing]  
21 Oh, I'm sorry, I was supposed to do this twice,  
22 you may have called up and said you want to speak,  
23 but it won't work unless you actually fill out  
24 this form, so try to get the attention of a  
25 sergeant-at-arms so we know that you're here for

2 sure and you want to speak. Thank you and I  
3 apologize, Jessica.

4 COUNCIL MEMBER LAPPIN: I just  
5 wanted to thank the borough president, your report  
6 Working Balance is excellent, all the reports that  
7 come out of your office are excellent.

8 BOROUGH PRESIDENT STRINGER: Thank  
9 you.

10 COUNCIL MEMBER LAPPIN: And it's  
11 great that you're here today and speaking out on  
12 an issue that you don't have to, and that you are  
13 joining us in this by--and it's really wonderful  
14 to have you on the record and to have you here  
15 with us today.

16 BOROUGH PRESIDENT STRINGER: Well  
17 let me also thank you and the members of the  
18 committee for your leadership on this. Look, the  
19 one thing I want to stress is I come here with a  
20 very strong belief that I am not taking a side,  
21 that this is about making sure business can  
22 continue, that we are sensitive to the small  
23 businesses and our larger businesses, our economy  
24 depends on those structures for our workers. But  
25 I do think that after months of discussion, months

2 of reports, we are getting to the point now where  
3 this will benefit, not just the workforce, but the  
4 business community, and, yes, there is risk in  
5 every piece of legislation and, yes, there is cost  
6 to every piece of legislation, but we're about to  
7 go through some very serious budget issues in this  
8 go-round, it's already started, and we cannot  
9 create a situation where we collapse the most  
10 vulnerable among us because that will cost us, not  
11 just in terms of human terms, Jessica, but in  
12 terms of economics and we cannot collapse the  
13 safety net. This is a way to give a little  
14 something for the larger good and at the same time  
15 drive the economy.

16 COUNCIL MEMBER LAPPIN: Thank you.

17 BOROUGH PRESIDENT STRINGER: Thank  
18 you, thank you.

19 COUNCIL MEMBER MARK-VIVERITO:  
20 Thank you, Mr. Borough President.

21 BOROUGH PRESIDENT STRINGER: Thank  
22 you, Council Member Viverito.

23 COUNCIL MEMBER MARK-VIVERITO: Our  
24 next panelist, Kathy Wylde from the Partnership  
25 for New York City. Thank you.



2 [Pause]

3 KATHY WYLDE: Thank you, Chairman  
4 Mark-Viverito and--

5 [Crosstalk]

6 MALE VOICE: --you on your list  
7 here--

8 [Off mic]

9 [Pause]

10 MALE VOICE: ..the partnership,  
11 right?

12 COUNCIL MEMBER MARK-VIVERITO:

13 Excuse me, sir? We're just going to have Ms.  
14 Wylde sitting alone for now, thank you. Yes, Ms.  
15 Wylde.

16 KATHY WYLDE: Thank you. I'm going  
17 to say right up front that we think public health  
18 concerns are an appropriate concern of the City  
19 Council and that we think employers who provide  
20 for the employees to deal with health emergencies  
21 are much better off than those who don't.

22 At the same time, we think that the  
23 bill as drafted is far too prescriptive, I think  
24 there's a sense that this would affect a minority  
25 of employers who are not doing the right thing by

1  
2 their employees. We have had a series of  
3 employers, companies, labor lawyers look at the  
4 bill and there is great concern that in fact even  
5 employers that provide unlimited leave at this  
6 point would be forced to change their policies as  
7 a result of this bill that collective bargaining  
8 agreements would have to be overturned. Again,  
9 from employers that are providing for paid sick  
10 leave.

11 So our concern with this  
12 legislation is that it is far too prescriptive, we  
13 do think that it would have--I would also like to  
14 say that San Francisco and certainly the economy  
15 of Washington, D.C., are very different than New  
16 York. New York is a much more diverse economy, a  
17 much more complex economy and has far more low  
18 income workers. So, given that, I think that it's  
19 very important that the Council sit down with  
20 employers, go through the legal issues that they  
21 see in the bill and see whether or not you can do  
22 something to address those issues because we  
23 think, as it stands, that this bill would cost New  
24 York jobs at a time when we have an effective  
25 unemployment rate of 17% and would in fact force

1  
2 some businesses to close. Thank you.

3 COUNCIL MEMBER LAPPIN: Thank you,  
4 Ms. Wylde. I know that--

5 [Applause]

6 COUNCIL MEMBER LAPPIN: Excuse me,  
7 if we could--thank you. If we can, I think  
8 Council Member Brewer has the first question.

9 [Off mic]

10 COUNCIL MEMBER BREWER: Thank you  
11 very much, Kathy, for all your leadership on many  
12 issues. If there were changes, which I'm sure  
13 there will be to address some of your concerns,  
14 does the Partnership have the overall belief that  
15 we do need paid sick leave legislation in this  
16 city if we deal with some of the collective  
17 bargaining and some of the other issues that you  
18 mentioned? In other words, is there a general  
19 feeling that every worker should get paid sick  
20 leave, particularly I want to let you know that I  
21 think the public feels very strongly about this,  
22 forget the businesses, the workers, just the  
23 general public. I've heard from so many parents  
24 that they don't need it necessarily, but they want  
25 to make sure that the entire school system has it.

2 So what is your overall feeling if some of these  
3 logistics can be worked out?

4 KATHY WYLDE: Our overall feeling  
5 is that it is good employer policy to provide for  
6 sick leave, especially when somebody's got a  
7 contagious illness, and if this were restricted to  
8 that, if this didn't include broad range of  
9 extended families as opposed to just children, if  
10 it excluded those companies that already are  
11 subjected to a collective bargaining agreement  
12 that covers at least equal or more paid leave than  
13 here, and if it looks at all the issues that are  
14 involved. For example, many employers pay cash to  
15 people who--we certainly do at our organization  
16 when they leave and take their sick days with them  
17 when they leave employment. Under this bill, that  
18 would not be something that would make sense as a  
19 practice. There are just a number of ways in  
20 which the bill is far more intrusive with current  
21 employment practices than it should be.

22 COUNCIL MEMBER BREWER: Okay. And  
23 what about the issue of the bucket or the PTO, is  
24 that something that--I think when I've met with  
25 businesses, many of them already provide the goals

1  
2 of the legislation and so, even though they worry  
3 about it costing them more, it's my impression  
4 that a lot of them are already doing it. And so I  
5 think that there may be more concern--San  
6 Francisco may be different, but I think you could  
7 agree that Ms. Levitt is a very articulate  
8 professional and did manage to find a way for San  
9 Francisco to work it out, and I would wonder if  
10 many of the businesses already have what's being  
11 suggested and I wonder if that's not also your  
12 experience.

13 KATHY WYLDE: It is my experience  
14 that businesses have some kind of policy, but not  
15 necessarily the one that is prescribed so  
16 specifically here. Their policies seldom extend  
17 to extended family, for example, sick leave seldom  
18 extends to domestic violence. You know, this bill  
19 just goes beyond what typical policies and, more  
20 important, conflicts with policies that are  
21 actually as good or better than what's recommended  
22 here, but because there's a conflict and there is  
23 no explicit exemption for those businesses that  
24 are already providing equal or better paid sick  
25 leave, this literally affects every employer in

2 New York City and I think that is overreaching.

3 COUNCIL MEMBER BREWER: So I'll  
4 turn it over to some of my colleagues, what I  
5 think what you're saying is that you understand  
6 the public health implications and there are some  
7 changes that need to be made, but the concept--  
8 because I will tell you many, many workers do not  
9 have any policy at all and that's something that I  
10 think as a city, we really need to look at.

11 KATHY WYLDE: Understood.

12 COUNCIL MEMBER MARK-VIVERITO:  
13 Council Member Lappin.

14 COUNCIL MEMBER LAPPIN: Thank you,  
15 Madam Chair, and thank you, Ms. Wylde, for being  
16 here.

17 I just wanted to--I can't speak for  
18 the lead sponsor of the legislation but say, you  
19 know, as I think you heard my discussion with the  
20 Better Balance folks, I think our goal is not to  
21 preempt collective bargaining or to force people  
22 who are offering more generous policies to stop  
23 doing that. And in fact, I mean, my understanding  
24 is that the bill wouldn't and so we need to make  
25 that clear to everybody because I think your

1  
2 points are very well taken.

3 I wanted to ask about the domestic  
4 violence exception in particular because I  
5 actually do think that's important and so I wanted  
6 to understand from the Partnership's perspective  
7 why you would cut that out of the definition.

8 KATHY WYLDE: Not because we're for  
9 wife beating, but rather because it is more  
10 expansive than the typical collective bargaining  
11 agreement or the typical corporate policy. It  
12 simply causes the opening up of a whole bunch of  
13 issues because it is so precise in all these  
14 different areas where it goes over, it provides  
15 significantly broader application than the Family  
16 Leave Act, the federal Family Leave Act, so I just  
17 think that I thought originally that the primary  
18 problem would be for small business, in fact, our  
19 business's members are typically large businesses  
20 and they have the same or even greater problem  
21 with it. It would force many businesses that have  
22 a parity for their employees' policy that have  
23 operations all over the country to change their  
24 policies, just not in New York, but everywhere.  
25 We had an estimate from one business is that it

2 would cost them \$20 million a year just for their  
3 New York City employees and then they would have  
4 to apply it across the board.

5 So it's a more complicated issue  
6 than simply doing the right thing by sick workers.

7 COUNCIL MEMBER LAPPIN: I think we  
8 all--I agree, it's complicated, but I think we can  
9 get there, I'm just trying to understand why you  
10 had some of the objections that you did. So I  
11 don't have any further questions.

12 COUNCIL MEMBER MARK-VIVERITO:  
13 Thank you. And Council Member James.

14 COUNCIL MEMBER JAMES: With regards  
15 to collective bargaining, there is an opt-out  
16 clause in the bill, what is your position with  
17 regards to the opt-out clause in the bill [pause]  
18 opt-out clause to collective bargaining  
19 agreements?

20 KATHY WYLDE: Oh, the lawyers do  
21 not think the opt-out clause would in fact cover  
22 as adequate, they say it has to be explicit--that  
23 collective bargaining agreements have to be  
24 explicitly waived in the bill, that the language  
25 has to be more precise.



2 COUNCIL MEMBER JAMES: And you  
3 believe that this bill is too expansive, it covers  
4 too many individuals, your definition, I think you  
5 take issue with the definition of family, is that  
6 one of the objections?

7 KATHY WYLDE: Yes.

8 COUNCIL MEMBER JAMES: And the  
9 covered benefits. And last but not least, I think  
10 your major objection is the fact that it would  
11 apply to businesses who already have a policy in  
12 place.

13 KATHY WYLDE: Correct.

14 COUNCIL MEMBER JAMES: And you  
15 believe that this preempts that policy.

16 KATHY WYLDE: Yes.

17 COUNCIL MEMBER JAMES: And that's  
18 been the advice that has been provided to you by  
19 counsel, even though, we as a Council disagree.

20 KATHY WYLDE: By counsel from a  
21 number of employers, so I don't think, I mean,  
22 this didn't come from one source, I really thought  
23 I was going to be able to dodge this bullet  
24 initially because our employers are the largest  
25 employers in the city and generally provide very

2 good benefit packages, so I was surprised to find  
3 out that dozens of our employers, when they looked  
4 at the legislation, felt there were huge  
5 implications for them.

6 COUNCIL MEMBER JAMES: And would it  
7 be fair to describe the provisions that I just  
8 mentioned as being the ones that are most--where  
9 you find the most objection to?

10 KATHY WYLDE: There are a few  
11 others, I cite a few others in my--

12 COUNCIL MEMBER JAMES: Okay.

13 KATHY WYLDE: --written testimony  
14 and we've got some menus--

15 [Crosstalk]

16 COUNCIL MEMBER JAMES:  
17 [Interposing] So would it be also fair to say that  
18 the Partnership is open to a paid leave bill?

19 KATHY WYLDE: I think our position  
20 is that we always prefer voluntary efforts among  
21 the part of employers, but I certainly understand  
22 that a narrowly crafted bill that really focus on  
23 the contagion problem in particular and people  
24 having to go to work with contagious diseases, the  
25 flu and otherwise, is good public policy, it's

2 hard to argue with that.

3 COUNCIL MEMBER JAMES: But you also  
4 understand that under a voluntary bill, that what  
5 we currently have now, you know, 7 out of 10 low  
6 income workers unfortunately do not have sick  
7 leave and, therefore, we cannot rely upon the  
8 goodness of businesses because they tend not to do  
9 the right thing.

10 KATHY WYLDE: I'm familiar with  
11 that--

12 COUNCIL MEMBER MARK-VIVERITO:  
13 [Interposing] Excuse me a second, Council Member,  
14 when you speak, if you could--

15 COUNCIL MEMBER JAMES: Oh, I'm  
16 sorry.

17 COUNCIL MEMBER MARK-VIVERITO: --  
18 closer to the mic 'cause we can't hear--

19 COUNCIL MEMBER JAMES: Sure--

20 COUNCIL MEMBER MARK-VIVERITO: --  
21 you too well.

22 COUNCIL MEMBER JAMES: --sorry.

23 KATHY WYLDE: I think that the  
24 study I've seen is a sampling that CSS did of less  
25 than 2,000 people, I don't know that that's a

1 scientific sampling. I don't feel comfortable  
2 that we know what the problem is, but I wouldn't  
3 argue that we've got a big problem.

4 COUNCIL MEMBER JAMES: Okay. And  
5 since we have a big problem, we've to find a way  
6 to fix it, so hopefully we could work together to  
7 fix this problem and--

8 KATHY WYLDE: [Interposing] Always  
9 happy to do that.

10 COUNCIL MEMBER JAMES: --provide  
11 sick leave to those who need it most in the city  
12 of New York. Thank you, Ms. Wylde.

13 [Off mic]

14 COUNCIL MEMBER BREWER: ...I have one  
15 quick question, which is in San Francisco, there  
16 are a lot of large businesses, they are sometimes  
17 bi-coastal, we're not that different are we from--  
18 I mean why wouldn't they have the same \$20 million  
19 problem in San Francisco?

20 KATHY WYLDE: Well San Francisco is  
21 not a national headquarter city, there's very few  
22 institutions that are national, international and  
23 national headquarter cities in San Francisco, it's  
24 a very small economy compared to ours.

2 COUNCIL MEMBER BREWER: All right,  
3 thank you.

4 COUNCIL MEMBER MARK-VIVERITO: Ms.  
5 Wylde, just a quick question, the Partnership is a  
6 membership organization? I mean--

7 [Crosstalk]

8 KATHY WYLDE: [Interposing] Yes,  
9 yes.

10 COUNCIL MEMBER MARK-VIVERITO:  
11 Okay. And what percentage of your members would  
12 be affected by this legislation?

13 KATHY WYLDE: Well we didn't  
14 exhaustively canvas every member, but I would say  
15 that 50% of our members would be affected directly  
16 and the argument of the lawyers is that it would  
17 likely be 100% by some element of it.

18 COUNCIL MEMBER MARK-VIVERITO:  
19 Okay. And then the other question I had was with  
20 regards to when you mention in your testimony on  
21 second page when you talk about how prescriptive  
22 it is and in terms of some of the costs, but in  
23 the testimony of the Institute for Women's Policy  
24 Research, they actually took the actual  
25 legislation that is being presented and did a

1  
2 financial study, and I think you heard the  
3 testimony with regards to the really minimal  
4 impact really and when you talk about in the  
5 broader sense of it, have you done any sort of  
6 that kind of analysis to really justify your  
7 comments or what you presented in your testimony?

8 KATHY WYLDE: Well, no, our  
9 analysis has been anecdotal--

10 COUNCIL MEMBER MARK-VIVERITO:  
11 Anecdotal.

12 KATHY WYLDE: --based on the  
13 experience of our members, but I think that the  
14 kind of rigorous analysis that's required here, I  
15 don't think has been done.

16 COUNCIL MEMBER MARK-VIVERITO:  
17 Okay. Are you looking to do that?

18 KATHY WYLDE: Not particular.

19 COUNCIL MEMBER MARK-VIVERITO:  
20 Okay. I think Council Member James had an  
21 additional question.

22 COUNCIL MEMBER JAMES: Yeah, just  
23 one last question, how many of your members  
24 actually offer a paid sick leave policy?

25 KATHY WYLDE: Well paid leave

2 policy--

3 COUNCIL MEMBER JAMES: Paid leave.

4 KATHY WYLDE: --as opposed to paid  
5 sick leave policy, that's one of the problems, the  
6 policies tend to be very flexible and cover  
7 anything, vacation--

8 COUNCIL MEMBER JAMES: Okay.

9 KATHY WYLDE: --100%.

10 COUNCIL MEMBER JAMES: A hundred  
11 percent. And of that paid leave, how many include  
12 sick days?

13 KATHY WYLDE: Many do not include  
14 sick days separated out from any kind of  
15 discretionary paid leave.

16 COUNCIL MEMBER JAMES: Do they  
17 represent the majority of your members?

18 KATHY WYLDE: I don't know, but it  
19 is common corporate policy to leave the decision  
20 of how they want to take their days up to the  
21 employee as opposed to telling them, you have to  
22 do this much for sick days, this much for  
23 vacation, this much for paid holidays.

24 COUNCIL MEMBER JAMES: And has  
25 there ever been a study by the Partnership, has

2 there ever been a study conducted with regards to  
3 whether or not your benefits provide sick leave  
4 and/or paid leave?

5 KATHY WYLDE: No, simply in  
6 response to this legislation, we asked a number of  
7 our larger employers to take a look at the  
8 legislation and come back and discuss whether it  
9 was a problem for them or what suggestions they  
10 had and so we collected a lot of material on it.

11 COUNCIL MEMBER JAMES: Okay. And  
12 is there any particular business sector that's  
13 concerned about this legislation or is it a  
14 general?

15 KATHY WYLDE: [Interposing] No,  
16 it's pretty much across the board.

17 COUNCIL MEMBER JAMES: Okay. Thank  
18 you.

19 COUNCIL MEMBER MARK-VIVERITO:  
20 Thank you, Ms. Wylde. Next panel, Carl Hum,  
21 Robert Bookman, Tony Juliano, Tom Minnick, and I'm  
22 not sure I got the last name here, Doug, the  
23 National Association of Theatre Owners, what's the  
24 last name?

25 MALE VOICE: Onyes [phonetic].



2 [Pause]

3 COUNCIL MEMBER MARK-VIVERITO:

4 Okay, couldn't see it.

5 [Pause]

6 COUNCIL MEMBER MARK-VIVERITO: [Off  
7 mic] ...Has been called.

8 [Pause]

9 COUNCIL MEMBER MARK-VIVERITO:

10 Okay. Since we have many, many panels, I'm just  
11 going to try to start and get this going. So I  
12 know that you're all handing your testimony to the  
13 Sergeant and he'll hand it to us, but Mr. Hum, if  
14 you want to start on that end to your right, I  
15 will...

16 [Pause]

17 COUNCIL MEMBER MARK-VIVERITO:

18 Yeah.

19 CARL HUM: Good afternoon, Council  
20 Members and Members of the Committee on Civil  
21 Service and Labor. My name is Carl Hum, I'm the  
22 President and CEO of the Brooklyn Chamber of  
23 Commerce. Thank you for the opportunity to  
24 testify before you.

25 I have the distinct honor of

1  
2 representing the views of my sister borough-based  
3 Chambers in the Bronx, Manhattan, Queens, and  
4 Staten Island. Let us be clear up front, our  
5 membership is not opposed to paid sick leave, in  
6 fact, in a recent survey of our collective  
7 membership, two out of three members already offer  
8 paid sick leave. What our membership is opposed  
9 to is government depriving our ability to  
10 determine the appropriate benefit package for its  
11 employees. Our membership in the business  
12 community clearly understand that any successful  
13 profitable organization begins with motivated and  
14 healthy employees, but let us determine with our  
15 employees how these benefit packages should be  
16 designed.

17           The rank and file of our collective  
18 membership are small businesses who already faced  
19 with the challenges of a precarious economy marked  
20 by tight credit markets and double-digit  
21 unemployment. But these small businesses have for  
22 the most part quietly shouldered their burden,  
23 whether it's a sales tax hike, the imposition of a  
24 mobility tax, or increases in water and utility  
25 rates, however, this bill may be the straw that

2 breaks the camel's back.

3 The U.S. Department of Commerce  
4 notes that during prior recessions it has been the  
5 entrepreneurial class and small business community  
6 that has led the nation to recovery, however, this  
7 can only be done when the small business  
8 communities are afforded the freedom to respond to  
9 uncertain market.

10 One of the major premises  
11 articulated for this bill is respond to the H1N1  
12 virus pandemic. If that's the case, then let's  
13 sit down together to figure out a creative way to  
14 provide assurances to workers so that they don't  
15 have to make the [off mic] choice between sending  
16 a sick child to school or taking a day from work.  
17 After all, many of our small business owners are  
18 parents too and face the same dilemmas that their  
19 employees do.

20 If the issue is bad employers who  
21 unfairly terminate, reprimand employees for taking  
22 a sick day, then let us deal with that on a case-  
23 by-case basis, but by perhaps enabling the Human  
24 Rights Commission to hear such cases.

25 Otherwise, Intro 1059 is well-

2 intentioned, but overly broad bill that fails to  
3 recognize the diversity of our business community,  
4 it's very need and strategies for creating and  
5 maintaining jobs in New York.

6 COUNCIL MEMBER MARK-VIVERITO:

7 Thank you very much.

8 ROBERT BOOKMAN: Before the clock  
9 starts, night life had 64 million admissions last  
10 year, could I get more time too like Scott  
11 Stringer?

12 My name is Robert Bookman, I am  
13 New York City legal counsel to the New York State  
14 Restaurant Association and to its Night Life  
15 Association chapters. On behalf of the thousands  
16 of eating and drinking establishments in New York  
17 City, establishments that provide jobs to hundreds  
18 of thousands of New Yorkers, we urge the Council  
19 not to pass this legislation.

20 Today you will hear from many  
21 business owners of all sizes, you will hear the  
22 same message: This is a well-intentioned idea, but  
23 in the worst economy since the Great Depression,  
24 with double-digit unemployment, storefronts closed  
25 all over the five boroughs, jobs being lost, hours

2 being cut back, and thousands of businesses barely  
3 hanging on, you have just got to be kidding that  
4 you are seriously considering this massive  
5 increase in expenses at this time.

6 In this economy, we simply cannot  
7 pass this new cost of doing business to the  
8 consumer, and the money to pay for it has to come  
9 from somewhere. Business owners' profit margins  
10 are paper-thin right now, so the workers will have  
11 to pay for it, either with reduced hours or  
12 reduced benefits or with layoffs of their fellow  
13 workers.

14 Let's be clear, you cannot claim to  
15 be pro-small business and pass this legislation,  
16 especially in its current form--the two are  
17 incompatible, period. If small business owners  
18 currently do not provide this benefit, it's either  
19 because we are evil or we cannot afford it, I  
20 would choose to believe that because we cannot  
21 afford it. Passing legislation will not make us  
22 be able to afford it.

23 There have been so many misleading  
24 claims about this bill by its advocates, I want to  
25 quickly take a look at a couple of them. And

1  
2 first of all, if this is a moral issue as has been  
3 stated, then let government fund it or, like New  
4 Jersey, let employers pay for it with a payroll  
5 reduction. There are many ways of paying for it.  
6 If it's such a moral issue, why have employers  
7 have to pay for it?

