

**Testimony of Commissioner Lorelei Salas of the
New York City Department of Consumer and Worker Protection before the
Committee on Civil Service & Labor**

**Remote Hearing on
The Impact of COVID-19 on Workers in New York City and
Introductions 1918, 1923, 1926, a Preconsidered Introduction, and Resolution 1285**

May 5, 2020

Good Afternoon Speaker Johnson and Chair Miller, and members of the Committee. I am Lorelei Salas, Commissioner of the Department of Consumer and Worker Protection (DCWP). Today I'm joined by Ben Holt, Deputy Commissioner for DCWP's Office of Labor Policy and Standards, and Steven Ettannani, Executive Director of External Affairs.

It is my pleasure to testify before the City Council today and it is my sincere hope that each of you and your loved ones are staying safe and healthy during this time.

During the past several weeks, we have appreciated the regular contact we have had with Council, and I'm eager to continue our work together serving New Yorkers during these uncertain times.

The Impact of COVID-19 on Workers in New York City

Since the beginning of this crisis, hundreds of thousands of working New Yorkers have seen their incomes abruptly shrink or disappear as schedules have been shortened and jobs have been eliminated, leaving them financially burdened and vulnerable. Even as many of us shelter-in-place and try to go about our lives at home, essential workers, those who tend to or provide vital services every day to their fellow New Yorkers, continue to serve on the frontlines of this pandemic and keep New York City going. Our thoughts and gratitude are with them, not only this past May Day, but every day: thank you for the risks you have borne to carry New York through this crisis.

This crisis continues to shine a light on the socioeconomic inequality in the city. Workers in jobs with the greatest exposure, such as healthcare, retail and food industries, are from the communities of color in our City, often immigrants, earning low wages¹. Many have limited access to health insurance or paid personal time for themselves to rest and recover, or simply be with their families.

This Administration and City Council have been at the forefront of protecting workers. The Paid Safe and Sick Leave, Fair Workweek, and the Freelance Isn't Free laws, to name a few, are today, especially during this crisis – helping. They are helping the worker who feels ill to stay at home. They are helping the worker who suddenly has their hours reduced. They are helping the freelance worker who has a right to be paid for their work.

We are facing immense and unprecedented challenges, though. As folks are aware, COVID-19 has unleashed both public health and economic crises, and the city and the state will face difficult

¹ <https://comptroller.nyc.gov/reports/new-york-citys-frontline-workers/>

fiscal times ahead. Despite this, the mission of my agency, to protect and enhance the daily economic lives of New Yorkers to create thriving communities, will continue. Now, more than ever before.

Enforcement of Worker Protection during COVID-19

DCWP has, and will continue to, enforce New York City's workplace protections on behalf of essential workers on the frontlines and non-essential workers either working remotely or newly unemployed. During this crisis, it is critical that these protections help to lessen the burdens of the pandemic for our city's most vulnerable workers.

From the early days of the crisis, our agency received more than a thousand complaints and inquiries from New Yorkers regarding their rights and protections, as well as their obligations as employers. To respond to this high volume, after the Governor announced *New York State on PAUSE*, we worked quickly to adjust our capacity and capability to work remotely, and cross trained staff on intake procedures and new laws at the state and federal levels so that we could continue serving our role as a central hub for private sector worker issues in our city.

Paid Safe and Sick Leave – a worker's right during this pandemic to stay home if they or their loved ones are sick – protects not only sick workers themselves but their coworkers, employers, consumers, and other members of the public. During the pandemic, DCWP's Office of Labor Policy and Standards (OLPS) developed new enforcement procedures to respond to the unique needs created by this crisis.

First, we have implemented a fast-track process to resolve COVID-19 related cases as quickly as possible. Rather than using our traditional enforcement process – including requesting and reviewing documents and other information that takes time to collect – an attorney conducts quick fact-finding, reaches out to the employer to inform them of the claim, and presents their findings with the aim of quickly resolving the worker's issue. This approach can shorten the enforcement process dramatically and facilitates obtaining restitution for workers and access to safe and sick leave. Since February 17th, DCWP has secured more than \$150 thousand in restitution for workers.

Second, DCWP has taken additional steps to ensure that enforcement of workplace protections during the current evolving crisis is equitable and in good faith. As such, DCWP is exercising prosecutorial discretion to ensure it is fairly taking financial hardship into account when considering civil penalties for small businesses. Instead, we are prioritizing returning money owed directly to workers and utilizing consent orders to promote future compliance. This approach makes the best use of our enforcement resources and accounts for the financial strains all New Yorkers are experiencing.

Third, DCWP has adjusted its intake and referral practices to ensure we are providing guidance and referrals on both pre-existing and new state and federal laws impacting workers and employers during this crisis. This has been particularly important given the volume of new information and laws relating to workers that has emerged since March: state executive orders, state and federal emergency sick leave benefits, expanded family leave, and expanded

unemployment insurance among them. DCWP's written guidance is a guidepost for workers and businesses alike covering leave and benefit laws at the city, state and federal level. This resource is available on our website in more than 10 languages.²

DCWP regularly distributes this guidance, and other educational items, through social media, emails, and virtual outreach events. We have continued our work communicating with the community, stakeholder organizations, and elected officials to mitigate uncertainty through weekly briefings and tele-townhalls. Since March 12, DCWP has held a weekly informational briefing for more than 340 worker stakeholders to provide updates on the agency's efforts during the pandemic. Overall, we have held 78 tele-townhalls, conferences and "know your rights" forums. Our staff will continue working diligently to ensure New Yorkers know that we're here to support them during this crisis and beyond.

Legislative Proposals

Every hour of every day, essential workers are keeping our city going: caring for the sick or elderly, preparing and delivering food, and providing a range of other critical services for New Yorkers citywide. Their work supports all of us, and the bottom line is that, without them, this city's problems would be even more urgent.

The Administration supports the intent of the legislation under consideration today and we want to work with Council to address the economic, operational and legal concerns raised by these bills at this unique moment while also not sacrificing needed protections for workers.

Introduction 1918

Turning to the specific legislation at hand, Intro. 1918 would provide premium pay to an estimated 800,000 essential workers in New York City. DCWP echoes the call for premium pay for our essential workers. However, we believe that the Trump Administration has a responsibility to New York during this time of crisis, a responsibility to our workers and our entrepreneurs, to provide this premium pay for those who are on the frontlines of this pandemic.

We appreciate the Council's advocacy for workers, and we want to work with the Council to ensure our essential businesses do not shoulder these costs on their own and their workers receive premium pay for the risks they are taking. The federal government must step up and provide tangible economic support for premium pay given the economic crisis that both essential workers and essential businesses are living through.

Introduction 1923

Intro. 1923 would extend just cause job protections to more than two million essential workers. DCWP believes that just cause is a next step in innovative policies that can protect vulnerable workers. However, at this time, given the operational strain we are under as we focus on COVID-

²² <https://www1.nyc.gov/assets/dca/downloads/pdf/workers/Complying-with-NYC-Workplace-Laws-During-COVID-19.pdf>

19 related priorities, it would be challenging for DCWP to absorb new regulatory responsibilities. That said, we are willing to work with Council to discuss this further.

Introduction 1926

Of the legislation under consideration today, Intro. 1926 has perhaps the longest-term impact by expanding the definition of employee to cover additional workers under the city's Paid Safe and Sick Leave Law. Our preliminary estimates show that this legislation could extend coverage to more than 140,000 workers.

We would like to work through the legislative process with Council to ensure we are able to establish clear standards for workers and businesses and a workable mechanism for the new community of workers this bill contemplates to be able to access their leave. We also believe that this legislation serves as an opportunity to update our Paid Safe and Sick Leave Law to align with their recently passed state legislation.

Conclusion

Over the past months, our city has gone through tremendous stress and we will likely continue to face more trials and tribulations ahead. But we are resilient, we are New Yorkers, and we will come out the other side stronger than ever before. As I said at the beginning of my testimony, I'm eager to continue our work advocating for and protecting all New Yorkers, and particularly the essential workers on the frontlines of this crisis.

I am grateful for the sacrifices and generosity of all New Yorkers during this time and our essential workers are an indispensable part of our city's efforts to flatten the curve and stop the spread of COVID-19. Our thanks go out to all of you who embody all that is great about this city.

Chairman Miller, thank you for the opportunity to testify and I look forward to answering any questions you may have.

Thank you, Chair Miller, and members of the Committee on Civil Service and Labor, for convening this hearing. My name is Steven Banks and I serve as the First Deputy Commissioner & General Counsel at The New York City Office of Labor Relations, and I am here to discuss the pre-considered Intro that would provide health insurance for the surviving spouses and children of City employees who have died from COVID-19 complications.

First, on behalf of Commissioner Campion and the Mayor, I want to express the appreciation and gratitude to all City employees who have answered the call of duty during this global pandemic. It cannot be overstated how important public employees are to assisting the residents of the City in a time of great need. From the healthcare workers and first responders who continue to report to the frontlines of this crisis each day, to those who are working from home to make sure that many types of City services can continue uninterrupted, it is without question or debate that the entire workforce has stepped up and has served the City with distinction. Each death of a City employee is a terrible loss for our extended 380,000-member family. We mourn the loss of each City employee who has fallen victim to this virus, which magnifies the ongoing tragedy that is affecting all aspects of the City.

With respect to the bill in question, the City appreciates the bill's intentions but believes that a different type of framework needs to be established that appropriately compensates the families of our heroes who have continued to work during this pandemic. We believe that the appropriate initial forum for this topic is the U.S. Congress. COVID-19 is a nationwide issue, and cities and

states throughout the nation need the Federal government to step up and fund this benefit to compensate those who are left behind. The need for Federal intervention is particularly acute in light of the major budgetary challenges facing the City and many other municipalities in the aftermath of this pandemic. As the Mayor has said, discussions are ongoing about Federal assistance to States and localities, including the heroic efforts of our essential workers, and we are hopeful that assistance is secured for workers and their families in a matter of weeks.

Proposals for action by the Federal government have been suggested or advanced and many deserve serious consideration. An example of appropriate Congressional action is the bill proposed by Representatives Nadler and Rose. It would expand eligibility for the Public Safety Officers' Benefit program to include a COVID-19 diagnosis as a Federally compensable injury. Last year, the cash payment under that Federal program was approximately \$360,000 per family. Another example that has been suggested is the creation of a compensation fund, similar to the 9/11 Victims Compensation Fund, to address the long-term needs of survivors of City employees who have passed away. Such a construct also merits serious consideration and we look forward to working hand-in-hand with our New York City Congressional Delegation, and supported by families, labor partners and you, the New York City Council, to advocate for and ensure passage of a viable mechanism at the Federal level to ensure families are protected.

Apart from the open question of Federal assistance, the current draft of the pre-considered bill presents some administrative hurdles. Mechanically, under current law all applicable survivor health benefits flow from approved accidental death benefits by the applicable pension system

based on a finding that an employee's death was a proximate result of an accident or injury sustained in the performance of duty. That includes deaths related to 9/11, as the pension system would make this determination based on State law and the presumptions contained therein. As drafted, an additional category for COVID-19-related deaths would be added that would be unrelated to any pension benefit and would require a separate analysis to determine eligibility. The Office of Labor Relations' Employee Benefits Unit processes health insurance applications but does not have the personnel or expertise of the pension systems, including medical review boards of licensed physicians, to determine whether a particular death resulted from "a complication related to the coronavirus disease". In addition, it is unclear whether the addition of this category for survivor health benefits would require any causal relationship, even by presumption, with an individual's employment.

Thank you again for holding a hearing on this important topic, which has sadly impacted too many of New York City employees' families. I want to again express the appreciation and gratitude to all City employees who have answered the call of duty during this global pandemic, and to mourn those we have lost. We will continue to do all we can to support our workforce and families of those who have passed away. We recommend that Federal action be taken as soon as possible, as it represents the most appropriate initial focus of this important effort that would provide a solution on a broad scale. We look forward to working with the Council, families, labor, as well as our partners at the State and Federal level, to follow a path that thoughtfully addresses the important topic of compensation for the families of employees who have died from COVID-19.



Alliance for Downtown New York, Inc.
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Testimony of the Alliance for Downtown New York on Ints. 1918 and 1923

Committee on Consumer Affairs and Licensing

Hon. Andrew Cohen, Chair

April 27th, 2020

The Alliance for Downtown New York operates one of the largest business improvement districts in New York City. Our district covers Manhattan south of City Hall and is home to approximately 1,140 restaurants and retailers and over a quarter million private sector jobs.

