



#### Headquarters

40 Worth Street, 10th Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

#### Southern Office

301 21st Ave. South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

## **Testimony of A Better Balance: The Work & Family Legal Center Before the NYC Council Committee on Consumer Affairs & Business Licensing**

December 16, 2019

Submitted by: Sarah Brafman, Senior Policy Counsel & Meghan Racklin, NYU Reproductive Justice and Women's Rights Legal Fellow and Law Clerk

Thank you to Councilmember Espinal and to the Committee on Consumer Affairs & Business Licensing for the opportunity to provide this testimony. A Better Balance, a national legal nonprofit headquartered in New York City with offices in the South and Mountain West, was founded with the goal of ensuring that all workers have the ability to care for themselves and their families without compromising their economic security.

Our organization was at the forefront of drafting and advocating for the New York City Earned Sick Time Act as well as the recent expansion of the law to include safe time and to broaden the definition of family members. Since the law's initial passage in 2013, we have conducted hundreds of trainings to educate New Yorkers about their rights under the law. Since the law's inception, we have also represented dozens of low-income workers who were denied sick time or were retaliated against for asking for or using sick time, including over two dozen complaints before the Department of Consumer Affairs ("the Department"). We also helped lead efforts to pass New York City's Fair Work Week legislation.

We are proud to have helped change the New York City legal landscape, especially for those in low-wage jobs, and we are proud to work closely with the Department to enforce these important laws. In addition to its role protecting consumers, the Department has been doing crucial work to support and enforce the rights of working New Yorkers, enforcing the Earned Safe and Sick Time Act, the Fair Work Week Law, the Freelance Isn't Free Act, the Minimum Wage Law, the Grocery Worker Retention Act, the Displaced Building Service Workers Protection Act, the Living Wage Law, the Commuter Benefits Law, and the Temporary Schedule Change Law.

The City Council should pass Intro 1609 in recognition of that work. The Department already does the work of worker protection; their name should reflect that work. What is more, this crucial worker protection role should not only be recognized, but also further supported. In addition to passing Intro 1609, the Council should pass paid personal time, a measure the Department would also enforce, add a private right of action to the Earned Safe and Sick Time

**Headquarters**

40 Worth Street, 10th Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

**Southern Office**

301 21st Ave. South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

Act, and remedy and clarify the rights of complainants of Department-enforced laws at the Office of Administrative Trials and Hearings.

**1. Providing Paid Personal Time Will Promote the Health and Wellbeing of New Yorkers, and Will Set a New National Standard**

By passing Intro 800-A guaranteeing paid personal time, the Council will improve the lives and wellbeing of millions of New Yorkers. Presently, New Yorkers have the right to paid sick and safe leave under City law and to paid family leave under New York State law. New York City workers also have a limited right to a temporary schedule change for certain qualifying personal events.<sup>1</sup> As crucial as these protections are, they do not account for many other personal or family needs that arise for which workers currently have no protection.

For example, parents of children with special needs are often required to have their children evaluated for special education-related services during business hours. Because these needs are not necessarily medical, the law does not clearly protect them. The same is true of parent-teacher conferences. In addition, graduations, retirements, funerals, and other important life events and milestones are unprotected. Passing Intro 800-A would allow workers to use earned personal time at their discretion for both foreseeable and unforeseeable events, whether it is an appointment scheduled weeks in advance or the unexpected death of a loved one.

Workers without family responsibilities will also benefit from Intro 800-A. Only the luckiest of renters here in New York have managed to evade an apartment-related emergency such as a leaking ceiling or a backed up bathtub. As it stands, a worker could be legally fired for failing to report to work because their house is on fire. This law would change that.