8 This will have an immense  
9 unprecedented cost to businesses and is a  
10 staggering \$3 billion of new expenses to  
11 businesses across the city in an analysis that the  
12 five borough Chambers have done and that we have  
13 provided to you.

14 And it is not just 1.65 to 1.85  
15 million workers who would be impacted by this  
16 bill, it's probably over 2 million because of the  
17 way that the bill is worded. I could provide  
18 unlimited sick leave, but if I require  
19 documentation, I get zero credit.

20 Second, this is not a public health  
21 initiative. There's one fact I just want to state  
22 before you cut me off, according to the advocate's  
23 testimony before Congress on a federal bill now  
24 pending, they stated that on average, workers who  
25 do not get paid sick leave, take three days off

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

per year sick; workers who do get paid sick leave, take four days off per year sick. So the difference is only one day per year, this is their testimony before Congress.

COUNCIL MEMBER MARK-VIVERITO:

[Interposing] We're going to have to ask you to wrap up please--

ROBERT BOOKMAN: Yeah, clearly--

COUNCIL MEMBER MARK-VIVERITO: --

'cause we--

[Crosstalk]

ROBERT BOOKMAN: --this is not consistent with the horror stories of ill employees being forced to go to work. In other words, workers stay home when they are sick whether or not they are paid. This is not a local issue, but a federal one, and, fourth, there is no comparison with San Francisco.

COUNCIL MEMBER MARK-VIVERITO:

Okay. Thank you very much. Yes? And I'm not sure if I heard, but if you please state your name at the beginning so we just--

[Crosstalk]

TOM MINNICK: Good afternoon.

2 COUNCIL MEMBER MARK-VIVERITO: Yes.

3 TOM MINNICK: Good afternoon.

4 Sponsor Brewer and the Members of the Committee,  
5 thanks for having me in today. My name is Tom  
6 Minnick, I work for the Business Council of New  
7 York state, I'm headquartered in Albany. We are  
8 the state Chamber of Commerce and the State  
9 Manufacturer's Association.

10 The Business Council opposes this  
11 legislation and urges the City Council not to  
12 advance it, here's why.

13 Mandated leave increases  
14 absenteeism, I know that's pretty obvious, but  
15 it's something we oppose. In a recent New York  
16 Times article, a University of Chicago economist  
17 reviewed an International Monetary Fund report  
18 from 1995 to 2003 which studied European workers  
19 calling in sick as compared to American  
20 counterpart workers calling in sick. European  
21 workers call in sick more than American workers.  
22 Specifically, in the Netherlands, in Norway and  
23 Sweden, those workers call in sick twice the rate  
24 of American workers.

25 There is no study that indicates



1  
2 European workers are sicker than American workers.  
3 Economic incentives matter. Mandated government  
4 social programs and systems that mandate time off  
5 result in a labor market that responds. The more  
6 mandated leave, the higher the rate of absence.  
7 Yes, certainly, workers stay home because they are  
8 sick with these programs, but they also stay home  
9 sick when they're not sick as well.

10 Please don't start that trend here  
11 in the city of New York. Small businesses  
12 especially in this city cannot afford it at this  
13 time. Let small businesses work with their  
14 employer, the employees and their unions to work  
15 out what's best for employers and employees in the  
16 city.

17 Number two, local government--

18 [Crosstalk]

19 COUNCIL MEMBER MARK-VIVERITO:

20 [Interposing] Just so you know, we gave you extra  
21 time because we put the clock late, so the minute  
22 it buzzes, you're done.

23 TOM MINNICK: I'm watching.

24 COUNCIL MEMBER MARK-VIVERITO:

25 Thank you.

2 TOM MINNICK: Okay. A local  
3 government mandate will put small businesses in a  
4 non-competitive position. The place for this  
5 discussion and debate is in Washington, it is not  
6 in New York City.

7 COUNCIL MEMBER MARK-VIVERITO:  
8 Thank you very much.

9 TOM MINNICK: Thank you very much.

10 TONY JULIANO: Good afternoon, my  
11 name is Tony Juliano and I'm the general manager  
12 of a small bar in Chelsea called Excess Lounge,  
13 I'm also the Chairperson of the Greenwich Village  
14 Chelsea Chamber of Commerce.

15 Let me begin by saying that Intro  
16 1059 has laudable goals, it attempts to provide  
17 job security and protect the income of workers  
18 when they cannot go to the job due to their own  
19 illness or the illness of a loved one. But it is  
20 also true, however, that this bill would impose a  
21 new local mandate of sweeping scope on businesses,  
22 including the very smallest business, at a time of  
23 economic distress and in a place, New York City,  
24 where high rents, high taxes, high insurance, high  
25 fees, and a complex regulatory process have made

1  
2 it very difficult for a small independent business  
3 to survive, much less thrive.

4 Let me speak for a moment about  
5 Excess Lounge. Excess Lounge employs 12 people,  
6 all but three are part-time, minimum wage, tip  
7 employees, as such, the overwhelming majority of  
8 their income is derived from tips. Should this  
9 bill be enacted, we estimate the cost to Excess to  
10 be about \$10,000 per year, however, this is an  
11 unnecessary expense because this bar, like most in  
12 this industry, allows its employees to swap shifts  
13 when illness strikes. Generally speaking, the  
14 employee loses no work time and, more importantly,  
15 no employee income is lost, and no one works while  
16 they are sick. Employees need the tips to  
17 survived economically, not the minimum wage. That  
18 is why this industry has adopted the practice--to  
19 support the needs of its employees. Should this  
20 bill become law, this industry's successful  
21 business and cost model will change, to no one's  
22 benefit.

23 One final point about Excess,  
24 several of our part-time employees work for two  
25 employers. Under this bill, those employees might

well receive 18 paid sick days per year.

Members of the Chamber of Commerce have similar stories. Most are small businesses with fewer than 25 employees, which is reflective of the communities we serve and as we surveyed members, we found that they expect the cost to range between 5,000 and \$20,000 annually, however, several expect it to be as much as 60,000 and one member, Magnolia Bakery you might know, estimated it between 250 to \$500,000, they employ about 200 to 250 part-time workers.

COUNCIL MEMBER MARK-VIVERITO:

Thank you very much, thank you.

[Applause]

SERGEANT-AT-ARMS: Quiet, please.

DOUG ONYES: Madam Chairman and Council Members, my name is Doug Onyes and I'm the President of NATO of New York State. This NATO is not the military operation in Europe, but rather the National Association of Theatre Owners.

NATO is a not-for-profit trade association and in New York City, we represent 48 theaters with 312 screens and over 1,700 employees across the five boroughs. The movie theater

1  
2 business model is based on providing  
3 entertainment, which we can't do unless our  
4 employees are happy and healthy. Healthy and  
5 happy employees are good for our business. When  
6 an employee calls out sick and their manager let's  
7 them obviously stay at home and there is no threat  
8 to their employment. Plus, as in the previous  
9 testimony, they are able to swap shifts with other  
10 employees and make up the work that they've  
11 missed.

12 Our employees are mostly comprised  
13 of part-time students and retirees because our  
14 flexible work schedule fits their needs.  
15 Approximately 80% of these employees are part-time  
16 or seasonal, with the most work available in the  
17 summer blockbuster season or the winter holiday  
18 season. Roughly 10% of our employees are in  
19 unions.

20 Our New York City theaters vary  
21 widely in size as there are some with as few as 10  
22 employees and others with as many as 150, either  
23 way, under this bill, every theater in New York  
24 City would be defined as big business and would  
25 mandate that each employee receive the nine sick

1  
2 days after 90 days.

3                   Although we support the good  
4 intentions behind this legislation, we estimate  
5 that it would cost our members approximately \$1  
6 million. Higher costs ultimately get passed on to  
7 the public in one of two ways: Either through  
8 higher ticket prices or through hiring freezes.  
9 We do not want to pursue either of these during a  
10 recession.

11                   Being in the movie business, we  
12 think that this is a script that deserves a  
13 rewrite.

14                   Thank you.

15                   COUNCIL MEMBER MARK-VIVERITO:

16 Thank you very much. First question comes from  
17 Council Member Gennaro.

18                   COUNCIL MEMBER GENNARO: Thank you,  
19 Madam Chair. Mr. Bookman, I'm sorry that I came  
20 in on the tail end of your statement, but I read  
21 your statement, Mr. Bookman, and on the way over I  
22 was briefed by my staff member on the presentation  
23 by the people from San Francisco who testified.  
24 Now in your written statement, I don't know if you  
25 got to it, if you were able to read it within the

2 two minutes, you mentioned that in Washington,  
3 D.C., passed a law, you indicate that it's  
4 different than San Francisco, can you tell us a  
5 little bit about what they did in Washington,  
6 D.C., and whether or not, in your opinion,  
7 something like that could work in New York City.

8 ROBERT BOOKMAN: Thank you, Council  
9 Member. I was not able to get to it in my two  
10 minutes, but it is interesting that the advocates  
11 of this bill seem to never mention D.C. It's only  
12 one of the two cities that have adopted, you know,  
13 such a paid sick leave proposal and the reason why  
14 they don't because, A, it went through a  
15 legislative process, you know, and, therefore, it  
16 is much more balanced we feel than the San  
17 Francisco one which was done simply through, you  
18 know, those crazy California referendums that they  
19 have.

20 The D.C. bill, there are  
21 significant differences which make it much more  
22 palatable, you have to be employed for a year, not  
23 90 days, it exempts tipped employees, such as  
24 waiters and waitresses for the reason that was  
25 just testified because, in general, part-time

1  
2 employees and tipped employees, they're not losing  
3 any time, they're just shifting the time, so if  
4 they work three shifts a week normally and they  
5 call in sick on a Tuesday and they get a Wednesday  
6 instead, D.C. Council realized that it made no  
7 sense for that employee to get paid for four  
8 shifts that week, they usually work three and  
9 they're still working three, so they're exempted  
10 from the bill.

11           The amount of sick days are much  
12 more reflective of the national average that  
13 people take, as opposed to the very generous New  
14 York of nine sick days to almost every employer.  
15 In D.C., it ranges from a low of three to a high  
16 of seven, depending on the size of the business  
17 and only the largest businesses with 100 or more  
18 employees have seven days and businesses with 25  
19 to 99 have five, and under 25 have three.

20           In addition, if there is a pattern  
21 of abuse, employers are allowed to enforce more  
22 frequent certifications from employees seeking to  
23 use their paid sick leave. In the bill before you  
24 now, an employee could effectively game the system  
25 by taking some time off once a quarter and



1  
2 therefore, never be fired without a lawsuit  
3 because there's a presumption in this bill that if  
4 there's any disciplinary action against you and in  
5 the last 90 days you took sick time, there's a  
6 presumption that it's retaliatory. So the San  
7 Francisco bill is very different than that.

8 And finally, there is a provision  
9 in the San Francisco bill where businesses can  
10 apply for a hardship exemption if they can show  
11 that they simply can't afford it.

12 So there are six or seven  
13 significant differences.

14 COUNCIL MEMBER GENNARO: Thank you.  
15 And we've worked together on the noise code and  
16 other things and so there's what was done in San  
17 Francisco, there's a bill that is before us today,  
18 and there's what has been done in Washington, D.C.  
19 What is your opinion on what you believe the New  
20 York City business community could support in  
21 terms of a bill, not that you speak for the entire  
22 business community, just that we've worked  
23 together before and I just want to know your sense  
24 of what you think would be something fair for us  
25 to do.

2 ROBERT BOOKMAN: I appreciate it,  
3 I'm slowly working on representing the whole  
4 business communities, it's one industry at a time.

5 Seriously, we think there are two  
6 separate issues here. One is the issue of should  
7 an employee ever have to choose between staying  
8 home when they're sick or fearing for their job,  
9 that's one issue. And the second issue is, you  
10 know, who pays for it. As a business community,  
11 we are completely behind changing the laws if  
12 they're currently not sufficient to protect  
13 workers, parents or workers from taking off a day  
14 sick if they need to care for a child or they're  
15 sick themselves without any fear of retribution,  
16 you know, for their job. No doubt about that,  
17 that is a laudable goal, I'm sure we could all  
18 support that goal, and that takes away the health  
19 issue and that takes away the fear of losing your  
20 job issue.

21 Next comes the social engineering  
22 issue of, you know, paying for paid sick days.  
23 Well that's a different issue and, as I stated,  
24 different localities are handling that  
25 differently. We handle social policy differently,

1  
2 unemployment insurance, disability, that's not  
3 100% employer funded. When government decides  
4 there are certain moral issues that are minimums  
5 for everybody, create a funding mechanisms are  
6 created. New Jersey has an employee deduction, if  
7 they really believe their numbers that it's only  
8 5, 6, \$7 a week is the only cost, then let's do a  
9 deduction, a system where you pass a law where you  
10 do a deduction from the employee of the 5, 6, \$7  
11 per week, perhaps the employer will partly match  
12 it, and then we'll have a fund for it. This bill  
13 is a lazy man's or woman's version of how to come  
14 up with the funding mechanism--let's have the  
15 employer pay for it. It's not very creative, it's  
16 not very intellectual, and it hasn't been  
17 carefully worked out.

18 COUNCIL MEMBER GENNARO: Thank you,  
19 Mr. Bookman. And, Mr. Chair, I won't take up any  
20 further time with questions and thank you for your  
21 indulgence, Mr. Chair.

22 CHAIRPERSON NELSON: Welcome,  
23 Council Member Gennaro. We've been joined also by  
24 Annabel Palma, thanks for joining us.

25 Any other questions for the panel

2 by any of my colleagues? Oh, Gale, sure, Council  
3 Member Brewer.

4 COUNCIL MEMBER BREWER: Thank you  
5 very much. You all heard the folks from San  
6 Francisco talk and I understand Kathy Wylde,  
7 she'll tell us nobody is like New York and  
8 international is not in San Francisco, I'm sure  
9 the mayor of San Francisco wouldn't agree with  
10 that, but there are nightclubs, maybe not as good  
11 as Tony's, but there are nightclubs, and etc. So  
12 my question is, we really did hear from San  
13 Francisco that there didn't seem to be a major  
14 impact, this is a complaint-driven system. So my  
15 question, Tony and others, is where do you see  
16 that San Francisco is so different from New York  
17 in our industries that it would cost more than  
18 what the individuals in Washington have stated,  
19 etc.? I understand the concern because we don't  
20 know how this will impact, but we do have some  
21 data from the city of San Francisco, which is not,  
22 you know, it's not another country, it is here.  
23 So I want to hear what you think.

24 [Off mic]

25 CARL HUM: Let me just sort of jump

2 in over here, Councilwoman Brewer, I think there's  
3 been a lot of characterization about what the San  
4 Francisco Chamber's experience has been with  
5 regards to the implementation of the paid sick  
6 leave bill in San Francisco and, you know, we've  
7 been in conversations with the Chamber of Commerce  
8 [off mic] San Francisco and I got to say that, you  
9 know, I'm directly quoting from a letter that was  
10 written to us from Jim Lazer, the Senior Vice  
11 President, which suggests otherwise from what  
12 you've heard early this morning or the afternoon.  
13 The San Francisco Chamber of Commerce did not  
14 support the ballot measure regarding mandated paid  
15 sick leave and it has worked to minimize its  
16 impact on local business--

17 [Crosstalk]

18 COUNCIL MEMBER BREWER:

19 [Interposing] Carl, now is this letter written a  
20 couple years ago or is this a recent letter?

21 CARL HUM: This is a recent letter.

22 COUNCIL MEMBER BREWER: Okay, go  
23 ahead.

24 CARL HUM: This is a recent letter.

25 We are not saying there has been no impact on our

1  
2 business community, we are saying that we do not  
3 have the statistics on the impact to share at this  
4 time.

5 I think that at best, that's a  
6 lukewarm appraisal of the bill and I don't think  
7 that people have been trying to portray it as  
8 though the Chamber has implicitly endorsed the  
9 bill, which I think is far from the truth.

10 I also want to comment a little bit  
11 about what Borough President Stringer had talked  
12 about with regard to San Francisco. He mentioned  
13 that we need to adopt this bill to keep  
14 competitive with San Francisco. San Francisco is  
15 not our competitor, where our competitors are is  
16 in New Jersey, it's in Connecticut, and Southern  
17 Westchester where they are luring our businesses  
18 away and implementation of this bill would only  
19 make that transition to another state, to another  
20 locality, that much more easier.

21 COUNCIL MEMBER BREWER: Okay. I  
22 mean I don't know that that's true, but, yeah, I  
23 don't--

24 [Off mic]

25 [Crosstalk]

2 MALE VOICE: I also want to quote  
3 from the same woman who was--

4 COUNCIL MEMBER BREWER: Wait, wait,  
5 I want to ask Tony.

6 MALE VOICE: Okay.

7 MALE VOICE: Yeah, may I comment on  
8 the San Francisco? I don't know a lot about San  
9 Francisco except I read a report, it's dated  
10 August 21st, 2009, so recent report from the  
11 Office of Labor Standards and Enforcement from the  
12 City and County of San Francisco, and it states,  
13 "A formal evaluation of the effectiveness of  
14 implementation has not yet been conducted--two  
15 years later--and also it, "since the law's  
16 passage, there have been no further quantitative  
17 studies on the scale of impact." That tells me  
18 that in truth, no one knows the actual impact of  
19 the law in San Francisco, and I do know that San  
20 Francisco's unemployment rate is much higher than  
21 New York's.

22 COUNCIL MEMBER BREWER: Okay. I  
23 mean I'm just saying since we had the director of  
24 the program here earlier speaking to us and they  
25 indicated that they have not had anecdotally and

2 they haven't had a lot of complaints. I must  
3 admit, I just thought that people would complain  
4 if it's a problem, that's all. Okay.

5 Yes, Bookman.

6 ROBERT BOOKMAN: Gale, they're not  
7 complaining.

8 COUNCIL MEMBER BREWER: Never, they  
9 do complain.

10 ROBERT BOOKMAN: Well hold it,  
11 they're not complain--

12 COUNCIL MEMBER BREWER:  
13 [Interposing] People in San Francisco complain.

14 ROBERT BOOKMAN: --they're not  
15 complaining in San Francisco because let's  
16 understand the data that we do have from San  
17 Francisco. When it started, they said there were  
18 116,000 workers that were not covered, we have 2  
19 million. They also, through their rule process--

20 [Crosstalk]

21 ROBERT BOOKMAN: --they allowed a  
22 full credit, as she stated, for any time taken  
23 off, as our bill does not, so that--and I'm  
24 reading from her letter to her government now  
25 where she has said two things: 1, there have been



2 no academic studies to date on changes to employee  
3 benefits in response to this law, and many San  
4 Francisco workers did not realize additional paid  
5 days off after the law's passage because of this  
6 liberalization of the law. So they only started  
7 off with 23%, we've got a minimum 48% of the  
8 workforce, so it's less than half, plus, because  
9 of their liberalization, basically there was  
10 nothing to complain about because people--

11 COUNCIL MEMBER BREWER: Okay.

12 ROBERT BOOKMAN: --were getting  
13 paid time off anyway.

14 COUNCIL MEMBER BREWER: Okay.

15 ROBERT BOOKMAN: We can see with  
16 their studies that that is substantially different  
17 for small businesses in New York, we've got a  
18 couple of million employees that this would  
19 impact.

20 COUNCIL MEMBER BREWER: Okay.

21 ROBERT BOOKMAN: We've got to work  
22 out some, plus, and last, but not least, they have  
23 an agency that enforces all of this, we do not.

24 COUNCIL MEMBER BREWER: I  
25 understand that.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON CIVIL SERVICE AND LABOR 114

ROBERT BOOKMAN: There is no  
Department of Labor of the City of New York--

COUNCIL MEMBER BREWER: I  
understand.

ROBERT BOOKMAN: --so where in  
these budget times are you going to get the budget  
dollars to create a new City Department of Labor  
to enforce, not against 115,000 workers that don't  
have it, but to enforce for 2 million workers that  
don't have it.

COUNCIL MEMBER BREWER: I think we  
are also--

ROBERT BOOKMAN: [Interposing] And  
they already said--

COUNCIL MEMBER BREWER: --we  
worried--

ROBERT BOOKMAN: --that they need  
more money.

COUNCIL MEMBER BREWER: --how we  
were going to deal with no smoking and everybody  
had a fit about that and we survived.

[Off mic]

COUNCIL MEMBER BREWER: So what I'm  
saying is I understand--

2 MALE VOICE: Right.

3 COUNCIL MEMBER BREWER: --your  
4 concerns, we will continue to talk about it.  
5 Thank you very much.

6 ROBERT BOOKMAN: Good.

7 CHAIRPERSON NELSON: So there. You  
8 do well, though, Robert, I know that.

9 ROBERT BOOKMAN: Yeah, we do what  
10 we can.

11 CHAIRPERSON NELSON: Any other  
12 questions for this panel? My colleagues? Okay,  
13 well we thank you so much, as always for your  
14 time. Carl--

15 TONY JULIANO: Thanks for putting  
16 up with me again.

17 CHAIRPERSON NELSON: Thank you,  
18 Tony.

19 [Pause]

20 CHAIRPERSON NELSON: Yeah, listen,  
21 here we have clapping for both sides or we have no  
22 clapping at all.

23 The next panel will be--I hope I  
24 pronounce it right--Quenia Abreu, was I close?

25 FEMALE VOICE: Yeah.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON CIVIL SERVICE AND LABOR 116

CHAIRPERSON NELSON: Good, okay.

And looks like Barron Murphy, could be Badnon, Mr. Murphy. Miguel Peribañez. [Pause] By the way, that's from Broadway Latin Chamber of Commerce, and Mr. Murphy is from the Bodega Associations, and Quenia Abreu is from the New York Woman's Chamber of Commerce, and Sung Soo Kim of the Korean-American Small Business, and Sonya Asworio from NOW.

[Pause]

CHAIRPERSON NELSON: How many want clapping for everybody, how many don't want clapping for either side?

[Off mic]

CHAIRPERSON NELSON: You want the clapping?

MULTIPLE VOICES: Yes.

[Off mic]

CHAIRPERSON NELSON: Okay. The Chair will give into the rowdy mob.

FEMALE VOICE: Thank you.

CHAIRPERSON NELSON: Okay. Whoever's going to speak first.

[Pause]

2 CHAIRPERSON NELSON: Just keep it  
3 to a minimum, please, you know.

4 QUENIA ABREU: Good afternoon, City  
5 Council Members and everyone here. My name is  
6 Quenia Abreu, I'm the President of the New York  
7 Women's Chamber of Commerce, an organization that  
8 represents more than 3,000 small businesses in New  
9 York City, the majority women-owned.

10 I am here today representing them,  
11 as I have done many times, and believe me when I  
12 tell you that a couple of pay sick dates it's not  
13 going to put them out of business--rent is.

14 As everyone knows, small businesses  
15 in New York City are hurting. There's a lot of  
16 reasons why--the economy's down, sales are down,  
17 spending is down, the only thing that is still up  
18 is the price of commercial rent. For years,  
19 organizations like mine have been fighting to  
20 preserve the thousands of family-owned businesses  
21 that make their home in New York City. We have  
22 fought against unnecessary regulations and red  
23 tape, we have fought against unfair city rules and  
24 unfair tactics from large corporations, we have  
25 stood together to fight for the Small Business

2 Survivor Act, which will help to ensure that small  
3 businesses have a fair way to renegotiate their  
4 leases and would stop underhanded tactics from  
5 commercial landlords, we have fought hard and we  
6 still have lots to go, but one thing we're not  
7 fighting is this paid sick dates bill.