The novel coronavirus has had a devastating impact on retail in Lower Manhattan and across the city. Only approximately 23% of Lower Manhattan retailers are currently operating. Small businesses are not only important employers but do so much to make our city the vibrant and exciting place that we all love. Leaders in the public and private sector are aggressively looking for ways to help these endangered businesses during what is proving to be a deeply challenging time.

Last week the City Council introduced a package of bills intended to provide relief for small businesses. Some of the bills advance beneficial ideas, such as eliminating sidewalk cafe fees.

However, two of the recently introduced bills, Int. 1918 and Int. 1923, could end up harming small businesses and making recovery from the pandemic much more challenging. Int. 1918 would mandate additional "hardship" pay for some employees. Int. 1923 would prevent businesses deemed "essential" by Gov. Cuomo from firing workers except for cause.

Int. 1918 could have a substantial negative impact on grocers and other larger independently owned retailers that are providing essential services in our communities. Recognizing the extraordinary sacrifices of the essential workers who are taking great personal risks during the pandemic is certainly laudable. Unfortunately grocers are already operating on dangerously thin profit margins and many may simply not be able to shoulder the substantial added payroll costs Int. 1918 would impose.

Int. 1923 would similarly impose a potentially catastrophic financial burden on exactly the sort of mom-and-pop businesses the Council is trying to help. Small businesses are currently faced with unprecedented uncertainty. Retailers and restaurateurs don't know when they'll be able to reopen, what sort of restrictions will be in place when they reopen and how strong consumer demand will be. There is also a real possibility that a second or even third wave of COVID-19 infections may force further partial or complete business shutdowns. Int. 1923 would eliminate any ability for small businesses to adjust staffing to reflect actual business conditions. Few if any mom-and-pops can afford to continue paying staff with little or no income. Instead of preserving jobs Int. 1923 will likely create a disincentive for these businesses to rehire quickly when restrictions are lifted.

Small businesses are facing an epochal challenge. We applaud the City Council's attention to the needs of these businesses. While we have serious concerns with the two bills detailed above we hope that the Council will continue to work with business and community leaders to find effective ways to help struggling mom-and-pop retailers and restaurateurs.

About the Alliance for Downtown New York: The mission of the Alliance for Downtown New York is to provide service, advocacy, research and information to advance Lower Manhattan as a global model of a 21st century Central Business District for businesses, residents and visitors. The Downtown Alliance manages the Downtown-Lower Manhattan Business Improvement District (BID), serving an area roughly from City Hall to the Battery, from the East River to West Street. For more information visit downtownny.com.

Proposed Hazard pay

Dear Speaker Johnson

The bill before city council to force small companies to pay hazard pay is outrageous. Small businesses like mine are already hit hard. There has been an 87% increase in minimum wage in four years. This proposal will bankrupt more small businesses.

I am adamantly opposed to the bill.

Regards,

Robert Kotch

President

Breakaway Courier

444 W 36th St.

New York, NY 10018

212-946-7788 desk

Robert Kotch <rkotch@breakawaycourier.com>

Opposition to Proposal

Dear Mr. Speaker:

As a business owner with our main office in your district, please add my voice to those upset with the proposal requiring businesses to pay extra money to employees as "hazard pay" during the pandemic. COVID- 19 is wreaking enough havoc on businesses, and we are all struggling to stay afloat. Our customers pay rates for services based on previously negotiated contracts. Even if we could renegotiate those agreements now, it is not as if we are able to reach people, get lawyers involved, and put new agreements in place. To add this burden to businesses is just not reasonable. And we want to stay in business, so we can continue to provide our employees with the jobs they love!

Thank You,

Jay Waldman

jwaldman@selectexp.com

Covid19 Legislative Relief Package / I am a friend and Nieghbor of
Stefan Campbell

Dear Mr. Johnson,

I SUPPORT THIS PACKAGE.

You are doing a fantastic job for us hard working citizens. As a
restaureteur this is more important than EVER.

Thank you for all that you do.

Good luck Wednesday and be well,
Judi Wong

cafecluny.com
theodeonrestaurant.com
cafeluxembourg.com

Small Business Owners oppose Intros. 1918 and 1923

Dear Member,

Dunkin' Brands is a 100% franchised system comprised of small business owners / franchisees. As one of these franchisees, who own and operate over 250 restaurants employing over 5,200 hardworking New Yorkers, we oppose Intros. 1923-2020 (Just Cause) and 1918-2020 (Premium Pay). These bills seek to impose exorbitant costs on our already struggling businesses at a time when many can barely afford to keep their doors open.

We implore the Council to stop pursuing legislation that creates such a hostile business environment in New York City for small business owners like ourselves. It goes beyond reason to think that during this pandemic that has forced businesses to pause to help contain the virus, that now would be a good time to impose new costs and restrictions on the few businesses that are fighting to stay open, provide jobs and serve the heroes who are working to help keep our city healthy and safe.

Intro 1923-2020 ? Just Cause

rod valencia
rodv@legacyqsr.com

COVID-19 Relief Package

David McGoldrick
Partner and Manager
Marjen & Family LLC and Marmelade LLC
124 East 72nd Street
New York, NY 10021

Dear Council Members,

First, I hope that you are doing well and staying healthy. Obviously, these are very trying times and the safety of our families and communities is of paramount importance.

I am writing to express my concern over proposals that are being considered by the City Council to protect New York City tenants during this crisis. Let me say that my family and I have been landlords in New York since the 1940s, and I think a survey of our tenants would confirm that we have always been diligent and responsive to them and their needs, but now I AM WORRIED ABOUT LOSING OUR BUILDINGS!

Obviously, there's so much trouble going around right now that there is plenty to share, and we are willing to do our part to keep our city safe and successful, but I do not think that the proposals being considered by the City Council will achieve that objective. In fact, they will, by virtue of human nature, do just the opposite. Both residential and commercial tenants are practically being encouraged to withhold their rents and eventually to walk away from their leases when grace periods expire. It simply cannot be so one-sided. The City Council must take into account the health and financial well-being of both landlords and tenants in crafting legislation. As it is now, it seems as if landlords are slated to be the city's safety net, with no discussion of how landlords are supposed to keep up with taxes, insurance, utilities, maintenance and so on, to provide the services that keep tenants safe and secure.

If this sort of legislation passes, building owners will essentially have no way to enforce the collection of rent from anyone claiming, without any evidence, to have been negatively impacted by the COVID-19 crisis. While it is understandable that there is concern for tenants, this sort of sweeping mandate will be devastating for owners. Any relief and protection for tenants must be coupled with the same for landlords, whether that entails measures to abate or delay collection of property taxes or many of the other bills that owners must pay, and to make it incumbent on tenants to show that they are unable to pay their rent due to COVID-19, and to make arrangements for them to catch up when the economic situation improves. If owners aren't extended commensurate relief then the outlook for the residential housing stock will be bleak indeed: tax defaults, mortgage defaults, reduced or non-existent maintenance, and the exposure of landlords to predatory lenders and buyers; people and entities who do not have the same devotion to fair play and the responsibilities that tenants and landlords must share.

I know it's not easy to come up with a comprehensive plan, but you must not implement a shoot from the hip solution that ignores the complexity of the existing system and instead imposes a draconian and unsustainable burden on just one group of stakeholders.

Thank you for your time. Be well.

Sincerely,

David McGoldrick
david@1919films.com

Stop trying to punish business and property owners. These stories are insane and reflect how out of touch leftists and leftist politicians are with reality. I'm convinced you're all traitors trying to destroy the city and country as a whole. Also shutting down evictions and making it seem it's ok to not pay rent is also insane and irresponsible. You're turning this city into a cesspool.

<https://therealdeal.com/2020/04/24/grocers-well-shut-down-if-city-council-mandates-rona-bonus/>

<https://ny.eater.com/2020/4/22/21231018/nyc-restaurant-coronavirus-city-council-legislation>

Sent from phone

David Brotsky

212.863.9665

<https://davidbrotsky.com>

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To Whom It May Concern,

I, like most of my colleagues in the bar and restaurant industry, are obviously watching the proceedings of the City Council with bated breath. I'd like to offer an individual case for your consideration - mine - hoping it might shed just a little more light on the situation. My tavern, The Ginger Man, opened in 1996 and has been a midtown Manhattan (36th Street) favorite since then, especially with the craft beer movement community. We have run fundraisers for environmental causes, disaster relief efforts, and have worked closely with our neighborhood and local police department. For our employees, hundreds since we opened, we make sure that their workplace is friendly, fair, and safe. No employee, or vendor, or government agency has had invoices go unpaid, or even had to wait for payment, in our near quarter of a century of doing business. Seems unlikely, I know, but this is a matter of record. After 20 years of wonderful New York business and experiences our lease expired 5 years ago and we found ourselves, coincidentally, with a new owner of our space. This new landlord, only occasionally in New York, rewarded us for our efforts with a doubling of our rent - far in excess of what our neighbors were paying, and when I complained he responded by putting the condo common charges *on top of* the 100% increase. Our business life changed overnight, and what was a pleasure for all became difficult, but we pressed on. However, he wasn't done with us - he demanded a personal guarantee, defined and qualified by a Good Guy Guarantee. This guarantee, as you know, came into being in NYC to add some measure of sanity to PG's - LL's could have their guarantee, and tenants could have a way out; standard clauses have a 3 month notice of intent to close, forfeit of all security deposits, and a handover of the keys. If the tenant was current in rent, he could walk away. Not so with my LL - he devised a milestone formula - I could only give notice, with *six* months notice, only every two years. He gave me no choice but to sign on to these terms. Regarding the PG formula, I thought the likelihood of major catastrophe happening exactly when when one of those 2 year opportunities passed was far fetched, and that I wouldn't have to worry about it. The last window was this past January. So, with my nearly \$55,000 rent I am looking at financial ruin if he were successful in enforcing the PG for another 2 years. Aside from being patently unfair and bad for business in the city, the logic is lacking - if the space in question (11 E36th St) was rentable at \$55,000 a month, why would any LL need to have more than 5 months security to do so (my 2 month's security deposit + the 3 months of notice)? In this scenario, he is demanding 2 years. I hope the City Council moves to remove these onerous PG's, and also to provide necessary rent relief for our industry.

Thank you.

Sincerely,

Robert Precious
bptgm1@gmail.com

Ümit Yolcu

Good afternoon Mr. speaker, I'm pleased to see you and the council taking a much needed initiative in providing assistance to essential workers, as many of us across the city have had our hours cut in response to the ongoing situation. I feel it would be very beneficial to a lot of struggling individuals and families working through this pandemic to keep our great city running as best we can, and the added bonuses would mean a world of difference in providing financially for our loved ones. Im sure the great members of our council will get this passed without delay, and im writing to you today to request that upon passage it also be applied to all essential workers retroactively, dating back to the beginning of the shutdown, when we all as a city began to feel the impacts of COVID across many areas of life. I appreciate you taking the time to read this and will look forward to seeing you all take the needed steps to protect our essential employees in these times of uncertainty.

Best regards,

Ümit Yolcu

QCs

Marley McDermott

150th Street

Whitestone, NY 11357-3631

marley0704@aol.com

Good morning,

My name is marley McDermott and I work for the DOE school foods. I work as a cook in bayside ny. The kitchen/cafeteria workers continue to work through this horrific time. We are putting ourselves and loved ones at risk. My piers are coming home crying . The anxiety of working in kitchen is difficult. Social distancing is nearly impossible . I ask you with respect to include us in the hazardous pay. We are essential workers. Feeding our children and now adults. Thank you.

Respectfully yours,

Marley McDermott

Oppose NYC 1918-2020

Dear Council Member Johnson,

I write as a member of the New York State Association of Health Care Providers (HCP), which is a leading Home Care association in New York State and as a home care provider in New York City, which employs essential workers under the COVID emergency declaration.

As a home care provider in New York City, I am gravely concerned by and staunchly opposed to the “Essential Workers’ Bill of Rights” introduced this week in the New York City Council.

The series of bills seeks to provide new benefits to essential workers, including additional protections and hazard pay to those hourly workers helping the city continue to operate during the COVID-19 pandemic. Let me be clear, we stand with our workers and their families but, given the current significant challenges presented to the home care industry by the COVID crisis, I staunchly oppose these proposals which will cripple an already fragile industry.

During these very uncertain times the home care industry is encountering several financial and operational challenges, not the least of which have arisen from policies newly enacted in the state budget. I value our workers and strive to keep them safely employed. Teaming with our home care aides, we focus on keeping patients and workers safe.

Our future as a home care provider is already uncertain! Adding new and significant burdens to employers, in addition to those recently added by the state and federal government, at this time, undoubtedly would be seriously detrimental and hasten our demise.