That said, it should not take a catastrophic event to justify taking time off from work. The positive value of taking time off simply to relieve stress or to enjoy a day to one's self or with one's family, absent an emergency, should not be understated. In fact, studies have shown that taking personal time can improve one's health and longevity, including "a direct positive effect on mortality."<sup>2</sup> A Harvard Business Review study also found that personal time can improve

---

<sup>1</sup> N.Y.C. Admin. Code § 20-1261 (defining "personal event" as: (i) the need for a caregiver to provide care to a minor child or care recipient; (ii) an employee's need to attend a legal proceeding or hearing for subsistence benefits to which the employee, a family member or the employee's care recipient is a party; or (iii) any circumstance that would constitute a basis for permissible use of safe time or sick time).

<sup>2</sup> BROOKS B. GUMP & KAREN A. MATTHEWS, PSYCHOSOMATIC MEDICINE, ARE VACATIONS GOOD FOR YOUR HEALTH? THE 9-YEAR MORTALITY EXPERIENCE AFTER THE MULTIPLE RISK FACTOR INTERVENTION TRIAL (2000), <https://pdfs.semanticscholar.org/58e0/daefe57373f63f56d7a9ad55701ddee1fd2e.pdf>.

Headquarters

40 Worth Street, 10th Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

Southern Office

301 21st Ave. South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

employees' productivity, reporting that "employees in countries that take more vacation do have a strong desire to get a lot done as well as a tendency to move faster."<sup>3</sup>

Taking personal time therefore benefits workers' health and the economy. In addition to ensuring that workers are able to take time off work when unexpected personal or family needs arise, this bill would also give them the ability to recharge and return to work refreshed. One study has shown that when workers are able to take vacation, it betters their quality of sleep which results in an "80 percent improvement" in their reaction times, meaning people are sharper and more acute after taking time off.<sup>4</sup>

Intro 800-A would be a groundbreaking expansion of worker's leave rights in the United States. Maine recently passed the nation's first paid time off law giving workers the right to take time off for any personal reason. But Maine does not have a sick time law, so the 40 hours of personal time off granted to workers for any reason must encompass any time they may need to address their own health needs or those of their family members, which may leave them with little time left, if any, to address non-medical needs. Under the proposed Intro 800-A, however, workers would have the right to earn and use paid personal time off work *in addition to* their right under the existing law to earn and use paid sick or safe time. Workers in New York City would therefore have dedicated time they can use for personal or family reasons within their own discretion. With the introduction of Intro 800-A, the Council has shown once again that New York City is a national leader in the movement to advance the rights and wellbeing of working families.

Intro 800-A would also bring New York City into line with our global counterparts. The United States is the only advanced economy in the world that does not guarantee its workers any amount of paid vacation.<sup>5</sup> And unsurprisingly, the paid vacation and paid holidays that U.S. employers *do* make available voluntarily are distributed unequally.<sup>6</sup> Most low-wage and part-time employees do not have access to these benefits. Intro 800-A accounts for the unequal distribution of paid vacation time by ensuring that *all* employees, whether full-time or part-time, have the ability to earn personal time off from work separate from earned sick and safe time. The bill also requires that all but the smallest employers provide *paid* personal time off to their employees. This is essential because without pay, low-wage workers in particular, who depend on every dollar they earn to make ends meet, could not afford to take the time they earn. The bill also makes clear that retaliating against employees because they use or request to use earned

---

<sup>3</sup> Jack Zenger & Joseph Folkman, *Are We More Productive When We Have More Time Off*, HARVARD BUSINESS REVIEW (June 17, 2015), <https://hbr.org/2015/06/are-we-more-productive-when-we-have-more-time-off>.

<sup>4</sup> Alina Tugend, *Take a Vacation or Your Health's Sake*, N.Y. TIMES (June 8, 2008), <https://www.nytimes.com/2008/06/08/business/worldbusiness/08iht-07shortcuts.13547623.html>.

<sup>5</sup> REBECCA RAY, MILLA SANES & JOHN SCHMITT, CTR. FOR ECONOMIC AND POL'Y RESEARCH, NO-VACATION NATION REVISITED 1 (2013), <http://cepr.net/documents/no-vacation-update-2014-04.pdf>.