8 Paid sick dates is a matter of  
9 basic fairness. No one should come to work when  
10 they're sick and no one should risk losing their  
11 job or their paycheck they need just because they  
12 come down with a cold. As a small business  
13 leader, we know that giving our employees paid  
14 sick dates means a happier, healthier, more  
15 productive workforce, that is why we're proud to  
16 stand here today in support of the paid sick dates  
17 bill. This bill has a special provisions for  
18 small businesses that would balance our needs with  
19 the need to make sure that everyone's basic  
20 workplace rights and health is protected.

21 And I just want to share a brief  
22 anecdote. The New York Women's Chamber of  
23 Commerce is a small non-profit with five employees  
24 and when we first started, there were only two  
25 employees and we had no paid sick leave and it was

2 just me and somebody else, and I ended up firing  
3 her because she took too many sick days. And  
4 today we do have paid sick leave, five days and we  
5 have five employees and we have no problems. As a  
6 matter of fact, we have one employee that never,  
7 never takes a sick day, I have to actually force  
8 him because I says, you know what, we pay for your  
9 health insurance, go and get checked.

10 So thank you very much.

11 CHAIRPERSON NELSON: Thank you, Ms.  
12 Abreu. It's Mr. Murphy?

13 RAMON MURPHY: Yes.

14 CHAIRPERSON NELSON: Yes, sir,  
15 you'd like to speak?

16 RAMON MURPHY: Yeah. Good  
17 afternoon--

18 CHAIRPERSON NELSON: Just go down  
19 the line.

20 RAMON MURPHY: --Council Members  
21 and everybody. My name's Ramon Murphy, I  
22 represented the Bodega Association. We have the  
23 largest small business here in New York, we  
24 represent like between 10 and 13,000 bodegas.

25 We supported the bill because we

2 understand when somebody working and they get  
3 sick, they not be cut in the check because any  
4 penny they're making, they need to put food on the  
5 table. And today the bodegaros, the most of the  
6 bodegaro, they pay the sick day because we  
7 understand that's a family and that's [off mic]  
8 from the community. But also we want to say here  
9 is no matter if we want to pay the sick day if we  
10 don't have it [off mic] good business. For that  
11 reason, we went to the Council Member  
12 understanding if we don't have it that supporting  
13 to the [off mic] survivor bill is really hard to  
14 ask to support that bill because we have an  
15 intention because the employee and the small  
16 business owners, we on the same level because  
17 we're working. In small business, if something  
18 have like a less in the 10 and 20 workings and we  
19 working like them. For that reason, we supported  
20 the bill, we're here and testimony and say the  
21 bill can be passed. Thanks.

22 CHAIRPERSON NELSON: Thank you,  
23 sir. And, Mr. Sung Soo Kim?

24 SUNG SOO KIM: Yes, sir, thank you.  
25 I represent 9,500 Korean-American mom and pop



2 stores, that are all immigrants mom and pop stores  
3 in the city, and I'm not opposing this bill means  
4 there is a strong myth going on this floor,  
5 outside, [off mic] the myth is that labors and  
6 employees and employers, our shopkeepers are in  
7 confrontation situation, this is a myth.

8 Practically it's proven that these two groups are  
9 socially deprived groups, socially deprived [off  
10 mic]. Laborers are suffering and the shopkeepers,  
11 mom and pop store owners are suffering in the city  
12 of New York. The reason why this could be one  
13 example, I make at this moment, I'm strongly  
14 making another appearance at all [off mic] City  
15 Council that the previous, no, the past of 20  
16 years, city showed had 142,000 stores under [off  
17 mic] evicted, they're just kicked out of New York  
18 City. Why out of this 600,000 employees became  
19 unemployed. This is a serious matter. The why is  
20 the reason, paying the sick day, it doesn't matter  
21 too much, you know, I don't think [off mic].

22 Many people say small business,  
23 small business, but we are very genuinely  
24 representing small business community, so the  
25 major reason is we are not protected from greedy

2 landlords, we are being extorted, our rents is not  
3 stabilized--this is a major issue and as Mr.  
4 Raymond said, it's a family. I have example, one  
5 Korean store or [off mic] in Astoria, within a  
6 year, they created a double income, no, no say  
7 [off mic]. Why? They treat employees as family  
8 members. Of course they paid sick day, it's  
9 nothing.

10 Okay, that's all.

11 CHAIRPERSON NELSON: Thank you, Mr.  
12 Kim. I guess is it Miguel Peribañez?

13 MIGUEL PERIBAÑEZ: Yes, my name is  
14 Miguel Peribañez, I'm the President of the U.S.  
15 Latin Chamber of Commerce.

16 During the last few months, the New  
17 [off mic] Chamber of Commerce [off mic]  
18 Association, and myself, we went to [off mic] of a  
19 small business owners in the city of New York. A  
20 130,000 business owner, it is owned by a small  
21 business. [Off mic] nine employees or less, there  
22 it is 1,000 square feet [off mic] stores.

23 We are in support of the bill  
24 because business owners cannot afford that a sick  
25 person goes to work in a small environment and all

2 of them can be infected and at the same time, they  
3 can [off mic] for the community and clients.

4 We did a survey last year November  
5 to January and our survey to 937 business owners  
6 indicates that 53% of the business, they are going  
7 to close their door in the near future. The  
8 question is that we support the bill, but the  
9 business owners can afford it? Seventy-two  
10 percent of the small business are laying off  
11 people right now. One of the biggest problem is  
12 the rent is very high, landlords are defer the  
13 taxes to the business owners, 31% of them are  
14 business store and asking money under the table  
15 [off mic] money in order to renew. So we are  
16 supporting the bill, but we believe at the same  
17 time talking to the business owner that we need  
18 also to [off mic] the survival bill so that  
19 business owner have the tools, not only, not only  
20 to pay the sick days, to increase the salaries, to  
21 give more benefits to the customers. They rather  
22 to give the money that the landlords are asking  
23 under the table and all the taxes they are  
24 deferring to the business owners, they are rather  
25 to give them to the employees who give us the

2 biggest support in all this tough moments. Thank  
3 you.

4 CHAIRPERSON NELSON: Thank you,  
5 sir. Okay, Sonia Assario, was she not with us  
6 right now?

7 [Off mic]

8 CHAIRPERSON NELSON: She had to go?  
9 Okay, thank you, just want to make sure we didn't  
10 skip by. This is the next panel? [Pause] Oh, any  
11 questions? Council Member Brewer.

12 COUNCIL MEMBER BREWER: First of  
13 all, thank you all very much for coming here today  
14 and I think I know the history of your incredible  
15 work. Do you think that this legislation would  
16 have any bookkeeping challenges? 'Cause we've  
17 heard from a lot of businesses that, you know,  
18 this would cost money on bookkeeping. My guess is  
19 that you already have bookkeeping and that this  
20 could be fitted in, I just wanted to know if that  
21 would be a problem to keep track of the sick days.

22 FEMALE VOICE: No, because as it  
23 is, and when Sung Soo Kim said that we truly  
24 represent the small business community, we truly  
25 represent the small business community, and we

1  
2 could tell you, I mean, they're small businesses,  
3 most of them have, you know, 10 and less, you  
4 know, employees and they keep track of their, you  
5 know, their time and everything with no problem,  
6 so why would that be a problem? That probably  
7 applies to the major corporations, you know, they  
8 might have a problem with that because they have a  
9 lot of employees.

10 CHAIRPERSON NELSON: Thank you.

11 Thank you very much, panel, it's always a pleasure  
12 to see all of you. Thank you. Okay. Wow, full  
13 public disclosure, no connection to the actual  
14 City Hall, we have City Hall Restaurant, Henry  
15 Archer Meer, if he is still here. He is?

16 MALE VOICE: Yeah, he's still here.

17 CHAIRPERSON NELSON: I'm getting  
18 hungry just thinking about this place, it's a very  
19 excellent restaurant. Hi Henry. See you. Larry  
20 Sills--

21 [Off mic]

22 CHAIRPERSON NELSON: --Standard,  
23 what are you going to--

24 [Off mic]

25 CHAIRPERSON NELSON: Okay. And

2 Thomas Scarangelo, is Mr. Scarangelo here? From  
3 Scaran Small Business. And another Mr. Murphy,  
4 Mark Murphy.

5 [Pause]

6 CHAIRPERSON NELSON: And Daniel  
7 Latham, from Latham's Community Corporation, how  
8 you doing? Good. All right, and whoever would  
9 like to start first.

10 HENRY MEER: Hello. Thank you, Mr.  
11 Chairman, and the members of the City Council for  
12 allowing me to speak today. My name is Henry Meer  
13 and I'm the Chef Owner of City Hall Restaurant,  
14 that's City Hall Restaurant, not City Hall. We're  
15 located in Lower Manhattan about six blocks from  
16 this chamber. We have been in business since 1998  
17 and employ close to 50 New Yorkers. We survived  
18 September 11th and now we're trying to survive  
19 this unprecedented economic downturn.

20 I was born in the great borough of  
21 Manhattan, went to school, and dreamed of owning  
22 my own business. After 30 years of 60 hour plus  
23 working weeks, my dream has been realized. I am  
24 small business, I am your mom and pop store, I'm  
25 not a multi-unit corporation, just a small

1  
2 business that supports my wife, my daughter, and  
3 all of the family members and staff members at  
4 City Hall.

5 I have some staff members that have  
6 been working for me for close to 20 years. I have  
7 celebrated in the birth of their children and  
8 helped them to purchase their first homes.

9 We pay one week vacation to all  
10 kitchen workers, we have helped sponsor legal  
11 status for many of our kitchen workers as well.  
12 We offer a 100% matching 401(k) plan to the staff  
13 members at City Hall Restaurant. We meet payroll  
14 every week and we care about our City Hall  
15 members. However, we cannot absorb this economic  
16 burden that Intro 1059 will place on small  
17 business.

18 New York City is a tough place to  
19 do business, high taxes, increased charges for  
20 water, electric, payroll, and even delivery fees.  
21 And we just recently sent in our check to bailout  
22 the MTA, which is great.

23 With no disrespect to the great  
24 city of San Francisco, I don't know what kind of  
25 joy juice they're drinking over there, but New

1  
2 York City is not San Francisco. If it smells like  
3 a fish, it probably is a fish. Intro 1059 smells  
4 of another onerous special fee, another charge  
5 placed on the backs of all the small business  
6 owners and the working people of this great city.  
7 We are main street, not Wall Street. How much  
8 more can we afford to pay? I respectfully ask  
9 what do you see when you walk down the streets of  
10 your districts? What do you see in East Harlem  
11 and Manhattan? What do you see in Baychester,  
12 Flushing, Midwood, even the Upper West side. For  
13 rent, out of business, closed, for sale. Not  
14 because of bad business models, but because we can  
15 no longer afford to do business in New York City.

16 There is a saying in my business,  
17 if you can't stand the heat, get out of the  
18 kitchen. As a chef, I've stood in the heat for  
19 over 30 years, as a business owner, Intro 1059  
20 will chase me out of the kitchen. I respectfully  
21 ask, and that's why I'm here, I respectfully ask  
22 that the City Council sit down with small business  
23 owners to establish dialogue, to amend Intro 1059  
24 so it works for all working New Yorkers.

25 I want to thank you. Also, Council



1  
2 Member Brewer, sounds like you need a bowl of  
3 chicken soup from City Hall Restaurant, so I'd be  
4 glad to have it for you.

5 COUNCIL MEMBER BREWER: I wouldn't  
6 dare, but thank you very much.

7 CHAIRPERSON NELSON: She'd have to  
8 pay for it. Mr. Latham?

9 DANIEL LATHAM: Good afternoon. I  
10 come before you to strongly urge to take this paid  
11 sick leave off the table and rework it. I own a  
12 telephone answering service that's 24 hours, 7  
13 days a week at critical care location for doctors  
14 and such.

15 Without being able to ask a girl  
16 one of the operators if they're calling out sick  
17 for one day, not what is wrong with them, just a  
18 doctor's note or a slip from the hospital that  
19 they were there, I could be totally staffless on a  
20 holiday, on a weekend, it could totally put me  
21 right out of business. There's got to be somebody  
22 to answer the phone. You're taking away any  
23 control the employer has any more.

24 And also if they call out sick in  
25 one day, they could be late the next three months

2 and you're not letting us fire them. We could be  
3 penalized because they're a bad employee because  
4 they called out sick even if we did it.

5 What I have done is already  
6 adopted, the one hour for every 30. The girls  
7 have now lost their vacation. There is  
8 documentation in my packet from the San Francisco  
9 Examiner, it shows dated April 30th, 2009,  
10 reduction of hours, removal of vacation pay,  
11 layoffs, and the outsourcing of jobs.

12 We are in a city that has business  
13 that require 24 hour, 7 days a week. The City  
14 Council needs to look at every single business in  
15 this city and work with us. This bill cannot go  
16 through as it's written, it will put me out of  
17 business. Thank you.

18 CHAIRPERSON NELSON: Thank you.

19 [Pause] There will be some tweaking perhaps. I  
20 suppose, Mr. Mark Murray?

21 MALE VOICE: Mark Murphy, my name's  
22 Andrew Rigie--

23 CHAIRPERSON NELSON: Okay.

24 ANDREW RIGIE: --I'm going to speak  
25 on behalf of Mark.

2 CHAIRPERSON NELSON: Fine.

3 ANDREW RIGIE: Yeah, Mark is an  
4 owner of three restaurants, and as many of the  
5 business owners, he was looking at his watch and  
6 had to get back to run his business, and I will be  
7 here speaking on his behalf.

8 Mark owns and operates three  
9 restaurants here in New York City. Due to the  
10 current economy, he's down 16%, which equals about  
11 \$2 1/2 million. If you were to pass this bill, he  
12 has about approximately 320 employees, it would  
13 cost him about \$190,000 per year to cover if those  
14 employees maxed out their benefit, now that's on  
15 top of the \$2 1/2 million.

16 He also, you know, realizes as a  
17 business owner that it is very vital that he  
18 invest in his employees. He offers, as many other  
19 business owners do, paid time off. It may be a  
20 little bit generous than this bills calls for, but  
21 such a bill would need to work that would allow a  
22 business owner to accommodate the diversity of  
23 their type of business.

24 Especially in the restaurant  
25 industry, when a line cook or a server calls out,

2 that's also going to require that they have  
3 another employee come in because if a line cook is  
4 out of the kitchen that day, they're going to have  
5 to come back or hire someone else to be in the  
6 kitchen, so in fact, it's paying for an additional  
7 employee.

8 Also, in the restaurant industry,  
9 we need to require documentation. There's other  
10 health laws that require this documentation. For  
11 instance, I'm sure no one here wants someone with  
12 hepatitis cooking their food. Now, if the  
13 employer is barred from asking such a question or  
14 required documentation, it's a threat to all of  
15 the employees, the employers, and the public.

16 Also, there's a provision I see  
17 that would require that we post this law with our  
18 other postings in all of the native languages of  
19 the employees. Now in New York City especially in  
20 the diverse culinary palate of our restaurant, you  
21 can imagine how onerous that may be.

22 Also, again, as I said, employers,  
23 we want to look out for employers, we want to  
24 provide the best type of benefits that we can, but  
25 sometimes, especially in an economy like this, it

2 cannot always be dictated and we ask that you work  
3 with the industry.

4 So, on behalf of myself and the New  
5 York State Restaurant Association and Mark Murphy,  
6 I want to thank you for taking all of our concerns  
7 into consideration.

8 CHAIRPERSON NELSON: Yes, and, sir,  
9 would you please state your name once more?

10 ANDREW RIGIE: Oh yes, Andrew  
11 Rigie.

12 CHAIRPERSON NELSON: Thank you,  
13 sir.

14 ANDREW RIGIE: You're welcome.

15 CHAIRPERSON NELSON: I guess  
16 whoever wants to speak next, yeah.

17 LARRY SILLS: My name is Larry  
18 Sills, the company is Standard Motor Products. We  
19 have been a New York City company for 90 years.  
20 We were one of the last manufacturers in New York  
21 City. Not too long ago, we had 1,000  
22 manufacturing jobs in New York City and today we  
23 have none. And it is rules and regulations like  
24 this that are making it very difficult to have a  
25 manufacturing company in New York. It's a great

1  
2 motivator to move out and what manufacturer is  
3 possibly going to come in faced with nine  
4 mandatory sick days when nobody else around here  
5 has anything like that.

6 My problem is not with mandatory  
7 days, I think it's fine, I think it's good public  
8 policy, my problem is with the number. I think  
9 nine days is truly excessive. In our company, we  
10 provide six days, I talk to my employees all the  
11 time, I hear all their problems, I have never  
12 heard anyone ever say six isn't enough. Nine is  
13 way too many for the average person and not enough  
14 if you're sick, it's just, in my mind, a truly  
15 excessive number. We actually average one sick  
16 day per person, why on earth the number nine came  
17 from, I don't know. If it was copied from San  
18 Francisco, I would pose that how many  
19 manufacturing operations are there in the city of  
20 San Francisco, how many manufacturing operations  
21 are there in Washington, D.C. If your goal is to  
22 have employment and manufacturing jobs are just as  
23 important for low income people as restaurant  
24 jobs, they're in fact more, they're better paid  
25 with better benefits and what this bill will do is

2 going to drive manufacturing jobs out of the city  
3 and really prevent--what manufacturer is going to  
4 move here? He's going to go into Long Island or  
5 he's going to go to Westchester or he's going to  
6 go across the river and not have to pay nine days.

7 We're looking for jobs in this  
8 city. Now by the way, this won't affect my  
9 company at all, I will juggle it around, I will  
10 take away from this, I will take away from that,  
11 and if that's your rule, I'll live with it. This  
12 is not for me, I'm not talking personally, I'm  
13 talking as a citizen, I believe this is a terribly  
14 written bill, I think it is a worthy goal to try  
15 to give these low income people some sick days. I  
16 think nine days is excessive and I think some of  
17 the rules, which I didn't even understand until I  
18 got here today, are just not proper.

19 So I would like to have the bill, I  
20 would like to have a chance to talk to people  
21 about how to make this a better bill, this is a  
22 terrible bill the way it is right now.

23 CHAIRPERSON NELSON: Thank you,  
24 Mr. Sills, that's why you have hearings, you hear  
25 everybody out that you can.

2 Yes?

3 [Clears throat]

4 TOM SCARANGELLO: Excuse me. My  
5 name is Tom Scarangelo, small business owner from  
6 Staten Island. Thanks for the opportunity to  
7 testify today.

8 The bill as written is onerous and  
9 it scares the heck out of us small business  
10 owners. The additional burden of legislated paid  
11 sick time in the worst economy in 80 years seems  
12 ill-timed, in my opinion.

13 One thing that no one has mentioned  
14 between San Francisco and New York, San Francisco  
15 enacted this in 2006, a very different economy  
16 than 2009. As a small business owner, I can  
17 attest to the fact that it ain't like it used to  
18 be, it's very different.

19 I think this will make New York  
20 City a less desirable place to open a business, to  
21 operate a business, and I think those companies  
22 that are able to relocate outside the city, will  
23 because they'll have a competitive advantage over  
24 companies in New York City.

25 The issue of the actual number of



1  
2 days, you know, we offer paid sick time, we offer  
3 six days as well, nine days is excessive and we  
4 feel like if the bill's enacted, it's going to  
5 drive more companies to pay more people off the  
6 books just to avoid having to fall under the law.

7           The fact that unions are going to  
8 have the ability to opt-out of this should tell  
9 you that they don't see it as a necessary benefit  
10 because they don't want to give up another benefit  
11 to provide paid sick time for their members.

12           In terms of what it's going to  
13 cost, quite frankly, small business owners are  
14 going to have to take something else away, there's  
15 no other way. It's going to cost our employees  
16 vacation time, which they value more than paid  
17 sick time, quite frankly. It hurts them because  
18 then they can't plan time away with their family,  
19 they have to call in sick to have that time.

20           In my case, this bill will cost my  
21 company about \$70,000 in payroll. If half my  
22 employees use nine days, it's about a \$200,000 hit  
23 in revenue for my company. Quite frankly, I don't  
24 know how we'd pay for that in this economy under  
25 the competitive forces that are going on right now

2 and I have to seriously question my ability to run  
3 a business in New York City if the bill passes as  
4 is.

5 CHAIRPERSON NELSON: Thank you, Mr.  
6 Scarangelo. And I think that was the panel. Any  
7 questions?

8 COUNCIL MEMBER BREWER: [Off mic]  
9 all. Thank you very much. How do you at City  
10 Hall Restaurant, what do you do if somebody is  
11 ill, how do you handle that now? And also, Mr.  
12 Sills, thank you for your comments about what you  
13 do provide. But what do you do?

14 HENRY MEER: I'm sorry, we deal  
15 with it on a employee by employee basis. We offer  
16 a one-week paid vacation to all kitchen crews.

17 As far as the tipped employees,  
18 there is no compensation for [off mic]. It's a  
19 transient position so we have a few staff members  
20 who've been with us since the beginning, but most  
21 of the people that have been with us at City Hall  
22 have been in the kitchen and so we work with them  
23 on a person by person basis.

24 COUNCIL MEMBER BREWER: What that  
25 means is understandably, if somebody's ill, then

2 they stay and they, you know--you try to support  
3 them if you can, that's kind of how it works  
4 understandably.

5 HENRY MEER: Well no, what it  
6 means, Council Member, is that everybody comes to  
7 work. And I've, you know, I've been in the  
8 business 30 years, I've come to work, I missed two  
9 days at one restaurant I worked at for 10 years, I  
10 think it's the nature of the industry. Surely if  
11 somebody is very ill, they stay home.

12 COUNCIL MEMBER BREWER: Thank you.

13 HENRY MEER: Yes, ma'am.

14 CHAIRPERSON NELSON: I suppose with  
15 that, thank you so much for your testimony and I'm  
16 sure we'll be seeing you in the future.

17 Okay, what is the next panel?

18 [Pause]

19 CHAIRPERSON NELSON: Thank you,  
20 counsel.

21 [Off mic]

22 CHAIRPERSON NELSON: Okay, Janet  
23 Weinberg of GMHC, Janet is still with us, and I  
24 think it's Victor Seiden, Sidel?

25 FEMALE VOICE: Sidel.

2 CHAIRPERSON NELSON: Oh, okay, Gale  
3 knows this person, okay, Seidel, and a Mary  
4 Poppis, and Joel Shufro. Oh, Joel Shufro, right?

5 FEMALE VOICE: It's Shufro.

6 CHAIRPERSON NELSON: Oh, it's  
7 supposed to be Shufro, okay, from NYCOSH.

8 [Pause]

9 [Off mic]

10 CHAIRPERSON NELSON: ...it? Okay. I  
11 suppose since you were there first, if you want to  
12 go first as soon as everybody gets situated or  
13 seatuated. [Off mic]

14 [Pause]

15 CHAIRPERSON NELSON: All right, Ms.  
16 Weinberg, if you're prepared to begin? Sure. Oh,  
17 I'm sorry, it has to be bright red.

18 JANET WEINBERG: Got it. My name  
19 is Janet Weinberg, I'm the Chief Operating  
20 Officer, GMHC, Gay Men's Health Crisis, and on  
21 behalf of Dr. Marjorie Hill and GMHC, thank you  
22 for accepting this testimony today.

23 GMHC is the nation's oldest  
24 provider of services for people with HIV/AIDS and  
25 strongly urges the City Council to pass the New

York City Paid Sick Time law.