With these proposed changes we would be in jeopardy of laying off workers or worse yet going out of business altogether. The result will be joblessness and patients going without vital care to remain in their homes and communities and perhaps worsening the negative impact of COVID.

Without a significant appropriation of financial assistance from the City, it will be nearly impossible for us, currently operating on razor thin margins, in the face of significant state budget cuts, to provide the additional benefits contemplated by this legislation.

As a home care provider in NYC, I oppose this legislation and respectfully urge your opposition as well.

Regards,
Theresa Taplin
W 29th St
New York, NY 10001
<Theresa.Taplin.304899007@p2a.co>

Oppose NYC 1918-2020

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As a home care provider in NYC, I oppose this legislation and respectfully urge your opposition as well.

Regards,
Judy Aponte
W 24th St
New York, NY 10011
<Judy.Aponte.304772421@p2a.co>

legislating to mandate what businesses pay & firing for cause

You're on a slippery slope

How many Council members have experience running a medium-large business?

Good intentions don't necessarily translate into good business decisions

The City Council should be focused on running NYC's OWN BUSINESS, not ours!

After all, who's going to pay the majority of the taxes needed to balance the budget?

And how many more decision makers (and their businesses) do you want to lose to the sunbelt/smile states?

If you would like to discuss please call

Reuben Leibowitz

RLeibowitz@jenpartners.com

Bonuses for front line workers

Good afternoon Councilman, I'm pleased to see you and the council taking a much needed initiative in providing assistance to essential workers, as many of us across the city have had our hours cut in response to the ongoing situation. I feel it would be very beneficial to a lot of struggling individuals and families working through this pandemic to keep our great city running as best we can, and the added bonuses would mean a world of difference in providing financially for our loved ones. I'm sure the great members of our council will get this passed without delay, and I'm writing to you today to request that upon passage it also be applied to all essential workers retroactively, dating back to the beginning of the shutdown, when we all as a city began to feel the impacts of COVID across many areas of life. I appreciate you taking the time to read this and will look forward to seeing you all take the needed steps to protect our essential employees in these times of uncertainty.

Best regards,
Jordan Stollar
<jm.stollar@gmail.com>

Legislation to protect the jobs of essential workers

Dear Councilmen Kallos, Lander, and Speaker Johnson,

Thank you for introducing legislation to protect the jobs of essential workers and whistleblowers in NYC. Though I appreciate your efforts in this matter, I hope the legislation can help essential workers like me who were fired before the legislation was introduced yesterday. I am a vascular surgeon and I was terminated from my private-equity owned company several days ago without cause. I have brought up patient safety concerns with them in the past and I feel that I was singled out. Upon termination, my company has given me 2 months notice (as per my contract), but they will not allow me to work, will not free me from the contract nor my non-compete agreement, and will not pay me during this time. This is a blatant breach of my contract, for which they are using the pandemic as justification. I know the company is getting relief from the SBA PPP loans, but for me I will see none of this relief. Furthermore, because they have fired me during the pandemic, I can not find another position because most hospitals are on a hiring freeze.

I hope that your legislation will help people like me, who were fired without cause just before the legislation was introduced. Though I can not be protected from termination at this point, I hope that you demand that these companies abide by the contracts they have signed and pay their workers the wages that were promised to them for whatever notice they are owed in their contracts.

Thank you for your time and hard work.

Sincerely,

Sareh Rajaei, MD MPH
<sarehsan@gmail.com>

Hazard pay for essential employees

Good morning Mr speaker, I'm pleased to see you and the council taking a much needed initiative in providing assistance to essential workers, as many of us across the city have had our hours cut in response to the ongoing situation. I feel it would be very beneficial to a lot of struggling individuals and families working through this pandemic to keep our great city running as best we can, and the added bonuses would mean a world of difference in providing financially for our loved ones. Im sure the great members of our council will get this passed without delay, and im writing to you today to request that upon passage it also be applied to all essential workers retroactively, dating back to the beginning of the shutdown, when we all as a city began to feel the impacts of COVID across many areas of life. I appreciate you taking the time to read this and will look forward to seeing you all take the needed steps to protect our essential employees in these times of uncertainty.

Best regards,
Michael Giordano
<mjgiord787@yahoo.com>

your emergency legislation

I am both a partner in a small law firm employing about 50 (which provides general full benefits), and the father of a full time independent contractor in the film industry.

With all due respect, you are proposing legislation that does not understand or appreciate how business actually works and will likely drive business out of NY and harm many of the people you think you are trying to help, as it has done in California.

While having to buy your own health insurance for a IC is a burden, people do not and cannot work full time and need to be free lance. Many companies cannot operate with full time employees but can only bring on freelancers as they need them for short to medium stints.

The inevitable results of such legislation will be to lose jobs, because companies will go to places where they can work efficiently and remotely if necessary, and do not really need to be in NY. This is a national market and you will drive away small companies and end the careers of thousands of freelancers.

I have been a progressive democrat for 50 years working on many campaigns, but you need to consult with people who actually provide jobs and know something about business before launching such legislation.

Very disappointed.

Michael S. Devorkin

**GOLENBOCK EISEMAN
ASSOR BELL & PESKOE LLP**

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T (212) 907-7348
F (212) 754-0330
711 Third Avenue
New York, NY 10017

vCard | bio

any

Hello Mr. Reynoso and Mr. Johnson

As a resident of Greenpoint, I am writing to you in support of several options being discussed at today's meeting. They include the following:

Pushing for Open Streets- the proposed 75 miles is a bare minimum for a city of 8.5 million and over 6000 miles of roads- I urge you to push for many times that number- perhaps 10% of roads could be closed, at 600 miles, giving millions of New Yorkers safe space to breath and be outside- as well as creating safe zones for essential workers to move about the city and avoid and heavily overcrowded subways. This could work to open up bike lanes, as well as bus only lanes- again reducing subway use.

Rent/eviction freeze- Please support the rent/eviction freeze, as New Yorkers need to be able to continue living in their homes safely and without the worry of becoming homeless- particularly in a crisis. We already have tens of thousands of homeless, each of whom should be given a guaranteed apartment- there are thousands if not tens of thousands of empty apartments across the city-USE YOU MASSIVE AUTHORITY as the City Council to force these apartments to be rented out to those who need them. You have the power- USE IT.

Essential worker benefits- as the first city in the US to offer full medical coverage, you must make this process instantaneous and paperwork free- while also heavily promoting it to all New Yorkers. All workers, not just essential workers, need a job and payment guarantee, with special attention paid to those keeping us all alive- food workers, hospital staff, etc. We must make it as safe as possible for them to continue supporting all of us- see the above comments as well.

The above are a good starting point. As the wealthiest city in the US, and one of the wealthiest in the world, I expect to see you support ALL New Yorkers through this crisis and beyond, guaranteeing us a decent quality of life no matter what.

Thank you, and I look forward to watching what you do,
Cameron Shore

--

Cameron Shore

M.Arch, CCNY 2017

<cameronbshore@gmail.com>

Protections for gig workers should be industry specific and not be a burden to all small businesses!

Hello Speaker Johnson,

I understand that today you are discussing actions to help people/businesses affected by Coronavirus. I certainly appreciate the help as an owner of a small business especially as we tried to apply for a NYC small business loan before the program was paused and our business is in dire straits financially.

However my comment today is regarding the plan for gig workers. Our small business hires up to 100 different gig workers during the year. We have a special events company that specializes in lighting and video so the technicians we hire are highly specialized and in great demand. These technicians usually take work from 5-10 different event companies over the year. So often times we give offer work to these technicians and are declined. They work the hours they want to work and if they don't feel like working don't. We have no control over their schedule and there are no ramifications on them if they don't show up when they have accepted work. Interestingly, when we have approached some of the more exceptional technicians with offers for full-time work, we are almost always told that they prefer the flexibility they have as a gig worker. Therefore, I am concerned that if you unfairly force small businesses like ours to pay sick leave for these gig workers that you will bankrupt us.

CRUCIAL! When crafting gig worker protections please consider the INDUSTRY. For example, the audio operators in the events industry can make \$750 a day from us for 10 hours of work and even more if there is overtime. Meaning that this person can just for work us for 3-4 days a MONTH and yet earn \$30,000 in a year! It would seem unfair to assume that we should pay this person's paid sick leave. However, it would make sense in another industry for someone working full-time for a company at \$15 an hour who makes \$30,000 to be paid sick leave.

We need more criteria to determine whether a business should pay paid leave. How many times did the person work in a year instead of how much did they earn in a year? What industry does the person work in and what are the industry norms and expectations?

Please do not sweep all gig workers into the same basket. I agree that if you drive almost exclusively for Uber for 40 hours a week then yes Uber should be paying you sick leave but if you work 10 times in 12 months for a small business like ours that it would be an unfair burden on us to bear that could lead to bankruptcy.

Thank you for your consideration.

All the best,
Desiree Charles
Astoria Small Business Owner
<desireecharles@me.com>

meeting and proposed stay of evictions

I have been practicing Landlord Tenant law for almost 40 years, initially representing Landlords and Tenants but now just for Landlord

What the members of the NYC Council must realize is that not every Tenant is "worthy" of any additional protection or Stay of Eviction just as not every Landlord is evil incarnate. There are consequences to all knee jerk reactions. This ill advised suggestion by the Speaker is an example.

I myself have had and now have cases where seniors were duped into sharing their apartment by miscreants leading to elder abuse which is unchecked in this City. Yes the police will not help seniors who are being abused and threatened,

I have an at risk seniors NOW, out of Possession of her apartment, destitute, awaiting an eviction that can not occur.

Do not suggest otherwise as the proof is in what the system will do to help. OCA, the DOI and our Civil Court administration do not care about them. They are the true victims of our court system every day, thousands of them.

I have cases where occupants of illegal apartments continue to destroy an entire house. Where the occupant is running the water 24/7 causing violations and fines to Owner who is powerless to restore the premises

Dozens of cases where tenants simply do not pay and their EED dates have passed, yet because Warrants can not get submitted or signed the small Landlord is out \$10-15000 or more. How can a small owner of 2-5 family dwelling recover from this unconstitutional taking without due process?

In this City we have thousands of professional tenants who search out basement spaces, often with the help of either section 8 cityfeps and other agencies complicit with real estate brokers. They pay one month then nothing.

Nobody is looking out for the small owner who is the backbone of NYC What was the american dream?

It was to scrimp and save and buy a small house so that the rent could pay the mortgage and taxes until such time as that mortgage was paid off
That house was to be the pension for thousands of small owners, many 1st and 2nd generation immigrants

Lip service to diversity means nothing if not helping the base which supports you and this great city.

Not only is any proposed moratorium unconstitutional, I submit it is depraved as it prevents city marshals from even submitting warrant applications where suffering is ongoing. Add to this the injustice that outside of NYC we can get a Judgment and Warrant in days. In NYC it takes two or more months. A Judge already can keep a bad destructive tenant in an apartment a whole year of more AFTER that case is finally won

Not only is any moratorium wrong, I submit that it is morally corrupt under the guise of benevolence

We must open court for processing warrants and address the real issues.

Allow tenants to zoom conference with the court attorney, with the judge and attorneys NOW

Do not apply one broad brush to a wide variety of issues in the name of compassion as such is neither fair nor compassionate.--

Evan D. Rogers Esq.

Evan Rogers Law P.C.

4419 White Plains Rd Bronx NY 10470

(Phone) 718 994 1640 (Fax) 718 325 7439

Evan@EvanRogersLaw.com

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(also known as Rogers & Rogers Esq.)

April 28, 2020

The Honorable Corey Johnson
Speaker
New York City Council
City Hall Office
New York, NY 10007

Re: Opposition to Int. 1918 – 2020 by American Car Rental Association

Dear Speaker Johnson:

The American Car Rental Association respectfully opposes Int. 1918 – 2020 to provide premium payments to essential workers during the COVID-19 pandemic. While the proposal is well-intentioned, at least for car rental companies in New York City, enactment could lead to essential worker lay-offs or furloughs – surely not the result the Council has in mind during the economic downturn that already has left millions in the City and throughout the nation without a job or applying for unemployment benefits.

ACRA is the national representative for over 98% of our nation's car rental industry. ACRA's membership is comprised of over 200 companies, including all of the brands you would recognize such as Advantage, Alamo, Avis, Budget, Dollar, Enterprise, Fox, Hertz, National, Payless, Sixt and Thrifty. ACRA members also include many system licensees and franchisees, mid-size, regional and independent car rental companies as well as smaller, "mom & pop" operators. ACRA members have almost 2.2 million registered vehicles in service in the United States, with fleets ranging in size from one million cars to ten cars.