<sup>6</sup> *Id.*

**Headquarters**

40 Worth Street, 10th Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

**Southern Office**

301 21st Ave. South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

personal time is illegal. This is another essential component of the legislation that we applaud. Many workers are afraid to request time off from work, even for medical or other emergencies, due to fear of retaliation. This law will give recourse to workers who are terminated or experience other adverse actions as a result of exercising their rights.

We are very proud that the Mayor and Council have recognized how important paid personal time is for the health and welfare of our City. With the passage of Intro 1609, Council will be further recognizing the need for strong worker protections in this City, and empowering the Department to redouble their impressive commitment to worker protection. The newly-renamed Department of Consumer and Worker Protection will be a powerful force for ensuring the rights of workers in this City are protected and prioritized. To truly make good on the promise such a change would represent, we must ensure that our laws are truly guaranteeing workers the protections they need. To do that, the Council must pass Intro 800-A.

## **2. Enforcement of the Earned Safe and Sick Time Act**

Worker protection will only be truly achieved through robust enforcement of the laws under the Department's purview. Without meaningful enforcement that works for workers, cases are left languishing and workers' rights are left undefended. This has a real impact on individual workers.

### **Enforcement of the Earned Safe and Sick Time Act must be improved in several ways.**

First, the Earned Safe and Sick Time Act—which, we are confident, will soon include paid personal time as well—must be amended to include a private right of action that would enable workers to vindicate their rights in court. New York City's Earned Safe and Sick Time Act does not include a private right of action, leaving enforcement lagging behind that of other jurisdictions with sick leave laws. Over two-thirds of the nearly three-dozen paid sick leave laws in the U.S. include a private right of action, including Westchester.<sup>7</sup> As we have seen firsthand through our work representing New York City workers whose rights were violated under the City's Earned Safe and Sick Time Act, a private right of action is necessary to provide workers with the assurance that their rights can be meaningfully enforced.

The existing administrative complaint process under the current Earned Safe and Sick Time Act is an important but inadequate means of enforcing the law as to individuals who have been harmed as a result of attempting to exercise their rights. That process must be supplemented with

---

<sup>7</sup> See A BETTER BALANCE, MAP OF PAID SICK TIME LAWS, <https://www.abetterbalance.org/resources/map-of-paid-sick-time-laws/>.

**Headquarters**

40 Worth Street, 10th Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

**Southern Office**

301 21st Ave. South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

a private right of action in order to ensure that each worker in New York City can vindicate his or her rights.

Workers need a private right of action in addition to agency enforcement for several reasons:

- **Without a private right of action, cases are left to languish and workers pay the price.** The Department works hard to address worker complaints, but with their current workload, complaints can go unresolved for years and aggrieved workers have no other means to obtain relief. For instance, it took the agency more than four years to resolve the complaint of one ABB client who filed an administrative complaint alleging sick leave violations and experienced egregious retaliation by her employer, including a threat to her life. This client is not alone. According to the most recent available report, it took the Department of Consumer and Worker Protection an average of 254 days, or nearly 8 months, to resolve a complaint.<sup>1</sup>
- **The agency's and the complaining worker's priorities do not always align, leaving workers confused, disempowered, and without full relief.** Complainants are not parties to the administrative action—nor do they have a right to intervene as parties, as they do under the Human Rights Law—which is problematic for workers because the agency's interests do not always align with those of complainants. Workers are bound by all decisions the agency makes with respect to their case. For instance, the complainant does not have the right to accept or reject settlement offers. This is unfair, confusing, and disempowering to workers. Workers must accept any amount of money the agency negotiates on their behalf, which often means accepting less than 100% full relief even as the City pursues civil penalties or full relief for other non-complaining workers. Without complainants, there would be no recovery for anyone. Having a private right of action would ensure that workers, especially those who choose to speak out, can pursue full relief with respect to their own claims.
- **Workers lack a single venue to vindicate their rights.** Workers who experience other labor abuses such as minimum wage violations or discrimination lack the ability to consolidate all of their claims in a single venue. This is both extremely burdensome for workers and an inefficient use of the New York City resources. ABB represents multiple clients who had no other option but to file separate administrative complaints to vindicate their rights under both the sick leave law and the human rights law. If the sick leave law had a private right of action like the human rights law, these workers could have brought all of their claims in a single court complaint. In addition, we have found that agencies will delay investigating a complaint as they wait for resolution from another agency, leaving workers waiting additional years for resolution.
- **Agency resources are not guaranteed in perpetuity.** Workers' ability to obtain relief through the administrative complaint process is dependent on the agency's resources. A future administration may not be inclined to fund enforcement of the Earned Safe and Sick Time Act. Moreover, other laws enforced by the Department have private rights of action, including the Fair Work Week Law, Freelance Isn't Free Act, and Temporary