In October of this year, the Community Services Society released a report that showed that almost 1.85 million workers, almost one in two, have no paid sick leave, and almost 1.5 million have no paid leave at all. Almost two-thirds of low income New Yorkers do not earn any sick time and workers in small businesses and low income single mothers are particularly impacted. We service 15,000 men, women, and children affected by HIV and the vast majority live below poverty level at 77% earning less than \$10,000 a year.

Workers without sick leave are more likely to go home from work while--or go to work while ill, send their children to school or daycare sick, and all of these increase the chances of spreading contagious illnesses. Moreover, either because they're afraid to miss work or lose income from taking time off, many low income workers are more likely to use emergency room for health care since they're unwilling or unable to schedule regular medical visits during working hours.

2 For HIV positive workers, access to  
3 medical care is an important part of adherence to  
4 HIV treatment. The inability to reliably take  
5 time off for regular medical appointments is of  
6 particular concern since it makes it more  
7 difficult to track the progression of HIV and  
8 adjust treatment accordingly. This certainly has  
9 impact on worker productivity, well being, and  
10 further studies have shown that adherence to HIV  
11 treatment reduces the overall viral load in one  
12 system, subsequently, the likelihood of  
13 transmitting HIV.

14 Obviously, we want to thank you  
15 very much for this opportunity.

16 CHAIRPERSON NELSON: And thank you  
17 for being, Ms. Weinberg, thank you so much.

18 Is this Mr. Schiffro?

19 JOEL SHUFRO: That's correct, Joel  
20 Shufro.

21 CHAIRPERSON NELSON: Thank you.

22 JOEL SHUFRO: I'm Joel Shufro,  
23 Executive Director of the New York Committee for  
24 Occupational Safety and Health, NYCOSH, which is a  
25 non-profit educational advocacy organization, 400

1  
2 local unions, 200 individual members dedicated to  
3 every worker's right to a safe and healthful  
4 workplace.

5 We strongly support Intro 1059,  
6 which is prudent public and occupational health  
7 policy. Workers should not be compelled to report  
8 to work if contagious or sick, it is not good for  
9 their health, nor the health of those with whom  
10 they work, or for the public at large. It is a  
11 drag upon the economy as a whole and business for  
12 which sick workers to report.

13 According to a study recently from  
14 Emory University, the economy loses \$180 billion  
15 in productivity a year when sick employees show up  
16 for work. The importance of this legislation is  
17 heightened by the threat of pandemic flu, which  
18 has the potential of disrupting our city and  
19 country.

20 Federal, state, city government  
21 officials and health departments are urging  
22 workers who develop symptoms to stay away from  
23 work and not come to work until at least 24 hours  
24 after their fever has resolved. However, absent  
25 sick leave policies, many workers will come to

1  
2 work sick, infecting those at work. They do so  
3 because they have no choice, many workers, as I  
4 said, have no sick leave. Nationally, between 33  
5 and 40% of the nation's workers don't have paid  
6 sick leave, about 51 million, according to the  
7 Department of Labor. A survey out of the  
8 University of Chicago as reported in the New York  
9 Times stated that 68% of those not eligible for  
10 paid sick leave said they had gone to work with  
11 contagious illnesses like the flu.

12           Nationwide, 84% of workers said  
13 they felt pressured to come to work sick because  
14 of the recession, according to a September poll by  
15 Vancouver based Angus Reed Strategies. One in six  
16 workers say they or a family member have been  
17 fired, suspended, punished, or threatened for  
18 staying home sick or caring for a sick relative.

19           We favor enactment of this  
20 legislation, but we must note that we have one  
21 major disagreement--that is the distinction  
22 between a large and a small business, there's no  
23 public health reason for distinguishing between a  
24 small and large business, viruses make no  
25 distinction when they infect their hosts, so we



2 urge that the legislation be written for one  
3 standard. Consequently, we urge the Council to  
4 eliminate the distinction between large and small  
5 employers and pass this legislation.

6 CHAIRPERSON NELSON: Thank you,  
7 sir. I guess Ms. Pappas. Hi.

8 MARY PAPPAS: My name is Mary  
9 Pappas, I'm the school nurse from St. Francis Prep  
10 High School in Fresh Meadow, Queens. I discovered  
11 the first cases of H1N1. That experience has  
12 definitely helped me to see the need for  
13 guaranteed paid sick days.

14 On April 23rd, I was working in the  
15 school nurse's office in the largest Catholic high  
16 school in the United States, my population is  
17 2,600 to 2,700. I can send three kids home on a  
18 good day or 15 on a bad day. On April 23rd, I  
19 sent home 102 and then 80 more on Friday.

20 I have a very small office with one  
21 thermometer, I had to have the security guard help  
22 me, he took temperatures, he placed them on a  
23 sticky note, I had to just break the rules and ask  
24 each child to pull out their cell phone and get  
25 their mom on the phone, what child doesn't know

2 where their mother is, and that really saved time.  
3 I had also alerted the principal and the  
4 Department of Health and the CDC by 9:30 that  
5 morning that I had a constant group of children  
6 from all over the school, all with fevers and full  
7 of despair.

8 Because of where I work and the  
9 socio-economic status in my community, the parents  
10 were all able to leave their job in a fairly quick  
11 fashion. They were able to get a guardian or  
12 themselves to pick up the child so the flow of  
13 sick kids moved pretty well, the same was true for  
14 the next day. Later I became aware of a public  
15 policy that would guarantee paid sick days. I  
16 could not imagine the situation I faced compounded  
17 by parents who would have to say I'm sorry, I  
18 cannot leave my job or I can't lose my job--it  
19 would have been disastrous. I really feel for the  
20 children, parents, and the nurse in a community  
21 where parents are afraid for their jobs because  
22 they have no paid sick days or school had to  
23 close, what would the parents do for that long  
24 time?

25 That's why I feel compelled to

2 speak on behalf of the parents and the children.  
3 For the safety of the children, the parents and  
4 the school, paid sick days is like a security  
5 blanket, a step in the right direction towards  
6 ensuring everyone's well-being.

7 CHAIRPERSON NELSON: Thank you, Ms.  
8 Pappas. Mr. Sidel?

9 VICTOR SIDEL: My name is Victor  
10 Sidel and I'm distinguished university professor  
11 at Albert Einstein College of Medicine and  
12 Montefiore Medical Center, I'm also an adjunct  
13 professor of public health at Cornell Weill  
14 Cornell Medical Center in New York City.

15 [Crosstalk]

16 CHAIRPERSON NELSON: Excuse me,  
17 sir.

18 VICTOR SIDEL: I've been president  
19 of the American Public Health Association, which  
20 is the largest and oldest public health  
21 association in the world, and I've been president  
22 twice of the Public Health Association of New York  
23 City. I think I qualify as an expert in public  
24 health. I will be very brief in my testimony.

25 I think this is a no-brainer.

1  
2 We've been told by every person who has talked  
3 about swine flu, every person from the vice  
4 president and the President of the United States  
5 to the health commissioner for New York City to  
6 the head of the CDC that if you are sick, you  
7 should stay home, if your children are sick, they  
8 should be kept home from school. Those people are  
9 very important in talking about public health, but  
10 they have little concern with regard to people who  
11 do not have sick leave and, therefore, cannot stay  
12 home themselves or for their children. We urge in  
13 public health, we urge that the City Council take  
14 a position saying that in view of the problems of  
15 infectious disease, the problems that are caused  
16 in our city for manufacturing, for restaurants,  
17 for all kinds of people that have difficulty with  
18 this kind of bill, they have to recognize that  
19 public health is primary and that this kind of  
20 intervention by the City Council to deal with  
21 these issues is primary.

22 I would urge the City Council to  
23 adopt this bill.

24 CHAIRPERSON NELSON: Thank you, Mr.  
25 Seidel, more compelling arguments is--Council

2 Member Brewer, do you have a question? Good [off  
3 mic]. Thank you so much, we appreciate it,  
4 seriously. This is Solomonesque. Although both  
5 sides would disagree with that. Thing is Solomon,  
6 okay. Simple enough to whichever side you're on,  
7 it always does.

8 [Pause]

9 CHAIRPERSON NELSON: Okay. Ms.  
10 Paul Sarys, I believe it is pronounced, Jeffrey  
11 Bank.

12 MALE VOICE: He had to leave.

13 CHAIRPERSON NELSON: Okay. Leave.  
14 Scott Buchanan, yeah? Oh, Tom, you signed up  
15 twice, Scarangelo, right? This is a duplication?  
16 Good for you. Nora Nealis of NCA. Still here?

17 [Off mic]

18 CHAIRPERSON NELSON: Oh,  
19 association, okay. And K.Y. Chow from GM  
20 Printing. Ah, good.

21 FEMALE VOICE: Yeah, we still got  
22 one left.

23 CHAIRPERSON NELSON: This one,  
24 right [off mic]?

25 [Off mic]

2 CHAIRPERSON NELSON: Oh, and then  
3 we can have Ginny Louloudes? Is that right?  
4 Close, right?

5 MALE VOICE: Yeah, set them down  
6 right there.

7 CHAIRPERSON NELSON: Laloudes,  
8 okay, thank you. Lalou, right, I see now. Yeah,  
9 okay.

10 Anybody prepared to be the start  
11 off batter?

12 MALE VOICE: Do you want to go down  
13 the row, is that easiest?

14 CHAIRPERSON NELSON: Okay, that's  
15 terrific. Starting with my left, closest to the  
16 chairs, how's that, Ms. Laloudes?

17 [Off mic]

18 GINNY LOULOUDES: Okay, I'm going  
19 to make it as short as possible because you've  
20 been sitting here a long time and I'm very  
21 grateful for those of you who are remaining.

22 I represent the Alliance of  
23 Resident Theatres New York, which is the service  
24 and advocacy organization for New York City's 250  
25 Broadway, off Broadway, and off off Broadway

1 theaters.

2  
3 So of course it would be  
4 unSolomonesque to not support this bill, but I  
5 must say that you have a Solomon-like approach,  
6 you got a big project, this is a big one and you  
7 haven't even taken into consideration the way that  
8 the theater works, not that I would expect you to,  
9 but there are some idiosyncrasies about our  
10 industry that I would like to be able to address  
11 and let me just put it out there that I would at  
12 any time be happy to meet with your committee to  
13 improve this bill.

14 The not-for-profit theater has  
15 full-time and part-time administrative workers, we  
16 have designers, directors, choreographers,  
17 lyricists, and composers who are paid on a fee  
18 basis, we have actors and musicians who are paid  
19 based on a union contract. Your deal is better  
20 than a Broadway musical deal for sick days. A  
21 \$3,500 a week actress on Broadway can't get what  
22 this bill is proposing for a small theater  
23 company.

24 I'm saying that I've given you,  
25 along with my testimony and matrix so you can see

1  
2 the different union contracts and what they  
3 propose.

4 I think the real issue here is we  
5 provide most of my members, and this includes the  
6 tiny ones, if they work full time at their  
7 theater, they're providing health care and they're  
8 providing a sick leave. It may be a bucket policy  
9 or it may be a specified policy, but nobody wants  
10 somebody who is sick or if your kid is sick, I  
11 mean this is the theater after all, we're not in  
12 it for money. However, there's got to be two  
13 things you've got to look at, actors right now in  
14 small theaters who are sick, come to work, 'cause  
15 if not, the show has to come down and you have to  
16 refund the money and you can't reschedule because  
17 you've only booked so many weeks. Only a few of  
18 us don't have to have understudies, the really  
19 small theaters don't have to have understudies at  
20 this point.

21 The other thing I'm concerned about  
22 is the independent contractor. Some of us hire  
23 fundraising consultants and we pay something like  
24 \$1,000 a day. If they're sick, am I supposed to  
25 pay \$1,000 a day for their being sick?



2 So--

3 CHAIRPERSON NELSON: All right.

4 GINNY LOULOUEDES: --I think  
5 independent contractors needs to be looked at, I  
6 think the way and the nature of the theater world  
7 needs to be looked at, I think the definition of  
8 small business needs to be looked at because not  
9 one of my theaters, including the largest theater  
10 in the country, Lincoln Center Theater has 160  
11 employees. That's my testimony.

12 CHAIRPERSON NELSON: Enough  
13 theatrics.

14 GINNY LOULOUEDES: That's right.

15 CHAIRPERSON NELSON: Enough  
16 political nonsense, all right. Bring back  
17 Camelot, will you?

18 GINNY LOULOUEDES: Okay.

19 CHAIRPERSON NELSON: All right,  
20 I've been waiting for--

21 GINNY LOULOUEDES: [Interposing]  
22 It's a big--

23 [Crosstalk]

24 CHAIRPERSON NELSON: --20 years.

25 GINNY LOULOUEDES: We've got to wait

2 for a better economy because it's a big cast.

3 CHAIRPERSON NELSON: Oh, all right.

4 GINNY LOULOUDES: And it requires  
5 understudies at that size.

6 [Crosstalk]

7 CHAIRPERSON NELSON: Hope I'm  
8 alive, okay.

9 GINNY LOULOUDES: See?

10 CHAIRPERSON NELSON: All right. I  
11 do want to see that, I do.

12 GINNY LOULOUDES: I'll pass it on  
13 to the Broadway guys.

14 CHAIRPERSON NELSON: Please, I've  
15 been asking Murrow to do it in high school for  
16 about 10 years, that's how desperate I am--no,  
17 Murrow is great.

18 [Pause]

19 K.Y. CHOW: My name is K.Y. Chow  
20 and I'm a small business owner of a printing  
21 company, GM Printing in Long Island City, Queens  
22 where I support 30 jobs. Currently, my company  
23 [off mic] day for my employee. So today I'm here  
24 to voice my concern of the critical issue and  
25 additional cost to my small business.

2 If City Council passed a new  
3 legislation which would require my company to pay  
4 [off mic] day to all my employees. The proposed  
5 bill is the wrong solution to a good cause, wrong  
6 solution to a good cause.

7 Increasing costs [off mic] on small  
8 businesses. [Off mic] to bring our economy back  
9 and could hurt those you're trying to help  
10 elimination of benefit to cover these costs and  
11 even elimination of jobs.

12 During the economic downturn, I try  
13 my best to keep all my employees so that they can  
14 have a steady job to raise their family. Since we  
15 moved to Long Island City from Chinatown early  
16 this year, I'm glad to say that we're able to  
17 maintain our business activities and keep up all  
18 my employees. However, if the bill is passed, it  
19 would increase my costs by an extra 30,000 per  
20 year. It may sound like a small amount for  
21 somebody who think that we own a company and can  
22 afford it, but you should also understand that  
23 this amount represent the annual income of one  
24 employee another job in my company.

25 You all know that living in New

1  
2 York City is very expensive and I'm here to tell  
3 you that running a small business is very  
4 expensive. My business is not just a competing  
5 local marketplace where I'm bidding for a  
6 contract, I am competing nationwide, as well as  
7 overseas competitors. The cost you are proposing  
8 only cause us maintain competitive by cutting  
9 benefit or ever a job.

10 My [off mic] I am working on 18  
11 hours per day, 7 day for the past seven year to  
12 [off mic] this business. We don't have an eighth  
13 day to add on so that we can take more  
14 responsibility due to the let up staff and the  
15 ability to [off mic] to the additional staff.  
16 This will [off mic] competitions position trying  
17 to obtain job and contract in the competing with  
18 the firm nearby [off mic] Long Island,  
19 Connecticut, Philadelphia who don't have the  
20 higher costs of doing business and can undercut my  
21 price.

22 In small business, we need  
23 flexibility to offer our benefit to employee as  
24 need for the success of business and contentment  
25 of a valued employee. We should be able to create

2 these job benefit as we do now, we are choosing  
3 who to hire, what job to offer, choosing [off mic]  
4 days and amount of bonuses on our own without  
5 influence of our own term.

6 As the [off mic] once [off mic]  
7 this mandate pays certainly proposed bill  
8 represent the intrusion of the government into  
9 employee benefit policy a [off mic] company, large  
10 and small.

11 When asked by [off mic]--

12 [Crosstalk]

13 CHAIRPERSON NELSON: [Interposing]  
14 Are you wrapping up? I'm sorry, Mr. Chow. By the  
15 way, we respect what you've done and all of the  
16 owners as a matter of fact 'cause without you, we  
17 wouldn't have much of a tax base, but we need you  
18 to, if you could please, wrap it up.

19 K.Y. CHOW: Okay. When asked by  
20 [off mic] government office [off mic] what do a  
21 small business owner want, I tell you that the  
22 most small business want to let alone to build our  
23 business [off mic] and create new job and able to  
24 keep my employee employed. We are also [off mic]  
25 and dollar to keep our business alive, we need the

1  
2 city's support, not this mandates.

3 CHAIRPERSON NELSON: Thank you very  
4 much, sir. Again, we really do totally respect  
5 and need the business that you have started that  
6 has employed so many people, otherwise, it would  
7 not be New York City, thank you. Yes, sir?

8 SCOTT BUCHANAN: I thank you. My  
9 name is Scott Buchanan, I'm with Scott J Salons  
10 and Spas in New York City. It's an honor to be  
11 here and thank you for having me.

12 I've made a lot of cuts in my  
13 business, I've been in business 20 years, I employ  
14 about 175 people, I didn't give you any papers  
15 'cause I was busy cutting hair, so I couldn't get  
16 it all together. I've been in business about 20  
17 years and I can say the last year and a half has  
18 been the most difficult I've ever had in 20 years,  
19 and I do do some benefits and I think it's a  
20 double-edged sword, I'm just really concerned with  
21 the way the bill is written and what it involves.  
22 I was some meetings and I have a bucket PTO, so I  
23 do do a lot of things that would be compliant, but  
24 I do have 70 people that are commission based and  
25 when I did the math on it, it was about, for my

1 whole company, about \$150,000 in sick time, plus  
2 the lost revenue when they're not in producing the  
3 services, the clients don't come in, so it's about  
4 a \$400,000 cost to my company to do that. And I'm  
5 already down about 12% in business, which is the  
6 first time I've ever been down in 20 years, my  
7 cash flow is already struggling, the MTA tax cost  
8 me about \$2,000 a month right now that I'm trying  
9 to absorb after laying off as minimal, I laid off  
10 20 people in the last year and that was cutting it  
11 very slow, I gave myself a 20% cut in salary so as  
12 not to lay off more people because I really  
13 believe in that. I give health care, 401(k), I  
14 started a mini-med [phonetic] 'cause I have a lot  
15 of young people that work for me so they don't  
16 believe in the \$400 a month health care, they  
17 don't think they need that, so a mini-med is a  
18 much smaller thing just so they're covered because  
19 I believe in health care, I believe in people  
20 being paid for sick time, but I just think there's  
21 a lot of things in this bill that are scary.

22  
23 One of the biggest things that I  
24 learned today sitting here is that whole 90 days  
25 and then you can't fire them for something else.

2 That rebuttal of employees is a scary thing, I  
3 have a lot of, you know, employees that go through  
4 my business and I'm very nervous over that.

5 And I just want to say, you know,  
6 what are you doing to help me as a small business  
7 do this? You know, this bill seems very one-sided  
8 for the employee, I'm an employee, I'm an owner  
9 and I need my money too to create the jobs. So  
10 please think of us as also a human beings, not  
11 just the devil.

12 And also I'd love to work with the-

13 -

14 [Background noise]

15 SCOTT BUCHANAN: --you should work  
16 with us to help make it work for everybody and I'd  
17 be happy to help look at the bill.

18 CHAIRPERSON NELSON: Okay, your  
19 address was 666, wasn't it, in Columbus? No, I'm  
20 [off mic].

21 [Crosstalk]

22 SCOTT BUCHANAN: Fifty seven.

23 CHAIRPERSON NELSON: For the  
24 record. Thank you, Mr. Buchanan.

25 SCOTT BUCHANAN: You're welcome.



2 CHAIRPERSON NELSON: Yes, sir.

3 PAUL SERES: Hi, thank you. Thank  
4 you for allowing me this opportunity, Mr. Chair  
5 and Council Member Brewer. I just wanted to let  
6 you know I believe that this is the wrong  
7 execution of the right idea.

8 My name is Paul Seres and in  
9 addition to being the Vice President of the New  
10 York Nightlife Association, I'm also a member of  
11 Community Board 4 here in Manhattan where I see  
12 small businesses all the time trying to make it in  
13 New York City. I believe Intro 1059 as it is  
14 written would work against them.

15 The majority of the workforce that  
16 make up the hospitality industry are part-time  
17 and/or tipped employees. These employees often  
18 consist of students who are looking for extra cash  
19 while going to school and the flexibility in  
20 working in the hospitality industry offers them.  
21 While working for us, they often work in other  
22 industries or are pursuing other careers, such as  
23 educators, dancers, musicians, actors, film  
24 makers. If our part-time employee is working  
25 three shifts per week as a tipped employee, 9

1 times out of 10, if that employee is sick, they  
2 will either trade shifts with another employee  
3 directly or do it through management, maintaining  
4 their three shifts. It isn't a \$35 per 8 hour  
5 shift tip credit that they live off of, it is  
6 their 20 to \$40 per hour or more on tips, and they  
7 will do whatever it takes to ensure that their  
8 number of shifts per week does not change.

10 If Intro 1059 passes as it is  
11 written, we as operators will be forced to double  
12 pay each tipped employee who uses their paid sick  
13 leave, even though they have made up the time and  
14 did not lose any money. That is why the  
15 Washington, D.C., bill exempted tipped employees  
16 from its law, we must do the same.

17 The other point that I would like  
18 to bring up is how the bill would classify a small  
19 business. I, like many bar and club owners,  
20 consider myself a small business owner, however, I  
21 have many more than 10 people on payroll. In a  
22 real world, there is no hospitality establishment  
23 that can qualify under this bill as a small  
24 business, no matter how small the operation. For  
25 example, a tiny bar or restaurant with only 60

2 seats would still require two cooks, a bartender,  
3 three waiters, three busboys, a host, two porters  
4 for a clean up shift--that's per shift, that's not  
5 including any managers, that is a total of 12  
6 people per shift. Sitting on the business  
7 licensing and permit committee for CB 4, I can  
8 tell you that the majority of the liquor license  
9 applications are small businesses, yet all of them  
10 have more than 10 people.

11 According to the U.S. Department of  
12 Labor of calculations for small business such as  
13 my own with 30 people employed, we would have to  
14 spend an extra \$60,000 per year under this bill.  
15 That money has to come from somewhere and it would  
16 certainly take the place of any other benefit that  
17 I could afford my staff. Thank you for allowing  
18 me this time.

19 CHAIRPERSON NELSON: Thank you,  
20 sir. Yes, certainly not evil people. Without the  
21 people who have built up the businesses,  
22 unemployment would be maybe 50% in this city, so  
23 we should get that emotion across as well.

24 Yes, Ms. Nealis?

25 NORA NEALIS: Okay. My name is

1  
2 Nora Nealis and I'm here representing the National  
3 Cleaners Association, formerly known as the  
4 Neighborhood Cleaners Association, and I'm here,  
5 not even for or against, just to share our  
6 thoughts and concerns regarding 1059.

7           Let me begin by telling you that  
8 roughly 81%--631--of our New York City membership  
9 are in our bottom dues category, which means they  
10 employ three or less workers. When surveyed in  
11 2007, annual gross sales of this category was  
12 between 300 and \$350,000 per year. In the past  
13 two years--2008 and 2009--cleaners have seen their  
14 gross sales go down 20% and 10% respectively.

15           These cleaners are the  
16 quintessential small businesses and their  
17 businesses are not investments that yield a  
18 return, they are businesses that provide the  
19 owners with a job in which they labor.