Many ACRA members, including several members of ACRA's Board of Directors, operate in New York City. Most of these ACRA members that are New York City car rental companies are classified as small businesses by the Small Business Administration and the City government.

Across the nation, the number of car rentals has dropped at least 50 percent in March and April -- and in some locations as much as 90 percent. Suffice it to say that many car rental companies, large and small, are struggling to meet their payrolls while also meeting their mortgage, rent and

vehicle-related debt obligations. At the same time, the U.S. Department of Homeland Security has designated vehicle rentals as “critical infrastructure businesses” that must be permitted to operate during the pandemic.

That is why it is almost ironic that Int. 1918 – 2020 would be introduced at this time. At a time when many ACRA small business and medium-sized members are seeking financial assistance from the federal government through the Paycheck Protection Program and the Main Street Program to avoid layoffs and furloughs of their employees and maintain employee benefit programs during this economic downturn, Int. 1918 – 2020 potentially would have the opposite impact – increasing payroll costs for car rental companies operating in the City and creating incentives for the very layoffs and furloughs the PPP and MSP are seeking to avoid.

Car rental companies operating in the City already have increased expenses from providing employees with personal protective equipment, employing extra cleaning and sanitation measures to their vehicles between rentals, and printing and posting signage to encourage social distancing at rental counters across the City and at the City's airports. Adding to these extraordinary costs by increasing payroll costs in the midst of the pandemic would be counter-productive and could in fact harm the financial situation of the City's car rental employees – not improve it.

As a result, ACRA respectfully urges the Council to oppose Int. 1918 – 2020 and to resist other well-intentioned proposals that will increase burdens on the City's essential pandemic response industries. If you have questions regarding ACRA's position, please do not hesitate to contact me.

Sincerely yours,



Sharon Faulkner
Executive Director

Subject: 1918, 1923, 1926

Dear Mr. Johnson,

As a longtime NYC resident I have grown fond of you and your views.

I have to disagree with your efforts in trying to enact laws that while well intentioned, are ill advised.

The financial burden to employers at this time, and the distraction are not what NYC needs to rebound.

Please do not do this and look at the realities and the financial impact this will have.

Reconsider this for survival's sake.

Thank you,
Your loyal constituent.

Raul
Raul Argudin

<raulargudin@gmail.com>

Business & Healthcare Opposition to COVID-19 Bills

Joint email to the Speaker from the following organizations urging him to re-think the approach to the COVID-19 pandemic that's reflected in Intros. 1918, 1923 and 1926, arguing that the package of bills sends a terrible message to employers within the City's business and healthcare communities, who are doing everything in their power to maintain jobs and keep the City viable during this crisis

- American Beverage Association
- American Car Rental Association
- American Council of Engineering Companies of New York
- Association for a Better New York
- Bronx Chamber of Commerce
- Brooklyn Chamber of Commerce
- Building Owners and Managers Association of Greater New York
- Building Trades Employers' Association
- Construction Safety Advisory Committee of New York
- Energy Coalition of New York
- Food Industry Alliance of New York State, Inc.
- Greater New York Hospital Association
- International Franchise Association
- Internet Association
- Manhattan Chamber of Commerce
- Metropolitan Parking Association
- Metropolitan Taxicab Board of Trade
- National Restaurant Association
- National Supermarket Association
- National Waste and Recycling Association NYC
- New York Building Congress
- New York City BID Association
- New York City Hospitality Alliance
- New York City Special Riggers Association
- New York State Association of Grocery Stores
- New York State Energy Coalition, Inc.
- New York State Latino Restaurant, Bar & Lounge Association
- New York State Restaurant Association
- Partnership for New York City
- Queens Chamber of Commerce
- Real Estate Board of New York
- Retail Council of New York State
- Staten Island Chamber of Commerce
- Tech:NYC
- Trucking Association of New York
- Yemeni American Merchants Association

If you make it so no commercial tenants have to pay rent regardless of their means . How would commercial landlords pay their water and real estate taxes and mortgages .

Sidney Schwartzberg
Sidney@sjsmanagement.com

Cancel Rent?

I spent all my money that I worked hard for throughout my life to buy my house; now my main source of income is from rental income. This is the money I use for living, groceries, utilities, insurance, water and real estate tax bills. Now you are telling us that you are going to suspend and cancel rent. This will take away the income we need to live and pay real estate taxes. How are we supposed to pay for the costs of owning the house that other people are living in?

Judy Poon
judypoon8888@gmail.com

Change The Eviction Laws?

The eviction laws are giving tenants who can afford rent an excuse to not pay. Many renters still have a steady income and money set aside, and are easily able to pay. A law stating that renters do not need to pay will push all the expenses to the landlords, who cannot afford all the bills without receiving rent. The government should loan the rent money to tenants to keep the burden off both the tenant and house providers .

Judy Poon
judypoon8888@gmail.com

rent relief to tenants , I'm a small landlord!

I'm a small landlord who needs the money that I get from my tenants in a 2 family brownstone that I rent out to support myself. so if you give my tenants the permission not to pay rent because you don't want them to suffer , but when they dont pay me I cant pay my bills

Michael Simon
nycmls@aol.com

As a small landlord of a 2 family rental brownstone, I sympathize with tenants. But not all owners can afford their tenants not paying rent, which for some could amount to a financial windfall. Tenants should not face eviction but should be accountable to a certain criteria if they do not pay.

Michael Simon

Do not extend the eviction moratorium

Property owners being unable to collect rent and evict tenants who don't pay will be devastating.

Property owners should not be forced to house tenants, this is a state and city responsibility and property owners have taxes, mortgage, repairs, insurance and other bills to pay. Tenants cannot live rent free until 2021 and expect them to pay back 1 year of unpaid rent, they will not pay it back.

This is reckless and irresponsible and you need to vote NO.

Delilah Bruno
646-481-4688

Dear Speaker Johnson,

I hope this email finds you and your family well and safe.

I applaud your efforts to protect tenants from evictions and negative financial outcomes from the coronavirus pandemic. It is an important and necessary initiative.

I'm writing to you however as a landlord. My family has owned and operated 5 small buildings in Manhattan with four stores and residential apartments above. We have a number of rent stabilized tenants and a few left under rent control. Two of our stores are closed as non-essential and before the pandemic we were negotiating with prospective tenants to fill the other two, whose companies went out of business or have fallen on hard times.

Currently, we're seeing a major drop in rent roll. We expect to forgo income from the buildings for the foreseeable future as we all do our best just to survive. While we have asked our tenants politely, if they can pay a portion of their rents, we're abiding by the new rules which protect them, as well we should.

My reason for writing is that when we went to our bank to ask them to allow us some months of not paying our mortgage, while suggesting they add extra payments and the end or add those missed payments to our principal, the bank was reluctant to be of assistance. In addition to our mortgage payments, our property tax's are held in escrow as part of the mortgage obligation. At this point we are unsure if we will have enough to pay the mortgage, taxes and essential services without some assistance or digging into our own savings.

Can the council consider some assistance for landlords so that we can continue to be part of the solution rather than either losing our buildings or going broke trying to hold on?

Many small real estate owners in the city are good landlords and make every effort to provide decent housing. Without addressing our loss of revenue in some way the situation could become dire, with many buildings in foreclosure and a subsequent loss of value. I urge you to craft some directives to address this situation.

Very truly yours,

Gail Garlick
Good Design Shop
info@gooddesignshop.com

Renters protection feedback

Hello Council Members,

I would like to provide some feedback on the renters protection bill being proposed. While I appreciate all the proposed legislation to protect renters, has been any legislation proposed to assist the homeowners? Homeowners still have to pay the property tax, mortgages, water bills, and in many cases the utility bills for the renters.

I find these proposed bills shift the burden overwhelmingly to the homeowners, many of whom are equally affected by the coronavirus hardships. Without any protection and help for the homeowners, many will suffer as well.

In summary, I would like to hear about the council members plan to assist the homeowners of NYC in the same veins as the renters.

Sincerely,

Xingwang Chen

xingw.chen@gmail.com

A landlord's experience

Dear Mr, Johnson.

After my tenants lease expired in October 2018, it became apparent that I could not enter into another one year contract with her. Throughout her tenancy she had, without advanced notification, paid me in pieces, not paid me at all and avoided my messages.

Because our sons were once classmates, I decided to allow her time to get herself together and make the decision that it was best she moved to a situation that was affordable. Biggest mistake.

She stopped paying altogether. I had to hire a lawyer and take her to court. I wanted my apartment back. She stopped paying rent from May 2019 until this very day. We went to court several times and the judge kept giving her time. I went without rent until December when the judge issued a judgement that she can stay December 2019 and January 2020 if she paid both rents by the 5th of the month. I continued to serve her notices from the Marshall's office to move right up until early March. The Corona Virus hit and the State put all evictions on a 90 day hold.

My tenant continually remains gainfully employed by the NYC Board of Education. The Corona Virus has had no impact on her employment, which she has held prior to signing the lease. She now owes ten months rent. Throughout this ordeal I've had to pay my mortgage and NYC Property Taxes. In addition I am the head of household for my own family which includes my two children and fiancé.

Now I am reading you are giving tenants an opportunity to opt out of rent for a year. And I've read the guidelines. Of course every tenant will say they have Corona Virus infected relatives and quit their jobs.

The bigger question is; How is this fair to me. Ten months rent owed by a tenant who has remained gainfully employed throughout her tenancy? I am the owner of a two family home. I am not a multi unit owner. How do you make the type of decisions you make?

How do I ever recover my unit? I am so disappointed in most of the local politicians. I would like to hear from you and not just telling me what you can't do because this letter serves to remind you that you have caused a lot of damage.

Darran Oliver

doliver6375@hotmail.com

Landlord relief

Good morning Speaker Johnson,

I'm a small NYC residential landlord. I understand that The NYC Council is introducing a suite of bills aimed at assisting tenants impacted by Covid-19 with more time to pay rent.

I've been working with my tenants on a case by case basis and my April rent collection could have been better, but I was able to make my mortgage and real estate tax payments.

But I can see that May and June are going to be difficult months for me. Will the City Council be introducing anything aimed to help struggling landlords?

I look forward to your response.

Please be well,

Luciano Sbuttoni

lou@nyhhc.com

Rent

Is anything done for the landlord who needs the rent to pay real estate taxes, heat, maintenance etc plus have some money left to support him and his family. Without income the building owner will lose the building and his income. What is done for him? How will he replace the money he needs for the upkeep of the building if the tenant is in the store and not paying rent and he can't evict him and get a tenant that pays rent. How do we know if the tenant cannot pay the rent or if he is not reporting his cash sales as store income?

Sel Hal

selhal@gmail.com

Emad H. - concerned citizen and landlord

Hello Mr. Johnson

I hope this email finds you well.

My name is Emad Hamdan, and I am a born and raised Brooklyn resident, business owner and real estate owner.

I am writing this email to discuss the current news that states you are introducing a package of bills providing relief to tenants. First, I think it is very important to protect tenants in their time of need and protect local businesses. However, in reading your proposals, nothing is mentioned about relief for landlords. Why? Landlords should be protected financially from the city in the same manner as tenants. Are you expecting landlords to not pay mortgages, real estate taxes, and other expenses? Have you incorporated the Banks to waive mortgages payments on your proposed bill? I'm trying to understand as a real estate investor how I'm going to pay my real estate taxes, corporate taxes, and mortgage without income from my building. If you can clarify how the other side of the bill will work for landlords, that would ease my concern. Otherwise, the city council is dooming the real estate market in this city. Many property owners are over leveraged, and we will see a tremendous amount of foreclosures, and loss of income to the city and state.

Thanks so much for your time.

P.S. you spoke at the mosque I prayer at - Beit al Maqdis Islamic Center in Sunset Park, Brooklyn.

I thought you were very engaging and bright. But honestly at this juncture, after reading the main points of your bill, I'm not sure if you have the best interests of this city.

Regards,

Emad Hamdan

Concerned nyc resident

I am an owner of a small apartment building (5 apts. + 1 store) in the Bronx. I was shocked to see that your proposal would bar evictions and debt collections for a FULL year, even on commercial tenants. So, my tenants don't have to pay rent for a year...and there is nothing I can do about it.

I pay property taxes of \$19,000 semi annually for a total of about \$38,000 per year. My next payment of \$19,000 is due in June. There has been no deferral or forgiveness for property taxes. How am I able to pay these taxes if I don't get rental income? I have been working with my tenants regarding missed rental payments. Please DO NOT interfere and make the situation any worse than it is.