**Headquarters**

40 Worth Street, 10th Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

**Southern Office**

301 21st Ave. South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

Schedule Change Law. The Earned Safe and Sick Time Act is an outlier and needs to be updated.

- **Adding a private right of action would also provide an opportunity to amend the law to expand the type of relief a worker can recover for violations of the law.** Right now, workers can recover damages only for back pay and fixed penalties for specific violations, but they cannot recover compensation for emotional distress, punitive damages, or attorney’s fees. For low-wage workers especially, the current enforcement scheme fails to make workers whole. Workers often suffer immense emotional harm as a result of violations of the sick and safe leave law—they are penalized at a particularly vulnerable time when they or a loved one may have been ill or injured and should be able to recover emotional distress damages as well as punitive damages and attorneys’ fees.

Second, the law should be amended to require true mediation. The current law calls for mediation, but fails to provide any specifics about the process or any meaningful procedural protections.<sup>8</sup> Just as during the investigation phase of an NYC HRL case, the agency can refer the complaint to the Office of Mediation and Conflict Resolution if the complainant and respondent agree to mediation or request mediation, so too should DCWP refer matters to a dedicated, neutral office of mediation.<sup>9</sup>

Third, the procedures employed by the Office of Administrative Trials and Hearings and by the Department itself should be updated to ensure that they are truly responsive to the needs of workers.

OATH Procedures—The Department frequently brings cases before OATH. In the process of renaming the Department to reflect a focus on worker protection, the Council should also ensure that the administrative body that hears the cases the Department brings can adequately address an increased focus on worker protections. Just as complainants in NYC Human Rights Law cases are permitted to intervene as of right in their cases, so too should complainants under the worker protection laws be permitted to intervene as of right in “upon notice to all parties and the administrative law judge at or before the first conference in the case, or, if no conference is held, before commencement of trial.”<sup>10</sup> Intro 1609 makes clear that the Department no longer has its own tribunal, and that complaints will accordingly be adjudicated by OATH.<sup>11</sup> The Earned Safe and Sick Time Act, however, was passed with the understanding that the Department’s tribunal would adjudicate complaints under the law; under that tribunal, workers would be able to be parties to their own case. With the dissolution of the Department’s tribunal—which has already occurred in practice—workers

---

<sup>8</sup> N.Y.C. Admin. Code § 20-924(c).

<sup>9</sup> 47 RCNY § 1-71.

<sup>10</sup> OATH Rules § 2-25.

<sup>11</sup> Intro 1609 § 19.

**Headquarters**

40 Worth Street, 10th Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

**Southern Office**

301 21st Ave. South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

have lost that ability. The Council should restore it by ensuring that workers can be parties to their complaints when adjudicated by OATH.

Additionally, just as under the NYC Human Rights Law, after an administrative law judge issues a report and recommendation at OATH, the Office of the Chair of DCWP should be permitted to consider the report and recommendation and issue a memorandum decision.<sup>12</sup>

DCWP Procedures—To reflect the newly-renamed DCWP’s focus on worker protection, the procedures DCWP itself employs should be amended to ensure that workers’ rights are truly being safeguarded. Specifically, the law should be updated such that:

- DCWP must inform the complainant if an agency investigation is going to proceed to OATH.
- If requested, DCWP must provide a copy of the OATH petition to the complainant for review. DCWP must provide a reasonable amount of time for the complainant, or complainant’s counsel, to review the petition.
- DCWP must explain the OATH litigation process to complainants in full detail, both orally and in writing.
- DCWP must inform the complainant if the agency plans to have the complainant be a witness at trial and take steps to prepare the complainant, including conducting an in-person preparation meeting.
- During an investigation (prior to taking the case to OATH) DCWP must explain to the complainant that the case may settle.
- DCWP must inform a complainant when settlement discussions are taking place. If a case settles, DCWP must inform the complainant of settlement within a reasonable time frame.
- In the settlement process, DCWP must prioritize complainant’s 100% full recovery in settlement before recovery is sought for other workers or the city. DCWP should only settle complaints at DCWP for less than 100% recovery to the complainant with the complainant’s consent.
- If requested, DCWP must provide a copy of the Consent Order or Settlement of Stipulation to the complainant for review.

Finally, the Department should invest time and resources in outreach and education, ensuring that workers are aware of their rights and the options available to them to see those rights vindicated. To do this, the Department should be adequately funded, and should, in turn, ensure

---

<sup>12</sup> 47 RCNY § 1-67.



#### Headquarters

40 Worth Street, 10th Floor  
New York, NY 10013  
tel: 212.430.5982

info@abetterbalance.org  
abetterbalance.org

#### Southern Office

301 21st Ave. South, Suite 355  
Nashville, TN 37212  
tel: 615.915.2417

that community organizations doing crucial work to educate workers and to help them vindicate their rights are well-funded and equipped to continue that work.

#### **Conclusion:**

New York City can and should be a leader in the movement to ensure that all workers have the ability to thrive in the workplace and at home. The Department is already a crucial partner in that work, and officially renaming it the Department of Consumer and Worker Protection is an important way to recognize their work uplifting and supporting workers' rights. In the process of recognizing the Department's commitment the rights of New York City's workers, the Council should also ensure that workers' rights are expanded and that the procedures used truly safeguard those crucial rights. We urge the Council to pass Intro 1609 in recognition of the work that the Department already does, and to undertake broader, necessary efforts to ensure that they can continue to do that work in a way that is truly responsive to the needs of workers.



## Testimony of Make the Road New York

### New York City Council Committee on Consumer Affairs and Business Licensing Hearing on Int. 1622-2019 and Int. 1609-2019

December 16, 2019

Make the Road New York (MRNY) is a non-profit community-based membership organization with over 24,000 low-income members dedicated to building the power of immigrant and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. Today we submit this testimony in support of Introduction 1622 and Introduction 1609; legislation that update New York City's Consumer Protection Law (CPL) and rename the Department of Consumer Affairs to the Department of Consumer and Worker Protection (DCWP).

#### **Intro. 1622**

We urge the Council to pass Intro. 1622 to send a signal to the rest of the country that strong consumer protections and a vibrant economy go hand in hand. The legislation includes much needed enhancements to basic consumer protections that have not been updated since the CPL was first enacted over fifty years ago and this council now has the opportunity to make this critical update.

Through our immigration legal services practice, MRNY represents dozens of immigrant New Yorkers who have been harmed by unscrupulous immigration attorneys and immigration service providers that advertised a "ten-year visa" as an avenue for obtaining permanent legal residence in the United States. Tragically, many of these New Yorkers have ended up in deportation proceedings as a result of these attorneys' fraudulent actions. The DCWP has investigated some of the cases and has pursued restitution for the consumers as well as penalties payable to the city. But the penalties are too low to provide a real incentive for compliance with the CPL. These penalties should be adjusted for inflation so that even in cases where no complainant comes forward and consumer restitution is not an issue, the agency will still be able to prosecute these false advertisements and prevent further victimization of our immigrant New Yorkers.



MRNY has for years led the movement to increase language access services in New York City. As an organization serving primarily Latino immigrants, we have seen firsthand the challenges faced by individuals with Limited English Proficiency (LEP) in accessing key government services and in understanding their rights under the law. We fully support requiring businesses that negotiate transactions with LEP individuals in other languages to also have to provide these consumers with documents in the language they used during negotiations.