20           A quick calculation of typical New  
21 York City retail rents, utilities, water, sewage,  
22 credit card fees, business and [off mic]  
23 insurance, hazardous waste disposal, postage,  
24 phone, supplies, inspections fees, licenses, FICA,  
25 and [off mic], the list goes on, means at the end

1  
2 of the day, the typical mom and pop dry cleaner  
3 has well under \$100,000 for payroll--himself  
4 included.

5 Almost universally, this group  
6 reports having laid off one worker in the past two  
7 years and, given the fact that most of them report  
8 that their employees had been with them for more  
9 than five years, this was an extremely difficult  
10 decision for them to make.

11 So when we talk simple dollars and  
12 cents or we talk moral issue, whatever it is, it  
13 is going to come out of the owner's pocket and  
14 this is an owner who works from six in the morning  
15 'til six at night six days a week, 52 weeks a  
16 year. He spends his time at home on  
17 administrative and paperwork issues that he  
18 doesn't get because he's laboring in the plant.  
19 In effect, he is working almost two full-time jobs  
20 for which he does not get time and a half, and  
21 even if he could, he couldn't afford to pay  
22 himself for it. He's working more than 80 hours a  
23 week.

24 When surveyed on how they would  
25 fund this obligation should the proposal pass,

2 members responses range from cutting wages to  
3 cutting hours and taking up the slack themselves.  
4 For these owners to go out and find other  
5 employment is almost an impossibility due to skill  
6 set or limited language skills. Remember that  
7 1,000 or \$1,500 may not sound like a lot to some,  
8 but if you don't have it, it is a fortune.

9 The only segment of my membership--

10 CHAIRPERSON NELSON: Take another  
11 20 seconds--

12 [Crosstalk]

13 NORA NEALIS: [Interposing] Okay.  
14 That reports no impact are people with 50 or more  
15 employees and/or are charging more than 29.95 base  
16 price per suit.

17 CHAIRPERSON NELSON: Thank you, Ms.  
18 Nealis.

19 NORA NEALIS: Too much for  
20 everybody, including the neighborhood cleaner.

21 CHAIRPERSON NELSON: Well, again,  
22 and just to balance this, there would not be  
23 business if it wasn't for the employees, I just  
24 want to--not Voltaire profound, but that's a fact.

25 Robert Jackson, Council Member, has

2 joined us, but maybe he doesn't feel well or one  
3 of us he feels doesn't feel well.

4 NORA NEALIS: He should go home if  
5 he's sick.

6 CHAIRPERSON NELSON: There you go,  
7 and no sick leave for you.

8 [Pause]

9 CHAIRPERSON NELSON: I guess that's  
10 it for the panel, we thank you all so much for  
11 being here, thank you. Thank you.

12 Now do we have another panel?

13 FEMALE VOICE: Yeah, sure.

14 CHAIRPERSON NELSON: [Off mic].  
15 Okay, when we can afford it, I know. Melanie  
16 McEvoy, did I say that right?

17 FEMALE VOICE: McEvoy.

18 CHAIRPERSON NELSON: McEvoy. Okay.

19 [Off mic]

20 [Pause]

21 CHAIRPERSON NELSON: And Cherokee  
22 Graham, okay. Freddy Castiblanco, Verdery  
23 Roosevelt.

24 [Off mic]

25 CHAIRPERSON NELSON: How do you

1  
2 pronounce that? It looks like Verdery, no?

3 [Off mic]

4 CHAIRPERSON NELSON: Roosevelt is  
5 the difficult part of it, yeah. And Noa Chametla  
6 [phonetic].

7 [Off mic]

8 CHAIRPERSON NELSON: Pronounce that  
9 right? In Hebrew it would be Hameetla, it's a C-  
10 H-A-M, right? Okay.

11 Robert, take care, see you.

12 [Off mic]

13 CHAIRPERSON NELSON: He's [off  
14 mic].

15 [Pause]

16 CHAIRPERSON NELSON: Whoever would  
17 like to begin, we may want to work it the same  
18 way. We've been traditionally lately working it  
19 from you down, how's that?

20 VERDERY ROOSEVELT: Thank you.

21 CHAIRPERSON NELSON: Welcome.

22 VERDERY ROOSEVELT: My name is  
23 Verdery Roosevelt, I am the Executive Director of  
24 Ballet Hispanico. I work in the non-profit  
25 sector, which includes roughly 9,000 organizations



1  
2 in New York City that provide services ranging  
3 from housing to health to education to culture.

4 I joined Ballet Hispanico 30 years  
5 ago when we were a tiny operation with only four  
6 full-time employees. Today our budget is over 4  
7 million, we have 35 full-time employees, 45 part-  
8 time employees, and a 21,000 foot dance  
9 headquarters on the Upper West Side. Simply put,  
10 our engine of growth over the past three decades  
11 has been the people who work at Ballet Hispanico  
12 who provide the high quality of our training,  
13 education, and performance programs.

14 I know you're familiar with the  
15 non-profit sector. High level salaries are not  
16 the reason that most of us work in this field.  
17 While many non-profits do have earned revenues,  
18 mostly we depend on the contributions we can  
19 secure. We strive to be careful stewards of those  
20 donations from charitable citizens of New York and  
21 we put those dollars to work in our programs. But  
22 at the very least, we must be able to provide  
23 fundamental benefits to our employees. Ballet  
24 Hispanico has provided sick days to our full-time  
25 staff from the very beginning. This bill will now

2 capture most of our faculty and accompanists who  
3 are part-time staff at a high hourly rate, so it's  
4 going to cost us.

5 But I am here in support of the  
6 bill for these reasons. Our part-time employees  
7 work hard and are proud of the work that they do.  
8 This is the right way to show them our  
9 appreciation. Providing sick day coverage will  
10 make our part-time employment package more  
11 competitive and more attractive. I would just as  
12 soon not have a sick teacher working with the 15  
13 or 20 children in each of our classes--it could  
14 only start an epidemic. And finally, it will  
15 improve the quality of life for our employees and  
16 our city.

17 Thank you for this opportunity to  
18 speak with you. I salute the leadership that has  
19 brought this bill forward and I know that today's  
20 testimony will strengthen this legislation, I urge  
21 you to pass it.

22 CHAIRPERSON NELSON: Thank you.

23 COUNCIL MEMBER BREWER: Mr.  
24 Chairman, I know I'm out of order, but I just want  
25 to say when I first got to the Council, we were

2 asked to nominate the top woman in the world and  
3 Verdery Roosevelt was our nominee, just so you  
4 know.

5 [Pause]

6 CHAIRPERSON NELSON: ...Is the  
7 relationship.

8 VERDERY ROOSEVELT: That and a  
9 token will get me back to the office today.

10 CHAIRPERSON NELSON: Yes, sir.

11 FREDDY CASTIBLANCO: I want to  
12 thank the members of the City Council for having  
13 me here. My name is Freddy Castiblanco, I am part  
14 of New York Small Business United for Health Care,  
15 a project of Make the Road New York and a sponsor  
16 for Nationwide Coalition for Small Business  
17 Owners, called Main Street Alliance. I'm the  
18 owner of Terraza 7 Train Café, a small business  
19 located in Elmhurst, neighborhood of Queens, I  
20 have been in for eight years. I immigrate to  
21 America [off mic] from Colombia where I had  
22 practiced as a licensed physician. Since then,  
23 with my own hands and a team of employees, I have  
24 built my own business. Today I have five full-  
25 time employees and five part-time.

2 I'm here because I believe that  
3 every business owner enjoys the benefits of [off  
4 mic] and infrastructure paid for by the taxpayers,  
5 such as the fire department, public transportation  
6 and the [off mic] system. Therefore I consider it  
7 only reasonable for every business to fulfill its  
8 debt to society by offering decent working  
9 conditions. As a physician, I see the risk  
10 involved when a community cannot effectively  
11 prevent the spread of contagious diseases. The  
12 lack of paid sick days is a factor that undermines  
13 the establishment of an effective response in the  
14 case of epidemics. Pay sick day legislation  
15 enables us to create healthier, germ-free worker  
16 workplaces and better serve the customer who come  
17 to our business.

18 In addition, there will be huge  
19 [off mic] resulting from expensive treatments in  
20 the emergency room or hospitalizations relating to  
21 problems where people have postponed treatment out  
22 of fear of losing their income or even their job.

23 As a father, I know it is  
24 impossible to quantify the emotional and economic  
25 costs endured by a family that is unable to take

2 care of a sick child or elderly parent with a risk  
3 of losing their income. As a small business  
4 owner, I understand that it is not only for the  
5 benefit of employees that this proposal makes  
6 sense. If we support our workers when they need  
7 us the most, as in the case when they are sick,  
8 they will become more committed to and experience  
9 a real sense of belonging to their job. Healthy  
10 workers make productive businesses. Our employees  
11 need to take the time they need to recuperate from  
12 illness without worrying about the repercussions  
13 of taking a day off.

14 Finally, those employers who are  
15 responsible, doing the best we can for our  
16 employees are at a disadvantage. We should not be  
17 forced to compete with other employers who avoid  
18 their moral obligation of providing good working  
19 conditions.

20 I want to ask you as our elected  
21 officials to take the [off mic] in protecting our  
22 common well-being. Thank you.

23 [Off mic]

24 CHEROKEE GRAHAM: How you doing?  
25 My name is Cherokee Graham, but before I testify,

2 I would like to say with the utmost respect, thank  
3 you for the Council for letting our voices be  
4 heard, but once again, the restaurant employees  
5 were put last.

6 I'm the first restaurant employee  
7 to actually speak up here today.

8 CHAIRPERSON NELSON: I believe it  
9 was just the luck of the draw, but I tell you I  
10 didn't organize it though.

11 CHEROKEE GRAHAM: Okay. But--

12 [Pause]

13 CHAIRPERSON NELSON: ...apologize for  
14 that.

15 CHEROKEE GRAHAM: Good afternoon,  
16 my name is Cherokee Graham. On behalf of  
17 restaurant workers and the Restaurant  
18 Opportunities Centers of New York, we'd like to  
19 thank the City Council for having this important  
20 hearing regarding passing pay sick days law.

21 In addition to being an active  
22 member of ROC New York, I am currently working at  
23 a popular café chain that serves breakfast and  
24 lunch. My job duties include baking bread,  
25 preparing coffee and related drinks, making

1 sandwiches to customers' order, and so forth.

2  
3 It is a lot of labor where I'm  
4 using my hands and my strength. I have my New  
5 York City food protection license and I have been  
6 formally trained regarding handling and preparing  
7 food. I enjoy what I do and I'm trying to learn  
8 more about the industry through further job  
9 training and education.

10 But right now, if I call in sick, I  
11 don't get paid. I work a minimally hour wage and  
12 as is in a day or a few hours of work can really  
13 change things. So if I'm sick, I go to work, not  
14 because I don't care, but because I can't afford  
15 it. When I'm sick, I have to be extra careful  
16 when handling food and drinks, but there's only so  
17 much you can do because, you know, germs travel  
18 naturally.

19 The chance a customer can get sick  
20 increases even though we wear gloves and other  
21 protective gear when we work. It's not my fault  
22 my sick, it's not my co-workers fault they caught  
23 a cold, it's not even my manager's fault who has  
24 to take the call when workers call in sick--it's  
25 natural, people get sick, it's part of life,

2 especially when you live in a city like New York  
3 where there are tons of people who are in close  
4 contact with one another.

5 I don't want to work sick, I don't  
6 want to make you or any customer sick. I think  
7 the fact only some restaurant workers have pay  
8 sick days are not only bad for the public, but it  
9 also kind of put restaurant workers down, as if we  
10 don't qualify for good work standards, as if our  
11 work doesn't count. Healthy restaurant workers  
12 are critical to health and well-being of New York  
13 City. I urge the mayor and City Council to help  
14 protect me, the customers, keep them healthy, of  
15 course, well-fed. In order to do this, we must  
16 have pay sick days pass. Thank you.

17 CHAIRPERSON NELSON: Thank you, Mr.  
18 Graham. I guess Ms. McEvoy.

19 MELANIE MCEVOY: Yes.

20 CHAIRPERSON NELSON: Thank you.

21 MELANIE MCEVOY: I thank you.

22 Thanks for being here. My name is Melanie McEvoy,  
23 I'm the owner of McEvoy & Associates, a boutique  
24 fundraising and event planning company based in  
25 New York City, and this is our tenth year in



1  
2 business. I'm also the past president of the New  
3 York City Chapter of the National Association of  
4 Women Business Owners.

5 And as a small business owner, I  
6 respectfully urge you to pass sick time  
7 legislation. Paid sick time serves the interest  
8 of business while also responding to the changing  
9 demographics of the American workplace. And as a  
10 small business owner, I will actually be able to  
11 reap the benefits of a program that encourages  
12 greater workplace, worker productivity, reduced  
13 turnover, and increased cost savings.

14 It is useful to be able to give  
15 paid time off to employees for use when they are  
16 ill or they need preventative care or they need to  
17 deal with a sick family member or even a domestic  
18 violence problem. Often, small business owners  
19 can offer few affordable benefits to their  
20 employees and offering paid sick time does inspire  
21 loyalty and appreciation by employees and this in  
22 turn acts as a preventative measure against  
23 constant turnover, which is extremely important  
24 for those of us who are small business owners as  
25 retaining qualified workers is a major obstacle to

1  
2 growth.

3                   In my experience with NAWBO New  
4 York City, the National Association Women Business  
5 Owners, I found that many of our members already  
6 provide for paid sick leave and don't experience  
7 problems, I certainly don't experience any  
8 problems. Whether providing paid sick days  
9 creates a more positive work environment, improves  
10 morale, and it increases employee loyalty. And  
11 the bottom line is we think that a paid sick days  
12 law is good for business.

13                   If we consider return on investment  
14 to be the bottom line, then investing employees  
15 through paid sick time legislation can produce  
16 significant gains and essentially I don't see sick  
17 time as a burden to our business, but as an added  
18 benefit and which contributes to our stability,  
19 growth, and cost savings in the long-term. Thank  
20 you.

21                   CHAIRPERSON NELSON: Thank you, so  
22 you see there's various assets involved with  
23 perhaps getting sick time and there's facets that  
24 I did not hear before and you brought it up as  
25 well. Maybe somebody will get back there and

1  
2 really work even harder 'cause they're really well  
3 rested. Well thank you, okay, that's why we're  
4 having this hearing. Yes, sir?

5 NOA CHAMETLA: Hi. Good afternoon,  
6 my name is Noa Chametla, I'm a member of Make the  
7 Road New York, I work in a deli in Astoria,  
8 Queens, prepare sandwiches, salads, and other  
9 dishes. I have a lot of direct contact with  
10 customers.

11 We have no paid sick days where I  
12 work, I've gone to work sick many, many times.  
13 One time I had an accident at work in which I cut  
14 my finger really badly. I wasn't allowed to leave  
15 so I had no choice but to keep working with the  
16 finger that was bleeding badly.

17 This is [off mic] of thousands of  
18 workers like me who don't have paid sick days at  
19 work. We shouldn't have to go work when we have a  
20 fever or cold because we are putting at risk our  
21 health and health of other people. That's why  
22 it's extremely important that this bill be passed  
23 as soon as possible. I am very concerned about  
24 this situation, especially given the spread of the  
25 H1N1 virus. When we go to work sick, we can

2 contaminate the food and this is a serious risk.

3 That's why we're here today, to  
4 tell you how important it is so everyone [Pause]  
5 that everyone that this will for paid sick days is  
6 be pass.

7 Thank you.

8 CHAIRPERSON NELSON: We thank yet  
9 another enlightening panel and we appreciate your  
10 time, thank you so much. Your patience and  
11 everybody else that's still with us, patience,  
12 thank you so much.

13 Okay. The next panel will consist  
14 of Doreen Zayer, Dan Margolis [phonetic], John  
15 Bonizio, Patricia Brodhagen, Pat, you're still  
16 here? Are you? Yeah, hi, I remember you from  
17 another life. Remember that, no, it's not what's  
18 her name, movie actress, it's true, I know, Pat,  
19 about 20 some years ago. Victoria Avilez  
20 [phonetic] and Rosina Rubin [phonetic]. Thank  
21 you. Oh, I wasn't channeling Shirley MacLaine, I  
22 meant that, yeah.

23 [Off mic]

24 [Pause]

25 CHAIRPERSON NELSON: Again, sure,

1  
2 work our way down to Pat [off mic], Patricia.

3 JOHN BONIZIO: Good afternoon, my  
4 name is John Bonizio, I'm the owner and general  
5 manager of Metro Optics Eyewear, I'm also proud to  
6 serve as the Board Chairman of the Bronx Business  
7 Alliance, President of the Association of  
8 Merchants and Business Professionals of  
9 Westchester Square, and I'm a proud member and  
10 here today on behalf of the Bronx Chamber of  
11 Commerce. I don't get paid for the last three,  
12 only the first one.

13 My company, Metro Optics Eyewear,  
14 is a small optical services chain with three  
15 practices located in the Bronx. We employ a total  
16 of 32 part-time and full-time people. Each  
17 employee is compensated with an above average  
18 salary or hourly rate, bonus and/or commission  
19 earnings, six paid holidays, paid sick and  
20 vacation leave, health care, and a 401(k) plan and  
21 a profit sharing plan. We are not, therefore,  
22 against the concept represented by Intro 1059. We  
23 are, however, very concerned about the bill's  
24 overextending solution to the problem and the  
25 manner in which a small business is defined and

1 penalized for growth.

2  
3 Section 507(b)3 of the act defines  
4 a small business as one with a combined full-time,  
5 part-time, and temporary workforce of less than 10  
6 persons. The number of hours worked per employee  
7 per week or other pay period is not considered.  
8 Under such a definition, businesses that employ  
9 two or more part-time mothers who work two or  
10 three days a week to help make ends meet can be  
11 penalized by the count. Businesses in the retail  
12 sector that employ part-time personnel to cover  
13 weekend shifts of persons who cannot work on  
14 Saturday and Sunday for religious are likewise  
15 penalized. Restaurants and other businesses that  
16 keep late hours and employ part-time, after school  
17 help from high school and college systems are also  
18 penalized.

19 In our company, we employ five  
20 optometrists in such scenarios that each work two  
21 eight-hour shifts. Instead of being counted for  
22 the two 40 hour employees they represent, this  
23 bill would calculate five employees against my  
24 designation as a small business. By putting my  
25 company over the small business threshold, the

1  
2 bill requires that I now provide 80% more sick  
3 time under Section (C)2 and (C)3. It is also  
4 significant to point out that even if businesses  
5 were not penalized by part-time counting, an 80%  
6 jump because of the addition of a single employee  
7 from 9 to 10 will likely discourage job growth and  
8 stifle tax revenue.

9 Another problem with the bill's  
10 construction is its very narrow definition of the  
11 number of people it takes to reclassify a business  
12 from a small business designation to the undefined  
13 higher category occupied by very big businesses.  
14 In one gigantic leap, this bill seeks to establish  
15 a 3.6% per employee increase in compensation that  
16 must be absorbed by businesses and/or passed along  
17 to consumers.

18 The average cost to an employer of  
19 10 people is approximately one-third the cost of a  
20 single employee, plus the cost of overtime to  
21 cover the shift. Coming at a time of double-digit  
22 increases in the cost of health care, power,  
23 water, the MTA surcharges and other likely tax  
24 hikes, this bill's narrow construction is likely  
25 to contribute to the layoff of thousands of

2 workers.

3 I know my time is up, I have two  
4 recommendations for amendments to this bill if you  
5 care to hear them.

6 [Off mic]

7 JOHN BONIZIO: Okay. The first  
8 amendment would be that the designation of a small  
9 business be changed to one that employs less than  
10 800 worker hours per week, that would be 40 hours  
11 per worker times 19 employees instead of 9  
12 employees. This will eliminate the inequities of  
13 part-time versus full-time counting and ensure the  
14 defining of small business in a category that is  
15 more consistent with established state and federal  
16 guidelines.

17 Then you add another amendment  
18 which adds a mid-size business category defined as  
19 one with more than 800, but less than 1,600 worker  
20 hours per week, that is 40 hours per employee  
21 times 39 employees or up to 39 employees.

22 Designate this category at one that provides no  
23 more than 56 paid leave hours per year or 2.8% of  
24 payroll. This will establish a less-prohibiting  
25 obstacle to job growth in New York City than the



2 80% jump that one is required to absorb in the  
3 present text.

4 I'd like to thank this committee  
5 for giving me this opportunity and I know this has  
6 nothing to do with this present thing, I want to  
7 commend the New York City Council for stepping on  
8 the Mayor with parking violations problems, thank  
9 you very much for that.

10 CHAIRPERSON NELSON: Thank you, Mr.  
11 Bonizio.

12 DAN MARGOLIS: My name is Dan  
13 Margolis, I own two franchises in New York Auntie  
14 Anne's Pretzels, one on 8th Avenue and one in  
15 Staten Island Mall. I'm also representing here  
16 some of my fellow franchisees who couldn't make  
17 it, and we are independent franchisees coming from  
18 many, many backgrounds, many nationalities and we  
19 have retired firemen and policemen and accountants  
20 and all types of individuals that own these  
21 franchises.

22 We're pressed here, we're pressed  
23 very hard. These are very, very tough times and  
24 we all know that. In relating back to the law in  
25 San Francisco, I think it was 2006, these are

1  
2 different times. We do have the swine flu, but  
3 someday we won't have the swine flu and what we do  
4 today, we have to think of the future, and I am  
5 sensitive to all the issues, and I do think that  
6 we need something, we do need something to protect  
7 these--I have wonderful employees, we give them  
8 two weeks vacation every year, we treat them well,  
9 we have good relationship with them, we have very  
10 little turnover. But we think the number of nine  
11 sick days is just too much, it just leads to other  
12 things and other issues. If we could take that  
13 down and make it four or five sick days, I mean,  
14 if we're five days, it's really seven days in a  
15 row that somebody might be off, assuming they have  
16 two days off. But when you get up to nine sick  
17 days, we're real concerned, A, about the cost and  
18 we're real concerned about the productivity.

19 So if something could be done on a  
20 compromise measure, we'd certainly, certainly  
21 appreciate that. And, again, we do realize that  
22 something does have to be done.

23 [Pause]

24 [Off mic]

25 DOREEN ZAYER: Hello, my name is

1  
2 Doreen Zayer, I have a spa in Staten Island, and  
3 this scares the hell out of me. This has been the  
4 toughest year in business, I've been doing this  
5 for 15 years, I started as an independent  
6 contractor and all I wanted to do was offer  
7 massage therapists a career opportunity, 'cause  
8 when I started, I was pregnant, I had no health  
9 benefits, I had nothing, if I didn't work, I  
10 didn't get paid. Everyone in my industry is  
11 commission-based and if they don't show up for  
12 work, there is no sale of service.

13 I try to give people--last year I  
14 changed everybody to employees at a wonderful time  
15 to do such a thing because I believed that they  
16 should be able to budget their money. We have  
17 health benefits, they have to contribute and the  
18 business contributes; we have a simple matching  
19 IRA, these are things I did not get when I started  
20 that I want my business to be able to provide, I  
21 can't do this. I cannot do this. I don't sleep  
22 at night because I don't want to have to lay  
23 people off, but this is how close it is for me. I  
24 have two locations, I am closing one to keep  
25 people employed full-time at the second location.

1  
2                   And this does not affect any one of  
3 you sitting up there, yet you have opinions about  
4 this. My 15 people will or will not have a job  
5 because of this decision. I also am raising three  
6 children. This is a difficult, difficult time in  
7 business, it's the worst time you could be  
8 thinking of this. All I want is benefits. I gave  
9 my people their birthday off this year, I worked  
10 for them for their birthday because I can't afford  
11 to bring in a replacement therapist while they're  
12 home because many of them--if your hairdresser is  
13 out, do you just get your haircut by anybody? No,  
14 you come on another day when they're back in, so  
15 they're home getting paid, your work didn't walk  
16 in the door.