Who will provide relief to landlords? Should we just walk away from the property?

You need to help property owners as well as tenants.

Thank you,

Deborah Dorick
2967 Daniel St
Bronx, NY 10461
Deborah Ann
deborah2969@yahoo.com

From: Deep Chaudhari <deepmc21@yahoo.com>

Sent: Friday, May 1, 2020 7:05 PM

Subject: Please Oppose premium pay legislation

I own Franchise store in Chinatown downtown Manhattan.

And i am requesting you to Oppose premiums pay legislation.

This will put be out of business easily.

We are keeping store open to

Help those who needs food and drinks in this crisis.

We are

Not making money like wallmart or Amazon

From: Kruti <krutipl86@gmail.com>

Sent: Friday, May 1, 2020 7:08 PM

Subject: 711 business store in upper west side manhattab

- I urge you to vote against the Premium Pay Bill - Int. [1918-2020](#). If it passes, it will create a financial burden that will harm my ability to continue to operate.
- It would also force me to work even longer hours to try and lessen the financial harm.
- I have worked hard to keep my store operating during this pandemic to serve my community, my customers, and my staff. Why would the city want to force my essential business to struggle at this critical time?
- By increasing my operating costs, my store would need to increase the price of products; costing my customers more money or worse, driving them to make purchases elsewhere.
- I urge you to vote against this harmful legislation for all of your constituents. Thank you for your consideration.

Krutika

From: krish panthi <krishpanthi2007@gmail.com>

Sent: Friday, May 1, 2020 7:45 PM

Subject: Opposition

I am strongly against the legislation to pay xtra for employee in the state emergency. We are suffering difficulties to survive. Now the payroll we are making is not enough from the income of the. Can you think of our Please do stop making this kind of legislation

Thank you

Sincerely yours

Franchisee of 7-11

Located 1239 second ave ny 10965

From: 7-Eleven #39308 <7eleven535@gmail.com>

Sent: Friday, May 1, 2020 11:31 PM

Subject: [SUSPECTED SPAM] Re: COVID-19 Legislative Relief

Dear Speaker

I am writing this email regarding a proposal being set forward for discussion in NYC council that contains certain provisions regarding payment of hazard bonus pay to essential workers among other provisions.

Here is my story of running a small 7-Eleven Franchised store in Manhattan. My store did sales of close to \$7000 (~\$2.5M annually) pre-COVID19 days. 2020 was the first year that I was able to stabilize the store sales with a lot of push and energy to get to a point where I finally started to make money. I put in 60 hours of work myself at the store on top of that I have to manage business overheads which takes another 10-15 hours a week...Insurance, Compliance, Training, Certifications, Claims from Theft, etc. I am the Human resource, Legal, Administrative Assistant, Payroll Manager everything for my business. So you can see how many HATS I need to wear just to run a small business. All in, I put 80 hours per week just to make \$70K-\$80K per year while giving employment to 10-12 people in NYC.

Due to COVID-19 outbreak my sales have shrunk by 80% to \$1500 per day. I am running the store now with 2 employees down from 10-12 employees. My 7-Eleven franchised store operates 24 hours but I am unable to do so as my night shift employees quit and filed for unemployment insurance and now don't want to come to work as they are making \$1100 per week. As I pleaded my Night Shift employees to come back to work I hear that why should I come work when I can make \$1100 per week doing nothing. I can only work 12 hours per day and have to take care of my family too. The two employees who are still willing to work, I pay bonus pay to them of \$50 per week as a gratitude to helping me run the shrunk business in this health crisis era. I still offer, free coffee to front line works (Nurses, Doctors etc) who stop by my store after work on their way home.

I am unable to meet my rent obligations as sales are 80% down. My landlord keeps calling me asking for April and May rent and I have nothing to pay to him. I have arranged for PPE for my two employees and myself so we can safely continue to service our customers. Now, on top of this, if I have to pay an additional \$60-\$75 per day to my employees it will break my back and I will be forced to close my store OR increase product prices to ridiculously high level to meet my expenses which is NOT practical. I am already suffering due to lack of sales and any further payroll burden on me will drive me to close the shutters permanently of my store.

I respectfully ask you to consider any provision keeping the sufferings of small business owners like me who want to serve the community in a safe manner and just want to get pass through this pandemic. Please do not burden me with additional debt that will break my back and drive me a point of no return. There are large businesses like Whole Foods etc that are public and have access to deep capital reserve and resources while I as a store owner of a small 7-Eleven store make my livelihood by working 12 hours a day every day with no deep pockets. I need liability protection for my business so I can operate without a constant threat of some suing for corona virus related issue for any reason beyond my control and help with landlord rent obligations that

I am unable to perform due to no fault of mine. Had the NY PAUSE or stay at home orders not been there, I would have still had less reduction in sales and still be able to make my obligations that I have faithfully performed until February/March 2020.

I would like the following to help the employees and small business in NYC:

- All employers to provide PPE to employees until this pandemic is over.
- Business that have NOT lost their sales by more than 25% due to COVID-19, to provide some additional bonus per week or per hour to their employees. NYC already has \$15/hr wage. Make it \$18/hr until NYC opens up.
- Small business owners be allowed a commercial rent forbearance for 6 months or until emergency is lifted and that balance of rent be tagged to end of the lease by lease extension.
- Restrict any kind of liability law suits against small businesses that arise for no fault of the employer i.e. if Employer does not provide PPE to employees as an example, OR landlord law suits related to COVID-19.

Thank you for your time and consideration.

Sincerely,
Jag Rajpal
(510) 364-7332

From: 7 Eleven <acfranchisee@gmail.com>

Sent: Friday, May 1, 2020 9:47 PM

Subject: NYC premium pay

Good evening

I hope all is well. I am a small business owner in NYC that is currently open during this pandemic as a essential business(convenience store) . My sales were down 85% for the month of April as many are staying inside to be safe . I am one of the people that is risking my health and well being to work and am losing money everyday I am open or closed . I do agree that anyone working during this time should get something because of the obvious risk but think it should be based on businesses that are seeing a financial benefit from a state of emergency. I don't even know if I'll be in business 2 months based on the severity of the losses which is no ones fault. It would not be possible to pay a 50% premium plus approximately another 10% in taxes to operate. It Could easily equate to more than \$2000 per employee per month . It is a struggle to keep people employed during this time and we would have to fire about 40% of staff to pay the extra amount . I just ask that you consider how the businesses are supposed to survive as well as pay a 60% increase in wage during this time

Thank you

Adam Cheney

From: Noah Berland <noah.berland@gmail.com>

Sent: Saturday, May 2, 2020 11:41 AM

To: Council Member Brad Lander <brad@bradlander.com>; Speaker Corey Johnson <speakerjohnson@council.nyc.gov>; Cumbo, Laurie <LCumbo@council.nyc.gov>; Kallos, Ben <BKallos@council.nyc.gov>; Van Bramer, Jimmy <JVanBramer@council.nyc.gov>; Chin, Margaret <MChin@council.nyc.gov>

Subject: Regarding A Local Law in relation to premiums for essential workers

Hi Council Members and Speaker Johnson,

I've written to some of you (Speaker Johnson, Council member Cumbo) already with regards to hazard pay, or premiums, for city healthcare workers. I've also in the past, before I became a doctor worked closely with Council member Lander with regards to livable streets.

Presently, my union CIR -the union that represents interns and residents, most particularly all that are employed by NYC H+H- for which I am a union delegate for Kings County Hospital, is concerned that residents and other essential healthcare workers are being left out of this legislation.

From my reading of the legislation I don't think that this is meant for healthcare workers, and I give you all the benefit of the doubt, especially Council Member Lander as you've already spoken on this matter, that you are planning a specific frontline healthcare workers bill. However, as this bill is written, and without a drafter form for healthcare workers, I fear that my union, NYSNA, and other healthcare worker unions will challenge this bill for not including them. A large number of healthcare workers are salaried and as such are left out of this.

You might be resting easy that all of the private hospitals have already given premiums/hazard pay to their employees, but the biggest absence, and the employer of the healthcare workers hit hardest hasn't, NYC H+H, which you all have the power to provide.

I am extremely supportive of providing what is in this bill for essential workers, and I certainly agree that those that are hourly paid are probably at the greatest risk, but I don't think that exempts the people who have taken huge risks, seen huge amounts of death, and seen their colleagues die, just because they are salaried. Residents, Nurses, Respiratory therapists, and so many other salaried employees have shouldered such disproportionate burdens.

As I've said previously, we want recognition and some amount of support for what we have done. We think it is unfair that the voluntary hospitals have done this and not the city. We are of course very sensitive to the economic situation of the city and are open to creative solutions. I support giving the option of bonds, that could immediately be sold for money for those that need it, old held for an extended period of time, to get the full worth of the value the city sees us as having. Or even give us the immediate ability to direct our funds towards a cause of our choice.

Please make sure to protect healthcare workers employed by the city, recognize us for our extraordinary contributions, even though we are salaried.

Cheers

Noah Berland, MD, MS, PGY3
Emergency Medicine
Kings County Hospital
(917)733-9408

From: dave@iehcorp.com <dave@iehcorp.com>

Sent: Monday, May 4, 2020 10:25 AM

To: Johnson, Corey <Corey.Johnson@council.nyc.gov>

Subject: 4th Generation NYC Manufacturer may be forced to leave the city, due to Int No 1918

Dear Speaker Johnson,

My name is Dave Offerman, and I am the President and CEO of IEH Corporation, an electronic components manufacturer located in the Brooklyn Army Terminal. I hope you're doing well, and you and your family are safe.

I am writing to you today regarding legislation that I was just made aware of, that if passed, would be devastating to my company, and many like it that have been struggling to keep our doors open and employees safe these past several weeks.

I am scheduled to attend the committee meeting tomorrow, but as I am unsure if I will be given time to speak, and for how long, I thought it best to reach out via email as well. I hope this message finds its way to you.

To provide some brief but relevant history, IEH Corporation is a 4th-Generation NYC manufacturer. We have about 200 employees, 160 of whom are hourly workers. The company was started in 1941 by my great-grandfather in Soho, on the corner of Prince and Greene streets. We were originally a tool and die maker in support of the war effort during WWII, after which we transitioned into electronic components. In the early 90's we moved to Brooklyn, and today we make connectors for the defense and commercial aerospace industries. As such, we are labeled an Essential Business, and have continued to operate as best we can during the pandemic, despite mass absences. We have prioritized employee health and safety, and working closely with our union, UAW Local 238, we have only had a few illnesses (thankfully none serious), while keeping our employees working, paid and informed. We were even featured in the NY Times the other week, in an article highlighting Essential Businesses (You can skip to the end 😊) <https://www.nytimes.com/2020/03/27/nyregion/coronavirus-essential-workers.html?referringSource=articleShare>.

Needless to say, our revenues these past two months have diminished significantly. Furthermore, the next 1-2 years will be very challenging for us, as the commercial aerospace industry has been decimated. No one is flying, so airlines are grounding fleets and cancelling jet orders. This has begun to infect the entire aircraft supply chain, including IEH.

With that in mind, it is not an overstatement to say that Int No 1918, which would require IEH to pay \$75 per shift, would be absolutely devastating to my business. With 160 hourly workers, and operating 8.5 hour shifts 6 days per week, that **would cost my business \$72,000 per week.** Mr. Speaker, we are a small company, we make roughly \$3 million per year, **which means we make less than \$58,000 per week.** Mandating that this law stay in effect as long as there is a state of emergency, which could last for months, would force my business to close our doors, and move out of the city. There is no way around this. We would simply not be able to stay in NYC.

In addition to being a small business, we are also publicly traded, and I have endured pressure from investors and shareholders for years, asking why we choose to remain in NYC, paying higher wages and taxes, with higher regulations, when our competitors are in Texas, or South Carolina, or Mexico. I have always fought to stay in New York, the place of my family and our company's roots. We have employees

who have been with us for decades, through generations. We even have an employee, Ana Romero, who turned 100 last month, and who has been with us for 73 years!

It would crush me to have to let go of Ana and the 200 other loyal, hardworking employees of IEH, due to this legislation.

I do understand the idea of hazard pay, which is why I would certainly support federal legislation, currently proposed by Senate Democrats, to increase pay for Essential Workers, ***via federal funding:***

<https://www.democrats.senate.gov/newsroom/press-releases/senate-democrats-unveil-covid-19heroes-fund-proposal-to-provide-25000-pay-increase-to-essential-workers-on-frontline-of-nations-pandemic-response>

Thank you very much for your attention to this critical issue. Please don't hesitate to contact me if you have any questions, or need additional information.