Finally, ensuring that the CPL can be applied in cases of online fraud and clarifying that the DCWP may seek restitution, in addition to penalties, for violations of the CPL when bringing cases before the Office of Administrative Trials and Hearings, will more fully protect hard working New Yorkers and our local brick and mortar businesses that are already subject to these laws and are competing with online retailers at a disadvantage.

### **Intro. 1609**

With a robust legal, policy and organizing platform designed to improve worker protections for all New Yorkers, MRNY has secured passage of historic laws such as the NYC Paid Sick Leave and the creation of the Office of Labor Policy and Standards (OLPS). Our work representing workers employed primarily in low wage industries gives us a strategic advantage in understanding the complexities of government enforcement work and the need for strong tools in uncovering violations of workplace laws.

Intro. 1609 cements OLPS as an integral part of DCWP and signals to New Yorkers the city's commitment to furthering workers' rights by officially changing the name of the agency charged with enforcing municipal workplace laws. Workers in NYC will know that DCWP is the agency where they can go to with questions and/or complaints about their rights. The legislation also amends the law to clarify the agency's authority to seek restitution for consumers and workers and to conduct onsite inspections of businesses. DCWP should have the same tools other state and federal labor enforcement agencies have to walk into a business and conduct worker interviews and review employment records onsite so that workers who already work long hours won't have to take time away from work to meet with DCWP in their offices.

This council should seize this moment when as a nation we are continuously defending the rollback of consumer and worker protections by the federal government and move quickly to vote Intro. 1622 and Intro 1609 into law.

## **Testimony of Paul Sonn**

National Employment Law Project

## **In Support of Proposed Intro. 1622-2019, Intro 1609-2019, and Intro. 800-A**

---

### **Hearing before the New York City Council**

Committee on Consumer Affairs and Business Licensing

City Hall

New York, New York

December 16, 2019

**Paul Sonn**

State Policy Program Director

---

**National Employment Law Project**

90 Broad St., Suite 1100

New York, New York 10004

(646) 693-8215

[psonn@nelp.org](mailto:psonn@nelp.org)

Thank you, Chair Espinal and members of the Committee on Consumer Affairs and Business Licensing for the opportunity to submit this written testify today in support of Intro. 1622-2019, Intro 1609-2019, and Intro. 800-A. My name is Paul Sonn. I am the state policy program director for the National Employment Law Project (NELP).

NELP is a national research and advocacy organization, headquartered in New York City, that works with federal, state and local policymakers on a wide range of workforce issues. We have been pleased to work with New York City on a variety of initiatives in recent years ranging from fair chance employment to living wages.

NELP is actively engaged in the push to raise job and living standards for low-wage workers in this city. The two bills before the committee today – together with the Paid Personal Time bill, Intro. 800-A, which we also reference – are all important parts of the city’s ongoing effort to improve the lives of New York’s workers and their families by strengthening the city’s worker and consumer protections. We respectfully urge that the committee approve Intro. 1609-2019 and Intro. 1622-2019 today.

Equally important, however, is Intro. 800-A, which would guarantee paid personal time for all workers in the city. As we enter the holiday season, most of us take for granted being able to take time off to be with without losing a paycheck. But more than one million working New Yorkers – including 60% of low-income workers – receive no paid time off. We respectfully urge that the council move quickly in the New Year to approve Intro. 800-A to ensure this basic protection that workers and families need.

### **1. Intro 1609-2019: Renaming the Agency to Create the Department of Consumer and Worker Protection**

Over the past few years, New York City has taken a range of important steps to increase protections for workers across the city. One of them has been to create a city agency charged with advocating for workers by transforming the former Department of Consumer Affairs into the new Department of Consumer and Worker Protection. This legislation would amend the City’s Charter and Administrative Code to officially reflect that change in the agency’s name. That new name reflects the Agency’s broader and important new mandate to serve as a clearinghouse and focal point for labor issues and for workers in New York City.