17                   It makes absolutely no sense, and  
18 this whole legislation is one size fits all. this  
19 is not one size fits all. And I really appreciate  
20 being able to speak here, but I hope you're  
21 hearing us because I love my employees, I don't  
22 have a turnover rate and I don't have a sick time  
23 issue. I have an issue with an organization  
24 coming inside and trying to tell me what benefits  
25 they need. They needed bereavement this year,

2 some of them got it.

3 So I hope you consider this as--  
4 really hear this cry for help for businesses  
5 because four on Staten Island have closed this  
6 year.

7 Thank you.

8 CHAIRPERSON NELSON: I think we  
9 could all use your spa today. Thank you for  
10 coming and testifying.

11 You have your own copy, no, get  
12 away from mine.

13 Yes, the next lady, sure.

14 VICTORIA AVILEZ: My name is  
15 Victoria Avilez and I own a dry cleaning store in  
16 Brooklyn, one in SoHo, here in Manhattan, and I  
17 just set up my cleaning facility at the Brooklyn  
18 Navy Yard, and it has been the most difficult year  
19 in 40 years that I am in business.

20 I employ 35 people, I love all my  
21 employees, I do not call them employees, I call  
22 them family. I handle the sick days on a one-to-  
23 one basis, I just paid my driver two weeks pay  
24 because he twisted his back, I have my [off mic]  
25 who suffer from migraine headaches, I probably pay

1  
2 her this year already probably 13 days today. But  
3 the other 35 employees, if they are not sick, they  
4 are not getting paid for nine days, this will  
5 really break me because I do not like government  
6 or the city running my business, I like to run my  
7 business. I love my employees, you do not love my  
8 employees, you love their taxes.

9 So I like for the city to rethink  
10 this bill, I think it's excessive, I think it is  
11 unfair, and while we take care of our employees,  
12 we are overregulated, we are overtaxed, we pay  
13 123% more taxes than the rest of the country. Our  
14 rents are high, everything is high in the city of  
15 New York. New York is not friendly to the small  
16 business, yet we provide 80% of the employees in  
17 this great city.

18 And I am almost not happy that we  
19 are comparing New York City to San Francisco. It  
20 seems that they are in LaLa Land. We are in the  
21 real world here in the city, we pay our taxes, we  
22 need to be competitive, we need to take care of  
23 our employees and we are at-will, we are not  
24 holding anyone. They come to us because they like  
25 our policies, they like to work with us, and they

2 are happy with us because the door is always open.  
3 No one wants to leave, I have employees for 25  
4 years, some of them never took a day off, but if  
5 they need it, they will get paid.

6 So I'd like for you to consider  
7 this, this is not friendly to the small business  
8 and, again, I like to run the business and I don't  
9 like the city to run it for me.

10 CHAIRPERSON NELSON: Thank you, Ms.  
11 [off mic]. Yes, yes, Patricia.

12 PATRICIA BRODHAGEN: Hi, good  
13 afternoon. I'm Pat Brodhagen from the Food  
14 Industry Alliance of New York State and we're the  
15 trade association that represents the grocery  
16 stores, and our membership is very broad here in  
17 the city from the chains at one end to the  
18 independent owned and operated stores at the other  
19 end. And I have heard from employers on both ends  
20 of that spectrum about this bill and, hence, I am  
21 here to speak with you briefly.

22 Let me just mention a couple of  
23 things. One is the notion about being comparable  
24 to San Francisco for our business. It's not  
25 comparable, neither the bill when you compare the

2 two bills in a few of the key provisions, such as  
3 the use and accrual of the time, and the  
4 collective bargaining opt-out, there are other  
5 points as well, but those are big.

6 But also in terms of the industry.  
7 San Francisco is a city of a little over 800,000,  
8 this is a city, as you know, of well over 8  
9 million and the nature of the business is very  
10 different. San Francisco is dominated,  
11 essentially, by one big chain and a few specialty  
12 stores and New York City is dominated actually by  
13 the independent operators. We have a lot of  
14 chains here, but, taken as a group, market share  
15 is owned by independent owned and operated  
16 supermarkets. So it's quite a different climate.

17 We are also a part-time industry.  
18 You've had lots of testimony about part-time, same  
19 issues apply here--kids, mothers who maybe work  
20 Saturdays and Sundays, holiday periods, summers,  
21 after school, these are the kinds of people we  
22 employ and are concerned that the bill could lead  
23 to a few people having maybe more hours, but a lot  
24 of people having no hours at all.

25 If I could just make one last



2 point--

3 CHAIRPERSON NELSON: [Interposing]

4 Yeah, you could wrap, sure.

5 PATRICIA BRODHAGEN: --and that is  
6 it's ironic in a way, this morning the Committee  
7 on Zoning and Franchises passed what's known as  
8 the FRESH initiative, it will go to the full Land  
9 Use Committee and then before all of you. We  
10 fully support it, we have worked on that for a  
11 couple of years and it also is a health initiative  
12 and the idea is to make entry into certain  
13 neighborhoods in New York City easier for  
14 supermarkets because access to fresh food in  
15 certain neighborhoods is a big problem and  
16 particularly in neighborhoods where health  
17 outcomes are not very good. So the City, as a  
18 policy, is addressing those barriers to entering  
19 into the market, but there are a lot of things  
20 that make doing business here really, really tough  
21 and you've heard about that from a lot of speakers  
22 and it's that cumulative impact, I'm not going to  
23 tell you somebody's going to close their store  
24 because of this, but the cumulative impact of the  
25 regulatory climate is what, in part, drives

2 businesses away, so we really almost have  
3 competing priorities.

4 CHAIRPERSON NELSON: Sure.

5 PATRICIA BRODHAGEN: Thank you.

6 CHAIRPERSON NELSON: Thank you,  
7 Patricia. Council Member Jackson.

8 COUNCIL MEMBER JACKSON: Thank you,  
9 Mr. Chair. Let me just say to this panel--

10 CHAIRPERSON NELSON: [Interposing]  
11 Oh, we have one more person to testify, oh,  
12 sitting so patiently, oh, all right.

13 COUNCIL MEMBER JACKSON: Should I  
14 wait?

15 [Off mic]

16 CHAIRPERSON NELSON: I guess, you  
17 know what, you can let the Council Member ask a  
18 question and then you--

19 [Crosstalk]

20 COUNCIL MEMBER JACKSON: Yeah, well  
21 I wanted to say to this panel, I want to thank you  
22 for taking the time to come in to express your  
23 thoughts and opinions about the bill and on behalf  
24 of the businesses in which you own or you  
25 represent, but let me just say that I disagree

1  
2 with the woman that's standing up from the  
3 cleaners, you're right, I don't love your  
4 employees 'cause I don't know them, but I love  
5 them as human beings, just like I love you as a  
6 human being, but also I don't love your taxes, I  
7 am not here to tax you or anyone else. So let me  
8 just say to you I know this is an emotional  
9 subject for you as a business owner, but it's also  
10 a very emotional subject for the workers that are  
11 forced to come to work when they are sick and have  
12 no sick leave. Even though you said that if a  
13 worker is out sick, that you will give them the  
14 time off that they need, and that's very good.

15 I believe this bill does not say  
16 though they're entitled to a certain amount of  
17 sick leave days under this bill, it's not where  
18 they're paid in cash if in fact they don't use  
19 sick leave. And I say from my personal  
20 perspective and my entire employment when I  
21 graduated from college--prior to that I worked  
22 with small businesses, grocery stores and what  
23 have you and so forth--but, other than that, I  
24 worked for the State of New York for 4 1/2 years  
25 and I worked for a labor union for 22 years, and I

2 say to you that as a worker--and I am a worker, I  
3 don't run my own business, my paycheck is signed  
4 by the City Comptroller, I'm a worker, even though  
5 I'm an elected official--when I left my state job,  
6 I left over 350 hours of sick leave because I  
7 didn't use it because I wasn't sick. And when I  
8 left my union job, I had over 12, 1,300 hours of  
9 sick leave in my bank and left it because sick  
10 leave is supposed to be used only when you are  
11 sick or if you need that sick leave for a family  
12 member according to whatever rules and regulations  
13 there are.

14 So I just wanted to comment, I  
15 heard all of you and what you had to say and I  
16 look forward to working with all of us in order to  
17 try to come up with a bill that is palatable for  
18 all.

19 VICTORIA AVILEZ: Can I just  
20 respond? Can I respond to the gentleman, quick?

21 CHAIRPERSON NELSON: Can you just  
22 take 30 seconds for that? Yeah.

23 VICTORIA AVILEZ: Quickly.

24 CHAIRPERSON NELSON: 'Cause we  
25 don't want to have a--

2 VICTORIA AVILEZ: [Interposing] We  
3 speak about a moral issue and it is a moral issue,  
4 but more than a moral issue, it's an economic  
5 issue because I've been told that I need a brain  
6 because I have another heart up here and not a  
7 brain. So I do love my employees and when it  
8 comes to nine sick days, if the economics are not  
9 there to pay everyone nine sick days, then it's  
10 not good. The moral can go to wherever it wants,  
11 we need the economics and the money to pay them,  
12 and if we can pay them, we will. I used to pay  
13 health care for everybody and I was forced to drop  
14 it.

15 CHAIRPERSON NELSON: Okay. We'll  
16 take all--

17 [Crosstalk]

18 COUNCIL MEMBER JACKSON: Well  
19 that's you, though--

20 CHAIRPERSON NELSON: --into  
21 consideration.

22 COUNCIL MEMBER JACKSON: --that's  
23 you as one employer, we wish every employer was  
24 like you, maybe we would not be here today if that  
25 was the case.

2 VICTORIA AVILEZ: And I am a worker  
3 because after I pay 35 people, if I have money, I  
4 get paid, if not, I don't get paid, but they all  
5 get paid.

6 CHAIRPERSON NELSON: Thank you,  
7 ma'am.

8 COUNCIL MEMBER JACKSON: But I  
9 appreciate you coming in, believe me, I do.

10 CHAIRPERSON NELSON: Thank you.  
11 Councilman Jackson. [Off mic] Last speaker for  
12 this panel.

13 ROSINA RUBIN: Good afternoon.

14 CHAIRPERSON NELSON: Hi.

15 ROSINA RUBIN: My name is Rosina  
16 Rubin and I speak today as the CFO and co-owner of  
17 a small business which currently employs 60  
18 people.

19 We have offered company-sponsored  
20 health insurance for 19 years since we hired our  
21 first employee. In the last two years, our  
22 revenues have declined by more than 30%, but we  
23 have made no layoffs or salary reductions, largely  
24 due to the responsibility that we feel to the  
25 employees and their families. We are open 24

2 hours a day, 7 days a week, 365 days a year, and  
3 have many employees who work on flexible schedules  
4 designed in concept with the management and are  
5 paid on an hourly basis. We also employ regularly  
6 scheduled salaried employees who receive paid sick  
7 days as part of their compensation.

8 I do support the point raised  
9 earlier by several speakers that you might explore  
10 the idea of exempting or changing the structure of  
11 this bill for such 24 hour type businesses where  
12 my employees do not lose pay if they're sick,  
13 there's always a shift for them to make up.

14 I'm of firm belief that most small  
15 businesses will provide whatever they can afford  
16 in a way of benefits to their employees because  
17 that is simply good business and the best way to  
18 compete for top talent.

19 Given these economic times, I think  
20 it is incongruous to a point to a study on the  
21 passage of paid sick legislation in San Francisco  
22 during an economic boom as proof that  
23 implementation of such mandates here would have no  
24 ill effect. I believe that companies like mine  
25 would be forced to cut other benefits and to

2 eliminate jobs simply because we've reached the  
3 limit of what we can afford. Small businesses  
4 like mine would have to look for ways to replace  
5 staff employees with freelance contractors or  
6 leased employees.

7 And I've given some thought to who  
8 might be the first to go. It would probably be  
9 the two high school students who come in after  
10 school to clean up in the office and the garage.  
11 Both are sons of employees, they earn more than  
12 minimum wage at their first job. They work for us  
13 on a schedule of their own design and are part of  
14 a long tradition of young men who have worked here  
15 learning responsibility and good work ethic and  
16 then gone on to better jobs and most to college.  
17 Their services are not essential, it might already  
18 be less expensive to hire a cleaning service. In  
19 the scenario you have proposed, it would be  
20 imperative.

21 And if you're interested, I would  
22 like to tell you why sometimes asking an employee  
23 to bring in a letter after being out one day sick  
24 can be really important, not just to the business,  
25 but to that employee.



2 CHAIRPERSON NELSON: Appreciate  
3 your testimony as well. And, just for the record,  
4 Wendy Chavkin, Doctor, M.P.H., has testimony  
5 submitted as well.

6 Questions. Council Member Brewer.

7 COUNCIL MEMBER BREWER: Thank you.  
8 Just very quickly, for the grocery and  
9 supermarkets, what do people do if they are sick?  
10 Obviously, it's part of the contract for those in  
11 United Food and Commercial Workers, what do the  
12 independents do if somebody's sick? How do they  
13 handle it?

14 MALE VOICE: That's okay.

15 [Crosstalk]

16 PATRICIA BRODHAGEN: They stay  
17 home. This is not particularly a full-time issue  
18 for us, it's really a part-time issue, and so a  
19 part-time worker has a flexible schedule and that  
20 flexibility comes into play and that sick person  
21 most typically would stay home.

22 COUNCIL MEMBER BREWER: Because I  
23 would think also that, you know, for living  
24 paycheck to paycheck like so many workers, you  
25 probably do want to come to work, even though

2 you're slightly ill because you don't want to lose  
3 that paycheck and you may or may not be able to  
4 make up the shift.

5 PATRICIA BRODHAGEN: But you know,  
6 we're in the food industry, so we're pretty  
7 sensitive to the health issues and we've been  
8 collaborating pretty closely with OEM and the  
9 Health Department on the protocol for H1N1 and  
10 hand sanitizing and washing and, you know, staying  
11 home if you're sick, you know, the whole protocol.  
12 I think our store people are pretty adamant about  
13 enforcing those provisions because of the fact  
14 that we're a place of public assembly and we  
15 handle food.

16 I would say further that no person,  
17 I don't believe, in our industry who does stay  
18 home sick whether they're paid for it or not,  
19 would lose their job, their jobs just would not be  
20 in jeopardy for staying home sick.

21 COUNCIL MEMBER BREWER: Okay. Well  
22 I want to thank you all because some of you had  
23 some great suggestions and I really want to thank  
24 you for making that effort, thank you.

25 CHAIRPERSON NELSON: And before you

2 leave, I'm sorry, Council Member Jackson had  
3 another question.

4 COUNCIL MEMBER JACKSON: Let me  
5 just say that Mr. Bonizio--

6 CHAIRPERSON NELSON: Or statement.

7 COUNCIL MEMBER JACKSON: --I've  
8 listened to your testimony and it seems as though  
9 that you and/or the members of the Bronx Business  
10 Alliances really looked at the proposed  
11 legislation and made suggestions and I'm sure that  
12 I don't know whether or not the suggestions you  
13 made were made earlier, unfortunately, I was not  
14 here, I was at a dental appointment and I just  
15 arrived back, but clearly I'm sure that everything  
16 what this panel has just said will be taken under  
17 consideration, so thank you very much.

18 [Pause]

19 CHAIRPERSON NELSON: Thank you all.  
20 Okay. Yes, there are, see, Sheebani Patel, she's  
21 here, or he's here, I'm sorry, she is, okay.  
22 Gabino Hernandez, Donna Dolan, Adela Vargas, and  
23 Becka Telzack [phonetic]. That's a panel. Okay,  
24 and the City Council today [off mic]. [Pause]  
25 Rosina Rubin, I thought she's--

2 [Off mic]

3 FEMALE VOICE: I'll be [off mic]

4 for--

5 [Pause]

6 CHAIRPERSON NELSON: Okay.

7 FEMALE VOICE: Thanks.

8 [Off mic]

9 CHAIRPERSON NELSON: Okay, whoever  
10 is prepared to speak first from my left to my  
11 right, please feel free to do so.

12 BECKA TELZACK: Hi, is it on?

13 [Off mic]

14 CHAIRPERSON NELSON: Okay.

15 BECKA TELZACK: My name is Becka  
16 Telzack and I'm here from Small Business United  
17 for Health Care, Small Business United for Health  
18 Project of Make the Road New York and I'm speaking  
19 on behalf of Carmen Ledesma, who, unfortunately,  
20 couldn't come today at the last minute.

21 So this is Carmen's testimony for  
22 her.

23 CHAIRPERSON NELSON: Okay.

24 BECKA TELZACK: So my name is  
25 Carmen Ledesma and I have been the owner of Medi-

1 Spa and Salon La Parisien located in Woodside,  
2 Queens for over 15 years. I moved to the United  
3 States in 1991 from Asuncion, Paraguay. Although  
4 Paraguay is a poor country, much, much poorer than  
5 the United States, everyone has at least three  
6 paid sick days, in addition to health care.

7 Whether it is because you are sick, you are in the  
8 last day of your pregnancy, you have to take care  
9 of a sick child, or you have to stay home to  
10 prevent yourself from getting sick, in Paraguay,  
11 it is understood that paid sick days are necessary  
12 to keep the community healthy.

13  
14 One of the first things you learn  
15 in cosmetology school is never go to work sick  
16 because you are putting your customers at risk. A  
17 worker who gets the flu, for example, needs to be  
18 able to stay home and not come to work and  
19 interact with clients. This is why from the  
20 beginning I have always given my workers paid sick  
21 days because I know it is very important for my  
22 business and our community.

23 In addition, a small business is a  
24 team effort. I have had so much success in  
25 creating harmony, security, and happiness in my

1  
2 salon because I see myself as just one part of the  
3 team and I treat my employees the way I would want  
4 to be treated. Every day, my employees become  
5 better and better at what they do and by providing  
6 paid sick days, I get to take full advantage of  
7 their progress. Because I provide paid sick days,  
8 my employees know they have job security and I am  
9 secure in knowing that they won't decide to work  
10 elsewhere.

11 As a small business owner, it is my  
12 job to make sure my business is working the best  
13 it can and that means making sure my team is  
14 healthy. Providing paid sick days is about  
15 respect: respect for the employee, respect for the  
16 client and respect for the community.

17 I am asking you as our elected  
18 officials to do the right thing and pass the paid  
19 sick time act this year. By doing that, you'll be  
20 showing your respect for not only employees who  
21 work for small businesses, but for small business  
22 owners like me who need healthy and committed  
23 employees to be successful. Thank you.

24 CHAIRPERSON NELSON: Thank you.

25 DONNA DOLAN: Good afternoon, my

2 name is Donna Dolan and I chair the New York State  
3 Paid Family Leave Coalition and I'm also a staff  
4 representative for the Communications Workers of  
5 America, District 1. And you have a copy of my  
6 testimony, I would really like to use my two  
7 minutes to address some issues that we've talked  
8 about this afternoon.

9 With respect to one of the bill  
10 opponents in the comment regarding the opt-out for  
11 unions covered by collective bargaining  
12 agreements, I would just like to say that the  
13 overwhelming majority of union collective  
14 bargaining agreements provide for paid sick time,  
15 so this is not certainly a benefit that unionized  
16 workers do not have, they typically have paid sick  
17 time. I would just like to get that on the  
18 record.

19 Another person raised the issue of  
20 paid time off. Any employers that have paid time  
21 off policies, they will not have to change their  
22 policies with respect to this piece of  
23 legislation, so I want to debunk that comment  
24 right off the top.

25 Next, we've heard, we know this is

1  
2 the worst economy that anyone here has faced, it's  
3 the worst economy in 80 years and it's a time of  
4 economic distress, but that economic distress also  
5 is an economic distressful time for workers. They  
6 can't afford to risk losing their job or being  
7 disciplined and getting discipline points against  
8 them towards termination if they're forced to stay  
9 home because they are ill, and what typically  
10 happens is they are coming to work. I think my  
11 time is up, sorry.

12 CHAIRPERSON NELSON: Paragraph for  
13 summation or anything?

14 DONNA DOLAN: Yes.

15 CHAIRPERSON NELSON: Okay.

16 DONNA DOLAN: If I can summarize by  
17 just talking about, I was sitting with the  
18 drafters of the bill and in terms of comments that  
19 we heard about employers feel they're going to be  
20 penalized for part-time workers, well the bill  
21 drafters would be happy to tweak the bill so you  
22 can define employees as full-time equivalents.  
23 Therefore, if you have 20 part-time workers, the  
24 equivalent would be--

25 CHAIRPERSON NELSON: Ten.



2 DONNA DOLAN: --ten full-time  
3 workers. And remember, paid sick time is not  
4 based on the number of workers, it's based on the  
5 hours worked.

6 CHAIRPERSON NELSON: Right.

7 DONNA DOLAN: So we want to really  
8 underscore that.

9 CHAIRPERSON NELSON: Banked days,  
10 yeah.

11 DONNA DOLAN: Thank you, and I--

12 CHAIRPERSON NELSON: Thank you,  
13 ma'am.

14 DONNA DOLAN: --urge passage as  
15 soon as possible.

16 CHAIRPERSON NELSON: Thank you.

17 [Off mic]

18 Good afternoon--

19 CHAIRPERSON NELSON: Hi.

20 FEMALE VOICE: --City Council, I'm  
21 going to be translating for [off mic]--

22 CHAIRPERSON NELSON: Sure.

23 FEMALE VOICE: --until she's done.

24 CHAIRPERSON NELSON: Okay.

25 ADELA VALDEZ (THROUGH TRANSLATOR):

2 My name is Adela Valdez and I'm a member of Make  
3 the Road New York. I'm here in front of you  
4 elected officials asking that they pass paid sick  
5 time act this year for all of the hardworking  
6 people of New York City.

7 Everyone gets sick and everyone  
8 should have the right to take care of themselves  
9 and stay healthy without putting their job at risk  
10 or losing a day's pay. Right now, workers in this  
11 city don't have the right to take a paid day off  
12 when they're sick.

13 I have worked in restaurants as a  
14 janitor and have taken care of children and the  
15 elderly. For me, it's important to have paid sick  
16 time in order to keep the entire community  
17 healthy. When people don't have the right to take  
18 a paid day off from work, we are forced to go to  
19 work sick and put the people we come into contact  
20 with at risk of catching what we have.

21 When our kids get sick, we have to  
22 choose between taking care of them or losing our  
23 income, that is if we can get permission to take a  
24 day off.

25 This act will not only protect the

1 health of our community, but our job as well.

2  
3 I worked in a factory for three  
4 years making maps. When I got sick, I had to go  
5 to work. One day I had a fever, but I came to  
6 work because I had no other choice. Three days  
7 passed and I wasn't getting any better, I felt  
8 awful and decided to ask my boss for permission to  
9 go to the hospital. When I told her that I wasn't  
10 feeling well and needed to leave, she told me  
11 okay, you have permission, but if you leave, don't  
12 come back. At this factory, we need people who  
13 come here to work, not people who get sick.  
14 Because I got sick I lost my job.

15 This is why I'm here asking City  
16 Council to pass paid sick time this year. Maybe  
17 the heads of large corporations think that this  
18 isn't their problem because they don't have to  
19 worry about losing a day pay if they're sick. But  
20 the people that serve their food or clean their  
21 offices don't have the same luxury and end up  
22 putting everyone at risk. Therefore, this family  
23 is not only important for workers like me, this is  
24 everyone's problem and that's why passing the paid  
25 sick time act this year is a solution for

2 everyone. Thank you.