Best Regards,
Dave

Dave Offerman



ph: 718-492-9698
fx: 718-492-9898
dave@iehcorp.com
ISO 9001:2015



140 58TH STREET 8E
BROOKLYN NY 11220
www.iehcorp.com

5/11/20

To: I. Daneek Miller
New York City Council
Chair, Committee on Civil Service and Labor

From: Dave Offerman
President, CEO
IEH Corporation

Re: **Intro 1918-2020**

Dear Council Member Miller,

My name is Dave Offerman, and I am the President and CEO of IEH Corporation, an electronic components manufacturer located in Brooklyn. I hope you're doing well, and you and your family are safe.

I am writing to you today regarding legislation of which I was aware last week. Intro 1918, if passed, would be devastating to my company, and many like it that have been struggling to keep our doors open and employees safe these past several weeks.

I attended the committee meeting last week, but I did not have the opportunity to speak until the late afternoon, and I was not sure if many committee members were still on the call. I hope this message finds its way to you.

To provide some brief but relevant history, IEH Corporation is a 4th-Generation NYC manufacturer. We have about 200 employees, 160 of whom are hourly workers. The company was started in 1941 by my great-grandfather in Soho, on the corner of Prince and Greene streets. We were originally a tool and die maker in support of the war effort during WWII, after which we transitioned into electronic components. In the early 90's we moved to Brooklyn, and today we make connectors for the defense and commercial aerospace industries.

As such, we are labeled an Essential Business, and have continued to operate as best we can during the pandemic, despite mass absences. We have prioritized employee health and safety, and working closely with our union, UAW Local 238, we have only had a few illnesses (thankfully none serious), while keeping our employees working, paid and informed. In addition to allowing employees to stay home for two weeks in early March while getting paid and without having to use sick days, we also paid attendance bonuses from March 15 – May 1st, which equaled over \$88,000 in additional pay. We have also made dozens of changes to ensure worker safety, including



140 58TH STREET 8E
BROOKLYN NY 11220
www.iehcorp.com

providing PPE to every employee every day, at great expense to the company. We were even featured in the NY Times the other week, in an article highlighting Essential Businesses.

Needless to say, our revenues these past two months have diminished significantly. Furthermore, the next 1-2 years will be very challenging for us, as the commercial aerospace industry has been decimated. No one is flying, so airlines are grounding fleets and cancelling jet orders. This has begun to infect the entire aircraft supply chain, including IEH.

With that in mind, it is not an overstatement to say that Intro 1918, which would require IEH to pay \$75 per employee per shift, would be absolutely devastating to my business. With 160 hourly workers, and operating 8.5 hour shifts 6 days per week, that would cost my business **\$72,000 per week**. Councilman, we are a small company, we make roughly \$3 million per year, which means we make less than **\$58,000 per week**. Mandating that this law stay in effect as long as there is a state of emergency, which could last for months or longer, would force my business to close our doors, and move out of the city. There is no way around this. We would simply not be able to stay in NYC.

In addition to being a small business, we are also publicly traded, and I have endured pressure from investors and shareholders for years, asking why we choose to remain in NYC, paying higher wages and taxes, with higher regulations, when our competitors are in Texas, or South Carolina, or Mexico. I have always fought to stay in New York, the place of my family and our company's roots. We have employees who have been with us for decades, through generations. We even have an employee, Ana Romero, who turned 100 last month, and who has been with us for 73 years!

It would crush me to have to let go of Ana and the 200 other loyal, hardworking employees of IEH, due to this legislation.

I do understand the idea of hazard pay, which is why I would certainly support federal legislation, currently proposed by Senate Democrats, to increase pay for Essential Workers, via federal funding.

Thank you very much for your attention to this critical issue. Please don't hesitate to contact me if you have any questions, or if you need additional information.

Best regards,

A handwritten signature in black ink, appearing to read 'Dave Offerman', written over a horizontal line.

Dave Offerman
IEH Corporation
ph: 718-492-9698
fx: 718-492-9898
dave@iehcorp.com

Concern regarding Intro 1918 legislation

Speaker Johnson,

I would like to bring to your attention a piece of legislation that could have disastrous effects on my small business.

Tomorrow the City Council will be holding hearings regarding Intro 1918 which proposes premium pay for essential workers. As a small business owner of 30 coffee shops in NYC I am greatly troubled and enormously opposed to this regulation. If this were to pass I am afraid I would have to lay off my employees, close my doors until the emergency is over and perhaps never be able to open them again.

Under this plan a worker who works 4 hours, which is typical for a part time hourly worker, would receive premium pay amounting to a 100% bonus. (A \$15/hour worker who works 4 hours makes \$60. Add the \$60 premium as the Bill suggests and that worker has doubled their wage to \$120). There is no scenario under which coffee shops or other quick service restaurants can afford to hire workers at that rate. The only solution would be to close stores and wait for the EO to be lifted. Nobody wins in that scenario...neither the coffee shop owner, the employee nor the City.

Also, in the Bill it makes a special point of identifying "Chain Businesses". It combines all employees under common ownership of a group of stores in calculating the 100 employee threshold. That seems very unfair because, in essence, even though I might have 30 shops in NYC each one operates independently, with 15 or so employees. They may be owned by a common owner but each one must employ sound business practices in order to survive. I may own a number of shops (what you classify as a chain) but I am still an independent small business person, investing and risking my own money and succeeding or failing based upon my own individual efforts, just as any other mom and pop operation has to do. Perhaps the 100 employee threshold should be defined as the federal government did for PPP eligibility. Defining it as 100 employees PER LOCATION would be much more reasonable. Classifying our small businesses as one large business puts all of our employees at risk of losing their jobs when we are forced to close because of this legislation--an outcome that benefits absolutely nobody.

I ask you reconsider Intro 1918. I am sure that it was conceived with the best of intentions. But the unintended consequence of such a regulation would make it worse for many hard working New Yorkers. I, and many others like me, will be forced to lay off workers and potentially close our businesses forever. Now, more than ever, in the face of astonishingly high unemployment, New Yorkers need to keep their jobs. Thank you for considering my position.

Thank you,

Daniel Novick
Westside Donut Ventures
516-286-3196

May 4, 2020

The Honorable Corey Johnson
Speaker
New York City Council
Via Electronic Mail

The Honorable I. Daneek Miller
Chair, Committee on Civil Service and Labor
New York City Council
Via Electronic Mail

Re: Intro 1918, Intro 1926 & Intro. 1923

Dear Speaker Johnson & Chair Miller:

The undersigned nonprofit organizations and coalitions have grave reservations regarding Intro 1918 (pay premiums for essential workers), Intro 1926 (expansion of worker coverage under the Earned Safe and Sick Time Act) and Intro 1923 (just cause employment protections for essential workers). These bills will seriously hamper service delivery to New York's highest risk populations especially in these challenging times.

Intro 1923 also creates an untenable situation for human services providers by preventing organizations from cutting hours or laying off workers except for performance-based reasons or misconduct without being subject to large fines. Non-profit providers are being forced to lay off staff due to reduced and lost government contracts in response to the City and State budget deficits and this bill would further damage their ability to provide services even in a limited capacity. Over 70% of recently surveyed New York City human services providers believe they will need to lay off staff due to these lost and reduced government contracts combined with the fact they were underfunded going into this crisis, have been left out of COVID-19 relief efforts and have increased spending due to this pandemic. We urge you to thoughtfully determine the impact on non-profit human service providers before amending these bills.

We unequivocally support our workers and we wholeheartedly believe that our workforce is essential to the lifeblood of the City. We reached that conclusion long before COVID-19 arrived in New York City. Year after year you hear from us advocating for our workers, including paid-time-off and for increased rates of pay across all sectors. We fought for the \$15 minimum wage and we are fighting to save COLA past FY20, for comprehensive pay parity, and for incentive pay for our frontline workers. We are proud to have successfully obtained partial pay parity for child-care workers.

One of the lessons learned from these efforts was to determine early on how these benefits to workers would be funded. Underfunded contracts and unfunded mandates have made it difficult for human services providers to be nimble and respond to crushing and growing needs

across New York in the wake of COVID-19 and adding more will bring the sector to a breaking point.

Key Concerns and Best Practices for Future Relief:

Intro 1918 (pay premiums for essential workers):

- The bill as written may be aimed at the private sector but neither exempt nonprofits nor provides the necessary funding to enable them to comply.
- Must avoid unwieldy legislation and policies considered without deliberation and instead prioritize fully funding organizations to support their essential workers.
- Incentive pay policies need to be implemented in coordination with City, State, and Federal officials in order to:
 - Ensure that pockets of essential workers are not excluded
 - Allot sufficient emergency funding
 - Create clear, streamlined guidance on how to enact on a programmatic level
- Human services nonprofits are considered essential by definition, but without the funding or priority that other essential services receive. We have incurred substantial costs in the last month in response to COVID-19. Most applicants for the Federal Paycheck Protection Program (PPP) did not receive these funds and are struggling with cash flow issues as a result.
- Continuing to implement piece-meal pay policies may exclude staff leading to further pay inequity, and at the same time is overly unwieldy on a programmatic level.
 - The City is implementing incentive pay for front-line staff in residential settings (e.g., shelters, congregate care settings, and supportive housing). This is applied on a program by program basis, looking at functional assessments of who has direct contact with clients on a daily basis. The process is long and cumbersome, and nonprofits have yet to see approved plans and funds flow.
 - Layering Intro 1918 on top would further muddy who sees an increase and by how much- hourly would see one increase by City Council, but City agencies would provide a different increase for staff with daily interactions with clients, regardless of hourly/salary. Who is excluded, and do some get double incentives?
- Providers need funded incentive pay for all frontline program staff in essential programs, not partial applications to only hourly workers, or on such a granular level that requires slogging through an unnecessarily complicated administrative process.

Intro 1926 (expansion of worker coverage under the Earned Safe and Sick Time Act):

- This bill's intent to grant paid sick leave rights to independent contractors and freelancers who were previously excluded from the Safe and Sick Time Act is targeted at the private sector but will also deeply impact human service providers.
- Many human services providers rely on contracted workers for seasonal programs and to provide clients at senior centers and other services sites with wellness courses and specialized classes under City contracts.
- A March/April 2020 survey of 61 human services providers done by the Human Services Council showed that over 20% of reported staff fall outside of being classified as full-time or part-time workers and could be impacted by this bill.
- It is also unclear if New York City's home health care workers who are paid through Medicaid dollars will also be included under the scope of this bill. If this language is not clarified to explicitly exclude this workforce or backed with the needed funding to cover these potential additional costs in full, it could create a huge fiscal burden to New York City's over 900 Licensed Home Care Services Agencies.

To fix these bills, it is essential that Intro. 1918 and Intro. 1926 include funding for human services nonprofits to fulfill the requirements. Without funding, these bills pit the needs of providing human services workers with the benefits they deserve against ensuring that human services institutions are financially stable enough to provide immediate and long-term critical services.

Intro 1923 (just cause employment protections for essential workers):

- The intent of protecting workers from termination during a pandemic is a good cause. However, this bill fails to address how the staffing levels of government contracted nonprofits are directly connected to City and State funding which was underfunded going into this crisis and continues to be cut.
- To hold non-profits harmless from staff cuts due to losses or reductions of City contracts, the Council must legislate that the City will continue to fund 100% of budgeted personnel costs for cancelled or reduced contracts for all current and new City contracts moving forward, until agencies can shift effected staff to new positions within other programs/funding streams.
- 64% New York nonprofit human services organizations believe they will have to start scaling back services and over 70% will need to lay off staff as a result of COVID-19 related budget shortfalls; this bill will only add to this crisis by imposing large fines and administrative burdens.
- This bill defines essential employees to encompass everyone at an essential business, not just frontline workers, which is vastly different from other City and State guidance. This would mean that all human services nonprofits would be unable to cut back hours or layoff any staff, even if they lose City and State government contracts or discretionary funding due to the budget deficit.

- Recent cuts to the City's Summer Youth Employment Program with less than 24-hours directly led to sudden layoffs of staff members. If this bill was in effect then, it would have imposed fines on the effected nonprofits despite the loss of that funding being totally outside of their control.
- There is no included sunset date for this sweeping change of New York's at-will employment standard.

We believe that all essential workers have pay, benefit and worker protection needs and are important to address. But, these bills, as written, are not constructive first steps towards meeting those needs. One meaningful step towards addressing these urgent concerns is to ensure human services contracts are amended with additional funding to cover the cost associated with these bills and quickly paid. Moreover, imposing fines on nonprofits for staffing changes that are mandated by City budget decisions is not a collaborative approach.