Similarly, the legislation codifies the existence of two of the agency’s important sub-offices – the Office of Labor Policy and Standards and Paid Care Division – ensuring that their important work remains an integral part of the Agency’s mandate in the future.

In addition to these housekeeping items, the legislation also brings the Agency’s enforcement and compliance toolkit in line with similarly situated labor regulators by

making clear that it has onsite inspection authority for businesses. It also, clarifies the Agency's ability to seek and secure restitution across all of its laws and rules.

Taken as a whole, this package of reforms will ensure that today and in the future New York's workers have a robust city agency charged with advocating for them and promoting their wellbeing.

## **2. Intro. 1622-2019: Updating the Consumer Protection Law**

The second piece of legislation before the committee today, Intro. 1622-2019, would help modernize New York City's Consumer Protection Law (which DCA enforces). The Consumer Protection Law provides fundamental protection for New Yorkers against unfair or deceptive practices in the marketplace. The law potentially reaches virtually any marketplace transaction in New York City and has been used effectively to secure settlements and decisions that benefit some of the city's most vulnerable populations including low-income and immigrant New Yorkers.

But the Consumer Protection Law has not been substantively updated since its passage in 1969 and, as such, requires a number of amendments to ensure that the Agency's authority is clarified and updated to reflect the modern marketplace.

Among the updates that Intro. 1622-2019 would make to the Consumer Protection Law are:

- Raising penalties to adjust for inflation so that it is a more effective deterrent to unlawful behavior in communities.
- Clarifying the law to:
  - Remove any doubt that the law applies to different types of communication through which businesses today often engage with consumers – such as digital and electronic media.
  - Make clear that deceptive trade practices include a businesses' failure to provide translated documents to a consumer if a transaction was primarily negotiated in a language other than English.
  - To make clear the agency's ability to seek and secure restitution in cases implicating the Consumer Protection Law before the City's tribunal, OATH.

These important amendments will help ensure that New York City's Consumer Protection Law remains an effective tool for protecting the city's millions of consumers and ensuring fair business practices.

## **3. Intro 800-A: Providing Paid Personal Time to More Than 1 Million New Yorkers**

Finally, we would like to urge the council also to adopt Intro. 800-A, which would guarantee paid personal time for purposes such as vacation, parent-teacher conferences, and other family and personal needs. More than one million New Yorkers do not currently receive paid personal

time – including 60% of low-wage workers in the city, and two thirds of part-time workers.<sup>1</sup> This important initiative will improve the lives and wellbeing of a broad swath of New Yorkers and their families.

Currently, many working New Yorkers have no right to take paid time off from work for personal or family needs, such as meeting with their children’s teachers, when child care falls through, dealing with a household emergency, or for life events like graduations, retirements, or funerals. Intro. 800-A would build on and extend the city’s current paid sick days law to ensure that all workers in the city may use earned personal time at their discretion for both foreseeable and unforeseeable events, whether it is an appointment scheduled weeks in advance or the unexpected death of a loved one.

Paid personal time would also give immigrant New Yorkers time to visit home, keeping families together across borders, and working students time to prepare for exams. It will give workers time to rest and recharge.

The United States is alone among major industrialized nations in not guaranteeing workers paid time off. Intro. 800-A’s very moderate ten-day paid leave guarantee would begin to bring New York closer in line with this very basic norm.<sup>2</sup>

With Intro. 800-A, New York can be a progressive trailblazer, leading the way for other cities and states – the way we have been with the Fight for \$15, fair workweek legislation and other important policy reforms to protect working families. We urge the city council to act quickly to adopt it.

Thank you for the opportunity to submit this testimony.

---

<sup>1</sup> 2018 Community Service Society survey of New York City workers. Estimates are for private employees at firms with five or more employees, available at: <https://secure.cssny.org/page/-/UHT%202018%20paid%20vacation%2011019.pdf>

<sup>2</sup> Center for Economic and Policy Research, No Vacation Nation Revisited (May 2013), available at: <http://cepr.net/publications/reports/no-vacation-nation-2013>