3 CHAIRPERSON NELSON: Yes, sir.

4 Thank you.

5 FEMALE VOICE: I'll also be  
6 translating for Gabino Hernandez.

7 CHAIRPERSON NELSON: Okay.

8 GABINO HERNANDEZ (THROUGH  
9 TRANSLATOR): My name is Gabino Hernandez and  
10 since coming to this country from Mexico 13 years  
11 ago I have worked various jobs to try to support  
12 my family. In every single job I had from working  
13 in a factory to making deliveries for a  
14 restaurant, I've never had paid sick days. As a  
15 consequence, I have gone to work sick a lot.

16 Two months ago, while making a  
17 delivery for the restaurant I worked at, I was  
18 assaulted by five men and robbed. The men kicked  
19 and punched me and stole, not only the tips I had  
20 made that night, but also the money I had  
21 collected for the night's deliveries. I spent a  
22 night in the hospital because my injuries were so  
23 bad.

24 After leaving the hospital, I spent  
25 a day recovering at home and then reported for the

1  
2 work the next day. My boss saw my bruised,  
3 swollen and stitched up face and said that I  
4 should take another week at home and then come  
5 back to work. He said he was worried about what  
6 customers would think when they saw my face. He  
7 told me to take my time and make sure that I get  
8 well.

9 A week later, I returned to work  
10 just like my boss had told me to. When I showed  
11 up ready to work, my boss told me I no longer had  
12 a job, he had found someone else to replace me.  
13 He told me he was sorry, but there was nothing he  
14 could do. When I asked him for three days of pay  
15 he still owed me, he said that he was deducting  
16 those days to make up for the money that had been  
17 stolen from me.

18 I'm the father of four children and  
19 I'm the sole breadwinner of my family. I have  
20 worked 13 hours at that restaurant, five days a  
21 week for a year and a half. I was severely  
22 injured while working and, not only did I not get  
23 paid for that time I spent in the hospital or at  
24 home recovering, but I lost my job because of that  
25 time I had to miss. It wasn't my fault that I got

2 assaulted, but yet I have to bear the  
3 consequences.

4 Please pass the paid sick time act  
5 so that people like me who get sick or injured can  
6 take the time we need to recover without fear.  
7 Thank you.

8 CHAIRPERSON NELSON: Gracias.

9 SHEEBANI PATEL: Good evening, now.  
10 My name is Sheebani Patel and I am the policy  
11 organizer/attorney on staff at the Restaurant  
12 Opportunity Center of New York.

13 On behalf of my organization, I'd  
14 like to thank New York City Council and the  
15 Speaker's office for calling this hearing and I'd  
16 like to especially thank Councilwoman Gale Brewer  
17 for being such an advocate for paid sick days and  
18 restaurant workers.

19 Really quickly, the Restaurant  
20 Opportunity Center of New York is a membership-  
21 based organization that was founded in 2002 to  
22 assist displaced restaurant workers after 9/11.  
23 Our goal is to make the restaurant industry a  
24 better place for the people who are working in it.  
25 We do this via a strategy which includes workplace

2 justice campaigns, research and policy, job  
3 training and placement, and promoting exemplary  
4 employers in the industry. Through this  
5 comprehensive approach, we have acquired 3,400  
6 members and we've replicated the ROC model around  
7 the country.

8 I'd like to also--this has not been  
9 mentioned today, but the restaurant industry  
10 itself is the largest private sector employer in  
11 the nation and it's one of the first to recover  
12 from a downturn. Actually, in this downturn,  
13 we've seen an increase in restaurants such as  
14 franchises opening around the city, places where,  
15 like where Cherokee works, there's actually been  
16 more openings in neighborhoods across the city and  
17 these are, again, workers without paid sick days.

18 I'm going to speak briefly about  
19 our research. Over and over, the message is  
20 clear: Most restaurants have little to no benefits  
21 and behind the kitchen door, we looked at the  
22 overall conditions of the restaurant industry in  
23 New York City and, among many things we saw about  
24 the industry was predominantly immigrants and  
25 workers of color, and that over half these workers

1  
2 have worked when sick.

3 In the Great Service Divide, which  
4 is a report on discrimination, we saw that for the  
5 server positions that, you know, the restaurant  
6 people always like to talk about, the well paid  
7 positions, the living wage positions, people of  
8 color and immigrants are almost half as likely to  
9 get those positions, those are not the majority of  
10 positions in the industry. Most restaurant  
11 workers are low wage workers, workers below the  
12 poverty line and workers that do not have benefits  
13 like paid sick days.

14 And finally, to speak to the issue  
15 of tips, I've heard that a lot today, again, the  
16 tip minimum wage in New York state is 4.60 an  
17 hour, tips do not make workers complete in most  
18 situations to even the minimum wage. And, again,  
19 the minimum wage is below the poverty line, so  
20 getting tips does not make up for a sick day.

21 CHAIRPERSON NELSON: Thank you, Ms.  
22 Patel, and we thank this panel. No questions,  
23 thank you so much.

24 Okay. [Pause] Robert Federiko  
25 [phonetic], if Robert is still here. We have



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMITTEE ON CIVIL SERVICE AND LABOR 217

Theodore Renz, if Mr. Renz is still here. We have Debra Kravet, Debra, finally, huh? Ding, ding, ding, ding, ding, like a lottery. Is it Gioia? P Kumbretti [phonetic], was I even close? You make this out? Ambretti? Still here? No? Okay. So we have two people on the panel so far. It's Mr. Federiko, is that right?

[Off mic]

CHAIRPERSON NELSON: Good, and Ms. Kravet? Good, good, good, good, two, so I'll call a few others.

[Off mic]

CHAIRPERSON NELSON: No, I think we have one more panel after this. And Steven Kopola [phonetic], Mr. Kopola is here, good. And Irene LoRe, Lori [phonetic]?

FEMALE VOICE: LoRe.

CHAIRPERSON NELSON: LoRe, thank you, Irene. And Vincent Imazone [phonetic]? Imazona?

MALE VOICE: He's not here.

CHAIRPERSON NELSON: He left? Okay. Oops, so this is what I have here.

FEMALE VOICE: Okay.

2 CHAIRPERSON NELSON: A few of them,  
3 these are already people who have left I think.

4 [Pause]

5 CHAIRPERSON NELSON: Not bad [off  
6 mic]. Okay, whichever person would like to be the  
7 first panelist. By default, okay.

8 [Pause]

9 ROBERT FEDERIKO: Thank you for the  
10 opportunity, I appreciate being here and I  
11 appreciate everybody sticking around to hear all  
12 of us getting a chance to talk.

13 I just want to talk practical, I  
14 have a feeling that this will go through no matter  
15 what, but I'm hoping being I'm a person that I  
16 like to solve problems. I'd like to bring some  
17 things to the attention of the Council.

18 In the home improvement business  
19 industry which I represent, we have a lot of  
20 contractors that would love to be able to pay 20  
21 sick days, have pensions of 20 years, to be able  
22 to have unlimited holidays, but we can't do that.  
23 Instead, we lose most of our employees to  
24 government agencies. We want to keep employees as  
25 much as possible, but many of them are struggling

1  
2 very much to keep an employee. So when we say  
3 that it's hard for nine days sick, it is very  
4 hard.

5 I wish you would consider as an  
6 amendment if the company has under 30 employees or  
7 under 20 employees, try to keep it at five days,  
8 it'd be a little bit more reasonable. 'Cause we  
9 are struggling and every time we lose a good  
10 employee to a government job, that's somebody else  
11 that we trained, that we had working for us that  
12 knows the occupation, but we lose them. We would  
13 love to pay better benefits than the city  
14 agencies, but we can't afford to in business.

15 And also, on a personal note, I  
16 have a business that operates 24/7, there are no  
17 holidays, we work Christmas day, Christmas Eve,  
18 New Year's day, New Year's Eve, all the  
19 President's Day, there is no time because we  
20 monitor alarm systems for the city of New York, we  
21 monitor for the fire department, for EMS, for the  
22 police department. We have usually a minimum of  
23 two people on a shift and we work 24/7. If any of  
24 these two people call in sick, we could be in  
25 trouble. We can't have less than two people

2 working on a shift.

3 In 2000, before I bought the  
4 business--I know it's time I got--just to sum it  
5 up--in 2000, before we bought the business, both  
6 people called in sick to the previous owner and  
7 both of those people were found in the Staten  
8 Island Mall shopping instead on Christmas Eve,  
9 they both got fired. It's not right, if people  
10 are sick, they deserve to get paid, but if they're  
11 not sick, please consider putting something in the  
12 bill where people that have an emergency 24/7  
13 operation like we do, that the people, we could go  
14 to their house to verify that they're sick.  
15 Because we'll do that, it's that important,  
16 otherwise we have to try to find another employee  
17 that wants to be off on that holiday and have that  
18 person work that holiday and it's just not fair.

19 So please consider that when  
20 finalizing the bill. Thank you.

21 CHAIRPERSON NELSON: Thank you,  
22 sir.

23 IRENE LORE: Yes? Hi, my name is  
24 Irene LoRe, I own a 50-seat restaurant, we have 12  
25 seats at the bar, you're all welcome. Aunt

2 Suzie's Restaurant, 5th Avenue between Carol and  
3 [off mic]. I also am the Executive Director of  
4 the Park Slope Business Improvement District on  
5 5th Avenue, I also represent 550 businesses, not a  
6 handful of them have more than 25 employees.

7 We are struggling, our customer  
8 counts are down, our average unit sales are down.  
9 I go to bed every night saying I have to look at  
10 the hours people are working and I can't do it  
11 because I know I'm going to wind up cutting  
12 somebody's hours. The first person who's hours  
13 are going to cut, of course, they're going to be  
14 the kids, but I have some college kids who are  
15 paying tuition by working at Aunt Suzie's.

16 Then we have two kinds of employees  
17 in the restaurant business: Those who take it as a  
18 career, they're serious about their work, they  
19 come to work, and then it's a business filled with  
20 transients. In other words, they're on their way  
21 to being a great Broadway star, a writer, an  
22 artist, we've all met them and we've all seen them  
23 in the restaurants and they're not so dedicated  
24 and I got to tell you what a sick day is to them.  
25 A sick day is a hangover and we can't afford the

2 kind of pressure that these rules will bring to  
3 bear on small businesses.

4 Now I know that this is skewed  
5 arithmetic, but if you took a business with 15  
6 employees and they all took nine sick days, that's  
7 135 days and now if you're a small mom and pop,  
8 either retail operation or a restaurant, you have  
9 to get somebody in to cover them, so that's not  
10 135 days, that's 270 days, and, ladies and  
11 gentlemen, that's a job.

12 And you're killing us. The city of  
13 New York with the state of New York--the State  
14 recently did a sweep in Park Slope, they marched  
15 in like Gestapo, the State Labor Department,  
16 badges flash, during dinner hours, followed a 19-  
17 year-old busboy around who told them you have to  
18 stop badgering me, I got to get bread to that  
19 table. They went into my kitchen during work and  
20 this is what we were afraid of, it's very hard for  
21 us to trust these bureaucracies. It's very  
22 difficult for us to trust elected officials, we  
23 don't--present company excluded, of course--  
24 because in these economic times, in these hard  
25 economic times, you go to your agencies and you

2 say give them tickets, give them fines. You're  
3 killing us.

4 CHAIRPERSON NELSON: Well thank--

5 IRENE LORE: You're killing us, I  
6 don't know how I'm going to save these jobs that I  
7 have in my hands and I don't know how I--my  
8 businesses and my bid, they are down anywhere up  
9 to 40%.

10 CHAIRPERSON NELSON: [Interposing]

11 All right, we got you, thank you for your  
12 veracity, and rightful emotions. That's what  
13 you're allowed to do in the city of New York.

14 IRENE LORE: And you need to talk  
15 to--you talked to, you know, the nice--Carl, I  
16 love Carl, he's a great guy, I'm on the Board of  
17 Directors of--

18 CHAIRPERSON NELSON: [Interposing]

19 Carl Hum.

20 IRENE LORE: --of Carl Hum, Board--

21 CHAIRPERSON NELSON: Sure.

22 IRENE LORE: --I'm on the Board of  
23 Directors of the Brooklyn Chamber, I have to tell  
24 you, you have to talk to the mom and pops because  
25 we are the people--listen, I got news for you, on

2 Sunday, I was back behind a stove again because  
3 somebody was out. I mean we are working side-by-  
4 side to make a living with our employees and this  
5 recession--I've been in business since 1982--is  
6 the worst I've ever experienced. And you all give  
7 lip service to that, but not one agency, not one  
8 level of government is here to help us.

9 CHAIRPERSON NELSON: Has this been  
10 worse than 2001?

11 IRENE LORE: Absolutely,  
12 absolutely, 2001, the recovery came so fast, it  
13 was unbelievable. We're in a second year of  
14 recession and Bernanke said yesterday, he said,  
15 you know, before the jobs grow, we must grow these  
16 jobs. Before the jobs grow, we have to get  
17 increased productivity. Now--

18 CHAIRPERSON NELSON: Okay.

19 IRENE LORE: --when my waiters get  
20 hold of this nine sick days, you know, that's not  
21 increased productivity.

22 CHAIRPERSON NELSON: [Interposing]  
23 No, we have regulatory review panel that you  
24 probably know working--I'm sure Carl does,  
25 hopefully we can do something with small business



2 'cause I know small business needs a better shake,  
3 there's no doubt about it.

4 IRENE LORE: It's unbelievable.

5 CHAIRPERSON NELSON: Yeah, I've  
6 known this, I was briefly Chair of the Small  
7 Business Committee about five, six years ago, I  
8 had a little taste of that. Yes, Ms. Kravet.  
9 Thank you, Ms. LoRe.

10 IRENE LORE: I'm sorry.

11 DEBRA KRAVET: That's okay.

12 CHAIRPERSON NELSON: Okay.

13 DEBRA KRAVET: Good evening, my  
14 name is Debra Kravet, I am a resident of New York  
15 City for 27 years, a business owner on the Upper  
16 West Side, I own Apthorp Cleaners and a business  
17 in the Bronx.

18 I've had my share of problems in  
19 maintaining my business starting three years ago  
20 with Columbia University not renewing my lease in  
21 my property in Harlem and I had to relocate to the  
22 Bronx, that was one economic hardship.

23 My store was located in the Apthorp  
24 Apartment building for 26 years. When it was  
25 sold, I was told my lease would be terminated. So

2 on June 30th of 2008, I closed my business and  
3 thank God I had my plant in the Bronx and was able  
4 to operate for nine months without a retail  
5 location.

6 I have since reopened on the Upper  
7 West Side on Amsterdam Avenue and am very happy to  
8 be back in business and many of the clients,  
9 friends, neighbors have welcomed my return to the  
10 neighborhood.

11 With all of this, if it wasn't  
12 economically difficult before all of this, it  
13 certainly is now. The economy is terrible. I'm  
14 in the dry cleaning business, most of my employees  
15 have specialized talents--they're pressers,  
16 they're tailors, they're spotters, they're  
17 cleaners. We don't have a handful of those  
18 people, we have one or two of each of those  
19 people, so when one doesn't come to work, it's  
20 very difficult. You know, I pride myself in  
21 taking good care of my employees, we do not have a  
22 written stated sick leave package, but all of my  
23 employees get paid when they're sick. They come  
24 to work because they enjoy coming to work and they  
25 want to work.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Just with the economic climate the way it is, I just find that it's almost impossible to think that I could bear the brunt of anymore. You know, and participating in the SBA and the IDA and the New York State Development Corporation and all these things that I do require me to hire more people. It's so hard for me to hire those people, so I'm at risk of losing benefits that I've paid to get.

[Pause]

CHAIRPERSON NELSON: ..Ms. Kravet.  
Mr. Kopola?

THEODORE RENZ: Okay. Good evening, my name is Ted Renz--

[Crosstalk]

CHAIRPERSON NELSON: [Interposing]  
You could maybe lean up closer?

THEODORE RENZ: Yeah, okay. Dear distinguished members of the City Council, my name is Theodore Renz and--

CHAIRPERSON NELSON: [Interposing]  
Oh, I'm sorry.

THEODORE RENZ: Yeah, it's okay. I am speaking on behalf of the Myrtle Avenue

1  
2 Business Improvement District in Ridgewood,  
3 Queens, New York. I have to say that because  
4 there is a Brooklyn bid in Myrtle Avenue in  
5 Brooklyn.

6 CHAIRPERSON NELSON: Right.

7 THEODORE RENZ: Our board met at  
8 our regularly scheduled meeting on November 9th  
9 and, after much discussion, they voted to oppose  
10 the New York City Council's proposed paid sick  
11 leave legislation.

12 The Myrtle Avenue Business  
13 Improvement District comprises of some 320 retail  
14 and service establishments, most of them small mom  
15 and pop businesses serving the greater Ridgewood  
16 community.

17 While this bill is well-  
18 intentioned, we believe the City Council does not  
19 fully understand the day-to-day operations of New  
20 York City's small businesses, many of which are  
21 struggling through the worst economic downturn  
22 since the 30s. New York City businesses are  
23 already besieged with new added taxes, fees, and  
24 other operating increases that impact their  
25 ability to conduct business.

2 This mandate under fear of  
3 receiving a \$1,000 fine for each infraction or  
4 potential infraction will further hinder matters.  
5 Furthermore, by imposing this mandate, you may  
6 find an unintended consequence--many businesses  
7 may be forced to reconsider hiring new employees  
8 or, worse yet, consider reducing their workforce  
9 to pay for these new mandates, thus adding to more  
10 people on the unemployment rolls.

11 Government is offering too quick to  
12 impose mandates but sometimes does not offer  
13 proper help in meeting the new guidelines or  
14 offering a reasonable transition period. This  
15 bill won't fit all policy will ultimately restrict  
16 the business community's flexibility in responding  
17 to an uncertain market. This broad stroke  
18 neglects the diversity of New York City businesses  
19 and their varying needs. We believe our small  
20 businesses are the engine of the economy and are  
21 very important to the neighborhoods and the city  
22 of New York.

23 As the bill is presently written,  
24 we cannot support it, but we are open to  
25 discussions and working out--we're not

2 unreasonable people, so...

3 CHAIRPERSON NELSON: Thank you, Mr.  
4 Renz. I believe some of us feel like we want to  
5 tweak this somewhat and make it more palatable, if  
6 you will.

7 THEODORE RENZ: You can do--

8 CHAIRPERSON NELSON: Again, that's  
9 what compromise is--

10 [Crosstalk]

11 CHAIRPERSON NELSON: --nobody  
12 should be that happy and nobody should be that  
13 miserable either.

14 THEODORE RENZ: You do have very  
15 articulate people here that are far more  
16 intelligent about this issue than I am, I mean you  
17 have Carl Hum here and I know you have Kathy Wylde  
18 from the Partnership who was here, and there are  
19 others, and including my colleagues here.

20 CHAIRPERSON NELSON: And Suzie?

21 THEODORE RENZ: Yes, absolutely.

22 CHAIRPERSON NELSON: Ms. LoRe,  
23 right. And Mr. Kopola, etc.

24 [Off mic]

25 CHAIRPERSON NELSON: RJ.

2 COUNCIL MEMBER JACKSON: Let me  
3 just make one comment with respects to the  
4 gentleman at the end who said this is probably a  
5 done deal, it's not a done deal, I mean to say  
6 that to you. I'm a member of this body for now  
7 going on my eighth year and this is the first  
8 hearing on this particular matter, there may be a  
9 future hearing, but it's not a done deal. I think  
10 that I know that myself and others are listening  
11 to what you have to say, that's why I'm here, in  
12 order to listen and take into consideration, and I  
13 do know that the Speaker's office and the central  
14 staff are doing the same thing.

15 I do say that the scenario that you  
16 brought about as far as you know, your business is  
17 24/7 and that, you know, two employees, I guess of  
18 the previous owner, had taken off on sick leave  
19 and they were found in the Staten Island Mall  
20 shopping. I mean clearly, as I said before, and  
21 you may have heard when I said that sick leave is  
22 supposed to be used when you're sick, not when you  
23 need a day off from work to take care of personal  
24 business or other stuff like that. If you have  
25 vacation leave, you use vacation, you put in for

1  
2 it in advance, and I think that that's the, from  
3 my perspective and that's a reasonable approach  
4 that this bill and any law or any regulation  
5 should have.

6 And as far as, Miss, you talked  
7 about it's your business and, you know, we're not  
8 the executive branch, we're the legislative  
9 branch. The New York City Police Department, the  
10 Department of Environmental Protection, the  
11 Traffic Enforcement agents--those are all under  
12 Mayor Bloomberg's control, not under our control.  
13 And in fact and you may have read the papers and  
14 heard the news, we passed some laws yesterday  
15 about traffic giving out tickets and stuff like  
16 that, and the Mayor plans on vetoing the bills  
17 that we passed. And the bills that we passed  
18 yesterday, many comments from my colleagues and  
19 including myself talked about, you know, that  
20 these traffic enforcement laws were made to, not  
21 as money making laws, they were made to ensure  
22 that the streets are safe as far as double parked  
23 cars and stuff like that, and not to be used in  
24 order to raise money. And so that's why we passed  
25 these laws yesterday concerning, you know, the



2 muni meters, the 5-minute grace period because  
3 many of my colleagues have heard it from their  
4 constituents about tickets, so forth and so on.

5 So, as a legislative body, I think  
6 we have our ears to the ground and listening to  
7 what people have to say and, even though you may  
8 not agree all the time on it, but I just say to  
9 you, that is the case.

10 CHAIRPERSON NELSON: Yes, sir?

11 THEODORE RENZ: Yeah, I'd just like  
12 to say, we've already begun our conversations with  
13 both Diana Reyna and Elizabeth Crowley sit on our  
14 bid board and I know they've signed onto this  
15 bill, but they're very understanding and to listen  
16 to what our needs are and I respect them both  
17 highly for all they've done.

18 CHAIRPERSON NELSON: Well, good,  
19 and that aside, see it's not a waste of time to  
20 come here or get in touch with the City Council or  
21 staying here as late as many of you have and I  
22 want to also, by the way, thank my colleagues:  
23 Annabel Palma, Robert Jackson, and of course, Gale  
24 Brewer, who stayed very late. And, again, our  
25 very, very trusted aides with us, the counsel and

2 so on.

3 It's not a waste of time because  
4 all--if nobody came on another side, the odds are  
5 that the one side would usually get what they  
6 want, just, you know, the way it works. So  
7 congratulations for everybody coming out today.

8 Yes, ma'am?

9 [Off mic]

10 CHAIRPERSON NELSON: Ms. LoRe?

11 [Off mic]

12 [Pause]

13 MALE VOICE: You can turn the mic--

14 CHAIRPERSON NELSON: Oh, press the  
15 button again, Ms. LoRe?

16 COUNCIL MEMBER JACKSON: Speak into  
17 the mic, please.

18 IRENE LORE: Oh, I'm sorry.

19 CHAIRPERSON NELSON: Yeah. Speak  
20 to this mic here.

21 IRENE LORE: The young lady in red  
22 left and one of her last comments was that the  
23 restaurant business is growing because franchises  
24 are coming in. You know, that's part of the  
25 problem. You know, we're the mom and--we

2 represent mom and pop operations bids, like I  
3 said, I don't think there's 10 businesses in my  
4 500 business bid that has more than 25, 30  
5 employees.

6 You know, the franchises come in,  
7 with the restaurant franchises with their  
8 resources and their lower prices, and their lower  
9 paid employees, you think I could pay minimum wage  
10 in my kitchen? Are you kidding?