The nonprofit human services field stands ready to work with you in a thoughtful way to meet the needs of essential workers. To facilitate that conversation or for more information on these bills, please contact: Eric Lee, Homeless Services United (elee@hsunited.org); MJ Okma, Human Services Council (okmam@humanservicescouncil.org); Rebecca Saur, Supportive Housing Network of New York (rasuer@shnny.org); or Nadia Chait, The Coalition for Behavioral Health (nchait@coalitionny.org).

Sincerely,





The Fortune Society
BUILDING PEOPLE, NOT PRISONS



**TESTIMONY OF THE LEGAL AID SOCIETY BEFORE THE NEW YORK
CITY COUNCIL COMMITTEE ON CIVIL SERVICE AND LABOR ON INTRO 1918**

May 4, 2020

Thank you Chairperson Miller and members of the Committee on Civil Service and Labor for the opportunity to submit testimony on behalf of The Legal Aid Society (“Legal Aid”), the nation’s oldest and largest not-for-profit legal services organization. Legal Aid is at the forefront of advocating for low-income individuals and families in civil, criminal and juvenile rights matters, while also fighting for legal reform.

With a staff of more than 2,200 lawyers, social workers, investigators, paralegals and support and administrative staff — and a network of borough, neighborhood, and courthouse offices in 26 locations — Legal Aid provides comprehensive legal services to clients who cannot afford to pay for private counsel in all five boroughs of New York City.

Legal Aid exists for one simple yet powerful reason: to ensure that no New Yorker is denied the right to equal justice because of poverty.

Legal Aid’s Civil Practice provides more comprehensive civil legal aid to more clients than any other organization in the country. Last year, the Civil Practice worked on over 50,400 cases benefitting more than 125,000 low income adults and children. Legal Aid’s Criminal Practice is the primary trial and appellate public defender in New York City. During FY19, the Criminal Practice represented clients in nearly 200,000 trial and post-conviction matters. The Legal Aid Juvenile Rights Practice represents almost every child who is the subject of abuse or neglect, juvenile delinquency, and persons in need of supervision proceedings in Family Court in New York City. Last year, the Juvenile Rights Practice represented 34,000 children in Family Court matters. Legal Aid also maintained a docket of 34 active law reform cases benefitting

millions of people across New York City and State. In addition, Legal Aid conducts extensive community “know your rights” outreach and policy and media advocacy on behalf of clients.

During this unprecedented health emergency created by the outbreak of COVID-19, Legal Aid remains committed to continuing to serve our clients. Legal Aid employees are considered essential workers under the Governor’s Executive Orders. Accordingly, although our physical offices are closed, we remain open for business remotely. Clients who are in need of assistance can continue to call our main number telephone (212-577-3300). Clients can also call our Access to Benefits (A2B) Helpline (888-663-6880), which is open weekdays from 10:00 a.m. to 3:00 p.m.

LEGAL AID OPPOSES INTRO 1918 UNLESS COUPLED WITH A SOURCE OF GOVERNMENT FUNDING

Although Legal Aid supports the goal of Intro 1918, which would provide wage supplements to essential non-salaried workers employed by large employers in New York City, we are opposed to the enactment of Intro 1918 unless it is coupled with a source of government funding sufficient to pay for the substantial additional costs the bill would impose, or it incorporates an exemption for not-for-profit service providers.

Intro 1918 would impose what is commonly referred to as an unfunded mandate – a legal obligation entailing additional costs that are not covered by existing revenue sources. Not-for-profit organizations like Legal Aid are especially susceptible to the financial impact of unfunded mandates. Unlike profit-making businesses, not-for-profits are not able to increase the price of delivering their services. Nor can they pay for unfunded mandates by reducing their dividends to shareholders or profits to owners.

Unless government contracts are amended to incorporate the cost of additional legal requirements, unfunded mandates have a counterproductive impact on the not-for-profit sector.

In order to cover the cost of the additional legal requirements, not-for-profit agencies must reduce staff and/or services to clients. In the midst of the COVID-19 emergency, this would be very deleterious, especially for clients facing emergent needs for legal services to address the crisis created by losses of family income. For example, once the moratorium on evictions is lifted, the need for legal representation in housing cases are expected to skyrocket. Low-income clients are already experiencing greater needs to access public benefits, health care, and other resources, for which they need assistance from Legal Aid and other legal services providers. Cutting back on services to clients at the same time their need for services is growing would be counterproductive and harmful.

In addition, government contracts pay for only a portion of the costs of delivering services to clients. Many services are provided by other funding sources that are at great risk because of the COVID-19 pandemic. Even if government contracts were supplemented to pay for the costs of Intro 1918, other funding sources would not be. Indeed, those resources are likely to diminish in light of the economic contraction caused by the pandemic. Services funded by those resources are already at high risk of cutbacks. Intro 1918 would further exacerbate those cutbacks.

The probable costs to Legal Aid of Intro 1918 serves to illustrate the magnitude of the problem. We believe the bill could require wage supplements of \$300 per week to up to 770 Legal Aid hourly workers, at a weekly cost (excluding fringe benefits) of over \$230,000. These workers include union members and others who receive annual salaries as that term is colloquially understood, but are legally considered “hourly workers” because they are eligible for overtime. (Under the State Labor Law, for employers in New York City with 11 or more employees, workers are entitled to overtime pay if either their weekly pay is less than \$1,125,

and/or if their primary duties are not in an executive, administrative, or professional capacity. 12 N.Y.C.R.R. § 143-3.12(c).) These additional wage supplements would not be covered by any currently available funding source.

For these reasons, we urge the Council to tread carefully and ensure that any additional costs associated with wage supplements for essential hourly workers are fully covered by additional governmental funding.

As an alternative, we would support Intro 1918 if it incorporated an exemption for not-for-profit service providers. Such an exemption would reflect the reality that not-for-profit organizations stand in a different position from profit-making businesses, in that they cannot make up for the cost of unfunded mandates by increasing prices or reducing profits or dividends.

Although we support the goals of Intro 1918, in the absence of an additional funding stream to pay for the costs of the bill, or an exemption for the not-for-profit sector, we are constrained to oppose the legislation.

Respectfully submitted,

Janet Sabel
Chief Executive Office and Attorney-in-Chief
The Legal Aid Society

Testimony of Brian Chen

National Employment Law Project

In Support of Int. 1926 Extending Paid Sick Coverage to Misclassified Workers & Resolution 1285 Calling for the State Legislature to Combat Misclassification

Hearing before the New York City Council

Committee on Civil Service and Labor

City Hall

New York, New York

May 5, 2020

Brian Chen

Staff Attorney

National Employment Law Project

90 Broad Street, Suite 1100

New York, NY 10004

(646) 693-8212

bchen@nelp.org

Thank you for the opportunity to testify today in support of the “Essential Worker Bill of Rights.” This testimony will focus on the urgent need to pass Int. No. 1926-2020 and Resolution 1285-2020.

My name is Brian Chen and I am a Staff Attorney with the National Employment Law Project, a national legal, research, and policy organization with more than fifty years of experience advocating for policies that create good jobs, expand access to work, and strengthen protections and support for workers in low-wage industries and for unemployed workers. NELP also is a member of the New York Do It Right Employment Classification Test (NY DIRECT) Coalition, a group of workers, organizers, racial and social justice advocates, and employment lawyers advocating for a presumption of employment test in New York state.

As advocates for and substantive experts on the labor and employment rights of underpaid workers, NELP strongly supports the Essential Worker Bill of Rights. The Essential Worker Bill of Rights is an overdue, precedent-setting package of legislation that will help to ensure that New Yorkers on the frontlines of the crisis have fair protections at work.

The coronavirus did not create the economic inequalities so starkly laid before us. But it has, in its singular impact on New York City, revealed how those now deemed essential have been systematically underpaid, overworked, and marginalized. They work under challenging and dangerous conditions, often paid near-starvation wages with few legal protections. These hardships are not borne equally. Black, Latino, and Asian people comprise 75 percent of the city’s frontline workers, including transit, childcare, health care, cleaning service, and postal employees. More than 60 percent of all frontline workers in the city are women.¹

The City Council should pass the Essential Worker Bill of Rights to ensure that workers risking their health and well-being during a global pandemic can enjoy basic financial security and economic dignity.

Int. No. 1926-2020

Crisis or not, paid safe and sick leave is a critical protection for working people. For many low-paid workers, household budgets already are stretched so thin that having to take a day off without pay risks financial catastrophe. This is especially important now as we grapple with an unprecedented economic recession, when it is all the more important that families have basic job security. When the overall economy suffers, families face serious financial challenges—making measures that protect their health and prevent unnecessary job loss more important than ever.

Yet too many workers are left out of the City’s paid safe and sick leave coverage. Because unscrupulous employers mislabel their workers as independent contractors rather than as employees, many businesses escape providing paid leave to workers who should be eligible, putting the health of all of us at risk.

¹ Office of New York City Comptroller Scott Stringer, “New York City’s Frontline Workers” (Mar. 26, 2020), available at <https://comptroller.nyc.gov/reports/new-york-citys-frontline-workers/>.

By utilizing a straightforward presumption of employment test, Int. No. 1926-2020 would address this discrepancy and broaden coverage to ensure that many more people can access employer-provided paid safe and sick leave. The expansion in coverage would include the many app-based workers who are on the frontlines, delivering groceries and prepared meals to those with the luxury to work from home. It also includes other misclassified workers such as janitors and home care workers who have been deemed essential during the pandemic.

By expanding coverage to workers who are misclassified, the bill will provide a vital benefit to people of color, who comprise two out of every three of the city's misclassified workers who cannot access their rights under the law.² The extension of paid sick coverage is not just an overdue clarification to expand the law's coverage—it is an important step to undo the racist, systemic exclusions that prevent so many from accessing employee benefits.

Expanding the city's paid safe and sick leave coverage is a simple way to ensure more people have economic security when they need it most. NELP urges the City Council to pass Int. No. 1926-2020.

Resolution No. 1285-2020

NELP also strongly supports Resolution No. 1285-2020. The misclassification of workers as independent contractors has dramatically undermined the legal rights and quality of life of many New Yorkers who are not in business for themselves. The New York State Legislature needs to address this critical issue to ensure that more working people can access the benefits of the state's labor laws.

To evade complying with labor laws like a guaranteed minimum wage, workers' compensation, and unemployment insurance, low road employers illegally label their workers "independent contractors." That means that workers can be paid less than minimum wage, can get injured on the job without fair compensation, and are not entitled to employer-provided health insurance.

Misclassification is rampant in New York, affecting virtually every industry—app-based or not—in the state. According to a recent report by the New School's Center for New York City Affairs³, an estimated 850,000 low-paid workers in the state may be improperly classified as "independent contractors." Working full-time, they earn a median income of \$20,000. One in four are on Medicaid, while one in five have no health insurance whatsoever. This is not flexibility—it is economic insecurity.

When employers skip out on meeting their obligations, the public must make up the difference. Federal, state, and local governments suffer hefty losses of revenue due to worker misclassification, in the form of unpaid and uncollectible income taxes, payroll taxes, and unemployment insurance

² Lina Moe, James A. Parrott, and Jason Rochford, "The Magnitude of Low-Paid Gig and Independent Contractors in New York State," The New School Center for New York City Affairs (Feb. 11, 2020), available at http://www.centrernyc.org/s/Feb112020_GigReport.pdf.

³ *Id.*

and workers' compensation premiums.⁴ A 2009 report by the Government Accountability Office estimates independent contractor misclassification cost federal revenues \$2.72 billion in 2006.⁵ According to a 2009 report by the Treasury Inspector General for Tax Administration, misclassification contributed to a \$54 billion underreporting of employment tax, and losses of \$15 billion in unpaid FICA taxes and UI taxes.⁶ A 2017 review of the findings from the twenty state studies of independent contractor misclassification demonstrates the staggering scope of these abuses.⁷ Now, as more than one million New York residents—and surely many more to come—have filed for unemployment compensation, employers must contribute their fair share towards much-needed state funds.

To address businesses' willful lack of accountability to their employees, the New York State Legislature should extend the existing presumption of employment test that clearly and simply defines employee status. Under the test, companies may no longer engage in the too-common practice of forcing an individual to act as an "independent" business even as the company maintains the right to set rates, direct work, and impose discipline.

Because this test is clear and easy to enforce, it will give many people who are wrongly categorized as contractors the chance to become employees. This will lift the wages and benefits of janitors, nail salon workers, construction workers, landscapers, nannies, home care workers, ride-hail and truck drivers, delivery workers, and many others. This will mean fewer workers shut out of basic workplace protections, and more employers paying into much-needed social insurance programs.