11 CHAIRPERSON NELSON: Right.

12 IRENE LORE: You can't.

13 CHAIRPERSON NELSON: It's a  
14 competition, yeah.

15 IRENE LORE: So, you know, the  
16 franchises are come in and you should consider  
17 that a problem.

18 ROBERT FEDERIKO: Mr. Jackson, can  
19 I answer? Thank you very much for acknowledging  
20 and taking us serious, I appreciate it. One other  
21 suggestion, I don't want the people that are not  
22 abusing this to be penalized because of the people  
23 that are abusing it. So if you crafted it so that  
24 a small business, let's say, had to pay five days  
25 sick time and those people didn't use the sick

1  
2 time, such as in my industry and the 24-hour  
3 operation or home improvement contractors where  
4 we're just making ends meet, make it so that if  
5 you have that pool of days, if they don't use it  
6 in sick, they get it in vacation. I would even go  
7 for something like that so I don't want them to  
8 force themselves to take off a day sick and,  
9 besides, if they take vacation, it's planned ahead  
10 of time, so we don't have to have an emergency  
11 person fill in and pay double-time for that  
12 person.

13 [Pause]

14 COUNCIL MEMBER JACKSON: Yeah,  
15 under the current bill, to the best of my  
16 knowledge, is, you know, that's a positive  
17 incentive, obviously, if people know that they  
18 don't use sick leave, they may get an extra day of  
19 vacation time at the end of the year. It's my  
20 understanding with the legislation, you know, they  
21 would have up to X amount of days if in fact  
22 they're sick. And if they're not sick, I think  
23 that it--

24 [Off mic]

25 IRENE LORE: ...rolls over.

2 COUNCIL MEMBER JACKSON: --it rolls  
3 over to the next year, but a certain amount, not  
4 all of it. And so there's an incentive, there's  
5 an incentive not to utilize sick leave other than  
6 when you're sick, because what happens if, for  
7 example, if I worked for you and you're a small  
8 business and I knew that under a new law that was  
9 passed, I'm entitled up to five days a year and if  
10 I don't use it, then it rolls over, I think it's  
11 maybe eight days the following year, in total,  
12 meaning five plus, you know, a couple from the  
13 others, and I'm not exactly sure the amount, and  
14 God forbid, if I get sick and I break my leg and  
15 I'm out, then I know I have some time in order,  
16 you know, to use, and that's the important part.  
17 And part of this bill is it's educating people  
18 also.

19 ROBERT FEDERIKO: But just on the  
20 same--let it roll over to vacation time because  
21 that at least they could coordinate that with the  
22 employer because if it's sick time and they have a  
23 long time, that can hurt us if they start all of a  
24 sudden taking a day and then another day next  
25 week. But if they have vacation, they'll plan it

2 with us, that gives me a chance to hire someone  
3 else, whether I'm a home improvement contractor to  
4 make sure I'm going to get that job done so the  
5 people don't complain, or whether I'm a 24-hour  
6 company, I can get someone else to fill in so--

7 COUNCIL MEMBER JACKSON:

8 [Interposing] Oh I get it, and I understand what  
9 you're saying, but vacation is vacation, and sick  
10 is sick, that's a big difference.

11 ROBERT FEDERIKO: Well put into a  
12 bucket--

13 COUNCIL MEMBER JACKSON: That's a--

14 ROBERT FEDERIKO: --put it into a  
15 bucket--

16 COUNCIL MEMBER JACKSON: --that's a  
17 big difference.

18 ROBERT FEDERIKO: --so that they  
19 could use it for anything they want, as long as  
20 they give us time. Give us a notification that  
21 they want to use a personal day to visit their  
22 grandchildren, but that's fine. But a sick day is  
23 usually spontaneous and it could--

24 [Crosstalk]

25 ROBERT FEDERIKO: --hurt our--

2 COUNCIL MEMBER JACKSON: --normally  
3 is.

4 ROBERT FEDERIKO: --businesses--

5 COUNCIL MEMBER JACKSON: Right.

6 ROBERT FEDERIKO: --very much.

7 COUNCIL MEMBER JACKSON: Thank you.

8 ROBERT FEDERIKO: Thank you for  
9 your time.

10 COUNCIL MEMBER JACKSON: Thank you.

11 [Off mic]

12 [Pause]

13 FEMALE VOICE: I'm Amy--

14 CHAIRPERSON NELSON: Okay, Ms.  
15 Kravets.

16 FEMALE VOICE: Yeah, Kravet.

17 CHAIRPERSON NELSON: Kravet.

18 FEMALE VOICE: Thank you.

19 CHAIRPERSON NELSON: You're  
20 welcome.

21 DEBRA KRAVET: I wasn't aware that  
22 there was rollover of this sick leave, is that  
23 something that's been changed in the bill or...? I  
24 thought it was a use it or lose it.

25 COUNCIL MEMBER JACKSON: It hasn't

2 been changed, that was provision in the bill and  
3 counsel is--

4 [Off mic]

5 FEMALE VOICE: There's a nine-day  
6 cap.

7 CHAIRPERSON NELSON: Nine day cap.

8 COUNCIL MEMBER JACKSON: There's a  
9 nine-day cap total in the bill.

10 DEBRA KRAVET: So if you use seven  
11 days this year, you're able to carry two days  
12 forward to the next year?

13 COUNCIL MEMBER JACKSON: No, under  
14 the provision of small--but there's only five  
15 days, so if in fact, if you use five days, you  
16 have nothing left, but if you use none, then it  
17 can roll over and then there's a cap as far as the  
18 rollover. Bottom line is, you know, if we're  
19 communicating effectively, if we, collectively we,  
20 and if people should only use sick leave when  
21 they're sick, period.

22 DEBRA KRAVET: Couldn't agree--

23 COUNCIL MEMBER JACKSON:  
24 [Interposing] Or for example--

25 DEBRA KRAVET: --with you more.



2 COUNCIL MEMBER JACKSON: --you

3 know, obviously, if the kids are so sick where  
4 they can't go to school and they have to take care  
5 of them because they have, you know, fever and  
6 flu, that's a family sick leave, it's not me  
7 personally, but it's my child. And I have been in  
8 situations, you know, my wife and I, we have three  
9 daughters, 34, 29, and 22--23, and, you know, I've  
10 stayed home when they were sick, I've taken them  
11 to my mother's house when they were, you know,  
12 sick or stuff like that. You know, you juggle to  
13 try to survive, you know, in this--and I can  
14 understand the situations that you're going  
15 through as small business owners, I'm not a  
16 business owner myself, but in essence, I'm City  
17 Council Member and we, through the City Council,  
18 we have employees of our own, so I'm "management"  
19 of--I have employees in which report to me that  
20 they're entitled to sick leave, they're entitled  
21 to vacation time and, you know, I look at when  
22 they're sick, just like you look at when  
23 somebody's sick when they're out, because our work  
24 has to be done. And I work--I was on jury duty  
25 and they said what days are you off on the

2 questionnaire form and I put NA, not applicable  
3 'cause I'm never off, I work seven days a week.  
4 So I mean I'm like you, 24/7 almost, but that's a  
5 position that I chose as an elected public  
6 official.

7 CHAIRPERSON NELSON: All right,  
8 it's trust, but verify. It's rough, right, in an  
9 ideal world, really sick, they don't come in; if  
10 they're not really sick, you know, they'll be in,  
11 but we know that there are variables to this,  
12 right, Robert?

13 COUNCIL MEMBER JACKSON: Small  
14 business owners.

15 CHAIRPERSON NELSON: I think that  
16 is it, right?

17 FEMALE VOICE: No.

18 CHAIRPERSON NELSON: Oh, there's  
19 another panel?

20 FEMALE VOICE: Yeah.

21 FEMALE VOICE: There's another--

22 CHAIRPERSON NELSON: [Interposing]  
23 Oh, I'm sorry.

24 [Crosstalk]

25 COUNCIL MEMBER JACKSON:

2 [Interposing] Yeah, and just FYI, I'm sorry--

3 CHAIRPERSON NELSON: --for good  
4 theater.

5 COUNCIL MEMBER JACKSON: Mike, just  
6 a point of information--

7 CHAIRPERSON NELSON: Yeah.

8 COUNCIL MEMBER JACKSON: --if  
9 you're a small business, there's sick leave, under  
10 10 employees, 10 employees, it's capped at five,  
11 it doesn't roll over.

12 FEMALE VOICE: Right.

13 [Off mic]

14 FEMALE VOICE: It's just capped at-

15 -

16 COUNCIL MEMBER JACKSON: It's  
17 capped at five.

18 [Off mic]

19 CHAIRPERSON NELSON: Okay.

20 COUNCIL MEMBER JACKSON: Okay?

21 [Off mic]

22 CHAIRPERSON NELSON: You're  
23 welcome.

24 COUNCIL MEMBER JACKSON: And you  
25 should get a copy--

2 CHAIRPERSON NELSON: Okay.

3 COUNCIL MEMBER JACKSON: --of the  
4 bill so you can look at it also.

5 CHAIRPERSON NELSON: Thank you all.  
6 We have from Legal Momentum Maya Raghu, did I  
7 pronounce it right? Okay. And we have from  
8 Sanctuary for Families, we have Laura Eisner, it  
9 looks like, and Catherine Shugrue dos Santos--

10 [Off mic]

11 CHAIRPERSON NELSON: Okay. Margie  
12 Ives.

13 FEMALE VOICE: She--

14 [Pause]

15 CHAIRPERSON NELSON: She left? Oh,  
16 you have her testimony? Okay. Lauren Leader.

17 FEMALE VOICE: She left.

18 CHAIRPERSON NELSON: Sheave, Shivy,  
19 I guess. She left? And the last name I have in  
20 my little hand here is Christina Gilbert, Program  
21 on Human Rights in the Global Economy. Anybody  
22 else, by the way that I did not call?

23 FEMALE VOICE: Gary something, his  
24 last--

25 CHAIRPERSON NELSON: [Interposing]

2 You spoke, right, young lady?

3 [Off mic]

4 CHAIRPERSON NELSON: Was it the  
5 Carrie family?

6 FEMALE VOICE: Gary.

7 [Off mic]

8 CHAIRPERSON NELSON: Oh, Gary  
9 Phelan, sure, join us.

10 FEMALE VOICE: Did he sign up?

11 CHAIRPERSON NELSON: Sure. Did  
12 you--

13 FEMALE VOICE: [Interposing] Oh,  
14 I'll get him a card.

15 CHAIRPERSON NELSON: Okay.

16 [Off mic]

17 [Pause]

18 CHAIRPERSON NELSON: Welcome to the  
19 night shift. I guess if you'd like to start off?

20 MAYA RAGHU: Great.

21 CHAIRPERSON NELSON: Sure.

22 MAYA RAGHU: Good evening and thank  
23 you. My name is Maya Raghu, I am the staff  
24 attorney at Legal Momentum, which was founded in  
25 1970, is now Legal Defense and Education Fund, so

1  
2 we're the oldest legal advocacy organization  
3 dedicated to advancing the rights of women and  
4 girls in this country.

5 Intro 1059 is critically important  
6 to the economic security of two groups that we  
7 serve: Working women, especially those in low wage  
8 jobs, and employed victims of domestic violence,  
9 sexual assault, and stalking, which has been  
10 alluded to today, but not really fully addressed.  
11 And today half of America's workers are female and  
12 they are often single parent heads of household,  
13 but women also continue to be the majority of  
14 family caregivers in the United States, whether  
15 for the children, for the elderly, or ill  
16 relatives. So if a working woman becomes pregnant  
17 or ill or a child or family member has a medical  
18 condition, she is most likely the one who's going  
19 to have to take time off from work to deal with  
20 the situation. But almost half of the women  
21 working in the private sector in this country have  
22 no paid sick days and two-thirds of the lowest  
23 wage workers have no paid sick leave at all.

24 Many low wage workers don't have  
25 flexible schedules, they can't leave work for an

1  
2 hour or switch a shift to accommodate a doctor's  
3 appointment or a sick child, and a worker could  
4 face retaliation or lose a job if she does so.

5 Existing laws like the FMLA offer  
6 little protection and I've detailed why in my  
7 testimony. Under the Pregnancy Discrimination  
8 Act, employers can refuse to provide pregnant  
9 women with sick or disability leave either before  
10 or after childbirth, as long as they do not  
11 provide such leave to employees with other types  
12 of injuries and illnesses, so that's not  
13 assistance to them either.

14 Intro 1059 would also let victims  
15 of domestic violence, sexual assault, and stalking  
16 use paid sick leave to attend to the various  
17 issues that arise as a result of the violence.  
18 Employment is crucial to victims being able to  
19 leave an abusive situation, but when a victim  
20 discloses the violence to her employer, ask for  
21 leave, she often loses her job and has to go back  
22 to the abuser. So victims end up not taking time  
23 off because they're afraid to lose a job, so they  
24 don't go to get an order of protection or find a  
25 safe place to live.

2 I'll just conclude by saying a lot  
3 of laws exist like the FMLA, the New York State  
4 Penal Law, and the New York City Human Rights Law  
5 which offer some time off to victims, but there  
6 are major gaps in the protection, they don't cover  
7 all workers, and a lot of workers don't have paid  
8 leave to fall back on if those laws don't help,  
9 and that's why this is crucial to filling that  
10 gap. Thank you.

11 CHAIRPERSON NELSON: Okay, that's  
12 good, 'cause your presentation has caused some  
13 concern about why the importance of as far as  
14 abuse and so on, so I'm glad that you were here to  
15 describe it as well, thank you. Yes, ma'am.

16 CATHERINE SHUGRUE DOS SANTOS: Hi  
17 there, I'm Catherine Shugrue dos Santos, the  
18 Deputy Clinical Director for Economic Empowerment  
19 Programs at Sanctuary for Families, and I'm going  
20 to share testimony or a portion of the testimony  
21 that was co-written by my Executive Director  
22 Laurel Eisner, who wasn't able to stay this  
23 afternoon.

24 Sanctuary is the largest  
25 organization dedicated exclusively to serving



1  
2 victims of domestic violence and trafficking and  
3 their children. Last year we provided services to  
4 10,000 victims, providing shelter, legal advice  
5 and representation, individual and group  
6 counseling, case management, and economic  
7 empowerment.

8 We've heard a lot about why it's  
9 important that low wage workers, particularly  
10 women of color, are protected and what this law  
11 does for that. Sanctuary's clients are 98% at or  
12 below the federal poverty level, over 90% of women  
13 in color identifying as black or Latina, more than  
14 70% are immigrants. Like millions of other New  
15 Yorkers, if they're able to find a job, they  
16 usually are the working poor, but, unlike many  
17 others, they do face particularly difficult  
18 hurdles in attempts to sustain themselves  
19 economically. That's because victims of domestic  
20 violence routinely suffer economic abuse, as well  
21 as physical, sexual, and emotional abuse. They  
22 usually have no control over their family income  
23 or budget, they don't have financial literacy,  
24 they are often prevented from going to work,  
25 living and unable to compete in the job market,

2 they may be coerced into allowing someone to use  
3 their credit, either victims of identity theft or  
4 putting them at risk of pursuit by creditors.

5 Many tell us they choose to endure the violence  
6 from the abuser rather than leave because they're  
7 dependent for food and shelter.

8 We talked about the importance for  
9 low wage workers, I won't get into that now, but  
10 it is essential to understand that for a single  
11 mother who's been forced into being a single  
12 parent because of domestic violence, who's been  
13 told by Mayor Bloomberg to stay home if she is  
14 sick or her child is sick, how can she do that, if  
15 she stays home, she'll lose a day's pay, not be  
16 able to feed her kids and maybe go back to her  
17 batterer.

18 I want to close with a quote from  
19 one of our clients. Sometimes I think it would be  
20 easier just to go back to him. I know that he  
21 could possibly kill me, but when we lived with  
22 him, the refrigerator was full, and I never had to  
23 worry about what the baby was going to eat. It's  
24 just really hard to watch my baby live like this,  
25 sometimes I don't think it's worth it.

2 So we work with women to get them  
3 back to work to help them gain financial  
4 stability, and we urge the Council to pass this  
5 law to make--it would make an enormous difference  
6 for our clients, keeping them safe, and able to be  
7 free of violence and it would be a proverbial shot  
8 in the arm for the public health of New York City.

9 I also wanted to just say that I  
10 appreciate the Council's willingness to look at  
11 some of the concerns of opponents of the bill and  
12 I'm hopeful that this can be worked out so we  
13 don't toss this idea out because of the  
14 opposition.

15 So thank you very much to the  
16 Council, especially for staying this late.

17 CHAIRPERSON NELSON: That's okay.

18 CATHERINE SHUGRUE DOS SANTOS: And  
19 especially to Gale Brewer for all she does for  
20 domestic violence victims and women's issues in  
21 general. Thank you.

22 CHAIRPERSON NELSON: Thank you.

23 [Pause]

24 CHRISTINA GILBERT: Thank you for  
25 the opportunity to testify in support of proposed

2 initiative number 1059. I'm a fellow with the  
3 Northeastern Law School program on Human Rights in  
4 the Global Economy, which partners with scholars  
5 and advocates to advance human rights.

6 Paid sick leave is a human rights  
7 issue and a paid sick leave policy would help  
8 bring New York City into compliance with the  
9 worldwide human rights standards. The United  
10 States is the only affluent country in the world  
11 that does not mandate any form of paid sick days  
12 or leave. The absence of paid sick leave falls  
13 hardest on the most vulnerable. New York City  
14 should fulfill its role as a global leader and  
15 join the rest of the developed world. The U.S. is  
16 one of only five countries that failed to provide  
17 any paid sick leave. The four others are Lesotho,  
18 Liberia, Papua, New Guinea, and Swaziland--all  
19 struggling economies.

20 Globally accepted human rights  
21 treaties provide the rights to be free from  
22 discrimination, to help, to work of the child and  
23 a family and parents.

24 Because time is short, I will focus  
25 on the right to be free from discrimination and

1  
2 the right to help. The U.S. has ratified the  
3 Convention on the elimination of all forms of race  
4 discrimination, making it the supreme law of the  
5 land under the U.S. Constitution. To comply with  
6 this treaty, New York must take effective measures  
7 to proactively address discrimination. Because of  
8 the intersection between race and class, there are  
9 racial disparities in which employees receive paid  
10 sick leave. The working poor, disproportionately  
11 people of color, are the hardest hit. Other major  
12 human rights treaties have provisions calling for  
13 the highest attainable standard of health. In  
14 such a densely populated area that is also a major  
15 tourist destination, particularly in an era of  
16 swine flu, the New York City Council must enact a  
17 paid sick leave bill in order to protect employees  
18 right to health, including a healthy work  
19 environment. Safe and healthy working conditions  
20 are not possible when sick people come to work out  
21 of fear of losing their jobs.

22 It is clear that under U.S. law  
23 that local governments have an obligation to  
24 implement international human rights laws since  
25 local governments have primary regulatory

2 responsibility for social welfare and health.

3 Proposed initiative number 1059  
4 would serve the city's interests by meeting the  
5 city's obligations to implement international  
6 human rights principles and by fulfilling the  
7 city's role as an international leader in the  
8 public health arena. For these reasons, I urge  
9 you to support a paid sick leave bill in New York  
10 City, not only because of health concerns, but as  
11 a human rights issue.

12 Thank you.

13 CHAIRPERSON NELSON: Yes, sir.

14 GARY PHELAN: Hello, good evening,  
15 my name is Gary Phelan, I'm a partner at the law  
16 firm of Outten Golden, which is a New York City  
17 and Connecticut law firm with their main office  
18 based here in New York City. Our firm specializes  
19 in employment and labor issues, I'm a partner at  
20 the firm, I've represented employees since 1989 in  
21 all aspects of employment law, particularly family  
22 responsibilities discrimination, as well as  
23 disability discrimination.

24 As an employment lawyer, I'm well  
25 aware of the challenges of implementing any new

1  
2 law governing labor standards. However, it's my  
3 opinion that Intro 1059 is a well-crafted law that  
4 can easily accommodate current standard practices  
5 around paid leave in most businesses in New York  
6 City.

7 Particular I want to address the  
8 issue of use of paid time off policies to comply  
9 with the proposed paid sick time law. The  
10 provision in the proposed law dealing with other  
11 means of complying with the paid sick time law,  
12 rather than designating paid time off as paid sick  
13 time states at subsection (C)9, any employer with  
14 a paid leave policy such as paid time off policy,  
15 who makes available an amount of time sufficient  
16 to meet the accrual requirements of this section  
17 that may be used for the same purposes and under  
18 the same conditions as paid sick time under this  
19 section is not required to provide additional paid  
20 sick leave or paid sick time. It seems obvious to  
21 me that this provision would mean that a business  
22 that provided paid time off in the same amount as  
23 that provided under the law would be in compliance  
24 with the law, as long as the time could be used  
25 for the purposes outlined in the paid sick days

2 bill. Since PTO policies generally allow time off  
3 to be used for any purpose, this shouldn't be a  
4 problem.

5 Similarly, personal days or  
6 vacation time could count for bringing a business  
7 into compliance with the law, as long as the time  
8 could be used when a worker becomes a sick.

9 And in conclusion, some cases this  
10 might mean that a vacation or personal days policy  
11 that require advanced notice of use of days would  
12 have to be modified to allow for the use when an  
13 employee or family member became suddenly ill.

14 But with that small proviso, the  
15 policies would be in compliance with the law.

16 Thank you.

17 CHAIRPERSON NELSON: Thank you,  
18 sir. Gale or--

19 [Off mic]

20 COUNCIL MEMBER BREWER: Thank you  
21 very much. So I think what you're saying, sir, is  
22 that many of the policies that have been discussed  
23 today or that small businesses have, with some  
24 small changes could in fact be in compliance with  
25 any earned paid sick leave bill.



2 GARY PHELAN: Absolutely.

3 COUNCIL MEMBER BREWER: Thank you  
4 very much.

5 CHAIRPERSON NELSON: Thank you.  
6 Council Member Jackson or Palma? Any closing  
7 thoughts?

8 COUNCIL MEMBER JACKSON: Well I  
9 just I listened to several panels, both for and  
10 against the bill, and I'm glad that, as a member  
11 of the City Council, not of this Committee, but I  
12 had to opportunity to listen and I'm waiting to  
13 see what happens down the road, and I'll be very  
14 much involved, not only as a member, for those you  
15 don't know, I co-chair the City's Councils of  
16 Black, Latino, and Asian Caucus also and I'm on  
17 almost every committee in the City Council,  
18 including the budget, finance, land use, housing  
19 and building, sanitation and solid waste, rules,  
20 privileges and elections, ethics committee. I'm a  
21 member of the rules reform workgroup with Gale  
22 Brewer and very much involved in many things that  
23 go on in the City Council.

24 So I thank you all for coming, I'm  
25 glad to have the opportunity to hear those in

2 favor of the bill and some of those that oppose  
3 the bill, and hopefully, we will find a solution  
4 where everyone will be happy.

5 CHAIRPERSON NELSON: Those are some  
6 of the reasons that Robert Jackson has to talk so  
7 fast, and on his roller skates because he's really  
8 two people in one, he must be--he walked up into  
9 Albany, you know, and back, many years ago. Five?  
10 Anyway, it's great to have all of you here, we do  
11 have an open mind, little doubt about that  
12 usually, and we thank you very much.

13 And if there's no further comments  
14 or questions? Okay, the Committee on Civil  
15 Service and Labor for November 17th, 2009, is now  
16 over. Thank you.

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Tammy Wittman

Date November 25, 2009