NELP strongly urges the New York City Council to pass the Essential Worker Bill of Rights, including Int. No. 1926-2020 and Resolution No. 1285-2020.

⁴ U.S. Dep't of Labor, Wage and Hour Division, "Misclassification of Employees as Independent Contractors," available at <https://www.dol.gov/whd/workers/Misclassification/>.

⁵ U.S. Government Accountability Office, *Employee Misclassification: Improved Coordination, Outreach, and Targeting Could Better Ensure Detection and Prevention* (August 2009), available at <http://www.gao.gov/new.items/d09717.pdf>.

⁶ Treasury Inspector General for Tax Administration, *While Actions Have Been Taken to Address Worker Misclassification, Agency-Wide Employment Tax Program and Better Data Are Needed*, February 4, 2009, available at <http://www.treas.gov/tigta/auditreports/2009reports/200930035fr.pdf>.

⁷ See National Employment Law Project, *Independent Contractor Misclassification Imposes Huge Costs on Workers and Federal and State Treasuries*, December 2017, available at <http://www.nelp.org/publication/independent-contractor-misclassification-imposes-huge-costs-on-workers-and-federal-and-state-treasuries-update-2017/>.



LOCAL 420
DC 37, AFSCME, AFL-CIO

New York City's Public Healthcare Workers Union

Carmen Charles

President

Ursula Joseph

1st Vice President

Angel Benitez

2nd Vice President

Esther Simon

Secretary-Treasurer

Samuel Patrick

Recording Secretary

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Lydia Cora

North Central Bronx:

Alfred Grant

Queens General:

Frances Martino

Seaview:

Abiola O'Brien

Woodhull:

Jose Muniz

Written Testimony

Carmen Charles

President: Local 420, DC37, AFSCME, AFL-CIO

New York City Council Committee on Civil Service and Labor

Re: Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation automatically classifying the deaths of all municipal employees who died from COVID-19 as line-of-duty deaths.

Good afternoon Chair Miller and members of the New York City Council's Committee on Civil Service and Labor. My name is Carmen Charles and I am the President of AFSCME, Local 420: NYC' Municipal Hospitals Workers Union. We thank you for holding this hearing.

Local 420 would like to recognize the dedication of all frontline workers. The COVID-19 curve in New York is in the downward trajectory because of our hard work and sacrifices.

My members are at the frontline of the COVID-19 battle and have fought the pandemic from all sides. I represent more than 8,700 members across the 11 acute hospitals, 5 long-term care facilities and the plethora of clinics across the boroughs all run by NYC Health + Hospitals, along with the technicians and aides employed at the Office of the Chief Medical Examiner's Office, Fire Department and Department of Corrections.

During this pandemic, Local 420 members have treated New York City's most vulnerable people under the most grueling of circumstances. We have worked long hours, often without the proper personal protective equipment because the people that we are treating are our neighbors and our families. It is a testament to our union's professionalism, courage and love of community.

My members have provided care to COVID-19 patients with compassion and selflessness. We have gone above and beyond our job titles to provide aid and comfort to dying COVID-19 patients that are alone and scared.

This has been Local 420's finest hour, however, we are not without tragedy. Twelve Local 420 members have died from COVID-19 and dozens of others have been infected. We express our deepest sympathy to their

TRUSTEES

Sonia Denton

Janet Fowlin

SARGEANTS-AT-ARMS

Marlene Alvarado

Leroy Liverpool

Eddie Olivaria

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families and all the families of people that have passed away from this disease.

Each Local 420 member that has passed away, has made the ultimate sacrifice in the war against the coronavirus. Our government has an obligation to appropriately honor their sacrifice. For that reason, we fully support Resolution 6145 which will automatically classify the deaths of all municipal employees who have died from COVID-19 as 'line-of-duty' deaths.

We urge Governor Cuomo and our state legislature to enact this important legislative proposal as quickly as possible.

Thank you,

A handwritten signature in dark ink, appearing to read "C. Charles", with a long, sweeping horizontal line extending to the left.

Carmen Charles
President



Testimony - May 5, 2020
Committee on Civil Service and Labor
Intro. 1918 (Premium Pay) and Intro. 1923 (Just Cause)

The American Council of Engineering Companies of New York (ACEC New York) is an association representing nearly 300 engineering and affiliate firms with 30,000 employees in New York. Our member companies plan and design the structural, mechanical, electrical, plumbing, civil, environmental, fire protection and technology systems of the buildings and infrastructure that make New York City work.

On behalf of our member firms, large and small, we urge you to rethink the one-sided approach to the COVID-19 pandemic that is reflected in Intros 1918 and 1923. Essential businesses, including our members, simply cannot absorb additional cost and regulatory burdens at this challenging time. These bills fail to account for the very real economic hardships our members are facing at this moment, and they will harm not only engineering companies but also the City's economic recovery. The bills should not move forward.

As a result of the pandemic, New York's engineering firms are experiencing previously unknown challenges and sharply declining revenues. They are adjusting their operations to comply with government orders and to keep employees safe while providing essential services, supporting the essential construction performed by public agencies and private clients.

Today's reality is that private sector employment is under severe stress. Multiple firms have informed ACEC New York of furloughs, layoffs, pay reductions and other measures implemented to survive this unprecedented time without closing down. This is especially true for smaller firms, including our MWBE members where cash flow is critical. Our members' goal is to remain viable through this crisis and support our workforces.

One factor that is contributing to some firms' current struggle is the City's decision to suspend design projects at multiple City agencies including the NYC DDC, SCA, EDC and DOT. We understand the City government's own financial difficulties, combined with the State order to pause non-essential construction projects, but we believe these contract suspensions may be penny wise and pound foolish, decreasing private sector employment and slowing vital construction projects. ACEC New York has called on Mayor de Blasio to resume ongoing design work to support essential work and the City's recovery.

With regard to the legislation being heard today, ACEC New York urges the Council to adopt an inclusive approach to healing the City and rebuilding its shuttered economy. As a longtime thought partner of the City Council, ACEC New York regrets that the Council would introduce and hear such impactful and problematic legislation with so little public notice. The bills impose additional costs and administrative burdens that will exacerbate the challenges our businesses are facing. The bills will potentially cause or accelerate layoffs where new costs cannot be sustained. In cases where these new costs are absorbed, they will be passed on to clients including City agencies in the form of overhead. As noted, the City agencies themselves are already experiencing financial issues which have resulted in their suspending projects.

Engineering firms are designed to be efficient and profitable in normal market conditions. Adding new costs and new burdens on companies during this extraordinary time, when most sectors of the economy

are under mandatory closure, is ill-advised. We request the bills be withdrawn and replaced with a collaborative effort that aims to mitigate negative impacts of the public health crisis while preserving the ability of the City's engineering firms to survive and recover from this difficult period.

We are committed, as always, to the growth and success of the City of New York and ask for your good faith collaboration as we face the challenges ahead.

For further information please contact:

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Bill Murray
NYC Director of Government Relations, ACEC New York
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May 5, 2020

Testimony of The Legal Aid Society in Support of Proposed Int. No. 1918-2020, Proposed Int. No. 1923-2020, Proposed Int. No. 1926-2020, and Proposed Res. No. 1285

Presented before the New York City Council Committee on Civil Service and Labor

Submitted by Richard Blum

Good morning. My name is Richard Blum, and I am a staff attorney in the Employment Law Unit of The Legal Aid Society. I prepared this testimony together with two paralegal casehandlers in the unit, Jacalyn Goldzweig Panitz and Katherine Stanton.

The Legal Aid Society is the oldest and largest not-for-profit public interest law firm in the United States, working on more than 300,000 individual legal matters annually for low-income New Yorkers with civil, criminal, and juvenile rights problems in addition to law reform representation that benefits all two million low-income children and adults in New York City. The Society delivers a full range of comprehensive legal services to low-income families and individuals in the City. Our Civil Practice has local neighborhood offices in all five boroughs, along with centralized city-wide law reform, employment law, immigration law, health law, and homeless rights practices.

The Employment Law Unit (ELU) provides representation, community education, and advice to low-wage workers regarding a variety of employment issues, including unemployment insurance benefits, leave rights, and wage theft, as well as employment discrimination. During the pandemic, the ELU has focused on helping train advocates and the public on workers' right to paid sick leave and family leave and on accessing critical unemployment assistance. The ELU has also focused on issues of worker health and safety, including how to object to unsafe conditions in the workplace.

Proposed Int. No. 1926-2020 (in relation to the Earned Safe and Sick Time Act) The Legal Aid Society strongly supports the proposal to expand the definition of employee in the Earned Sick and Safe Time Act, retroactive to January 1, 2020, as it has become abundantly clear that those currently left out are among the most impacted and the least protected New Yorkers during this crisis. Adopting the definition of employee advocated by the NY DIRECT Coalition, of which Legal Aid is a member, will protect essential workers now and will protect all workers when the economy begins to reopen. It should be very clear to all New Yorkers that protecting all employees by making it possible for them to take time off when sick is critical not only to the safety of those workers and their families but to the safety of the entire City.

Over one million New Yorkers, or 25% of the city's workforce, serve on the frontline of this crisis as essential workers¹. It is inexcusable that among their ranks, in sectors including transportation, childcare, cleaning services, and more, are workers without access to paid time off because of employer misclassification. During this crisis, no essential worker should have to decide whether to go to work when sick - potentially with Covid-19 - or to lose a day's worth of pay. Ensuring that misclassified "independent contractors" among the essential worker heroes have access to the Earned Sick and Safe Time Act is key to protecting them and mitigating the risk of workplace cross-infection, and key to limiting further spread of Covid-19 to the general public, especially in the communities of color from which three-fourths of essential workers hail.²

Further, it has been well established that misclassified workers are compensated at rates significantly lower than employees on payroll in the same industries. The Postmates, Instacart, DoorDash, Uber, and other app-based workers who have served as a lifeline for quarantining New Yorkers are among the least able to make due with reduced wages. With so many New Yorkers still struggling to receive unemployment - a client base that has ballooned in our Unemployment Insurance Practice at Legal Aid since the start of this crisis - we must recognize that many low-wage misclassified workers have become the sole breadwinners of their households and need paid time-off to support their families when directly hit by the pandemic.

The misclassification of employees as independent contractors is rampant across New York City - and the tactics employed by app-based companies serve as just the tip of the iceberg of this problem. Among Legal Aid's misclassified clients have been teachers and other instructors, black car drivers, painters, and others, and they all need to be able to take time off when they are sick. When the economy begins to reopen, more and more misclassified workers will return to their jobs, even as the coronavirus continues to attack low-income households. Expanding the definition of "employee" to ensure that all of these workers have access to the City's paid sick leave law is critical not only to preserving their health and the health of their family members but to ensuring that the pandemic does not come galloping back at that time.

The organized opposition of business organizations to this bill makes no sense. The only employers that will be directly impacted by this bill are those that have been competing unfairly by evading the basic leave obligations that apply to all other employers. All other employers that have already accepted their legal obligations will not face competition from these bad actors who have placed the well-being of their workers and the entire City at risk.

¹<https://comptroller.nyc.gov/newsroom/comptroller-stringer-audit-uncovers-lagging-enforcement-by-dcwp-of-the-citys-earned-sick-time-act/>

² *Ibid.*

Proposed Res. No. 1285-2020

The Legal Aid Society also strongly supports the proposed City Council resolution calling on the State legislature to clarify the test for classifying workers as independent contractors or employees. As members of the NY DIRECT Coalition, we are committed to ending the misclassification of workers as independent contractors as part of our work to combat exploitation among low-wage workers. In the Employment Law Unit, past misclassified clients have endured lengthy legal battles in order to access social benefits, including unemployment insurance, which often come too late to prevent serious financial harm. Further, the tactic of misclassifying workers to cut business costs has led to hundreds of millions of dollars - if not more - in lost tax revenue for the State of New York. Considering the current budget shortfall due to this crisis, this act of strengthening employee protections makes sound fiscal, as well as legal and moral, sense.

Proposed Int. No. 1923 (in relation to just cause employment protections for essential workers):

The Legal Aid Society strongly supports Bill Int. No. 1923, which would help ensure that essential employees are protected in advocating for their workplace rights, such as health and safety, without fear of retaliation. As essential workers shoulder the burden of keeping New York operating and New Yorkers alive, they continue to face the threat of workplace abuse often occurring in low-wage industries. In instituting a “just cause” standard for discharge, Bill Int. No. 1923 would help protect workers’ rights, as well as public health and safety, amidst this ongoing crisis.

The Employment Law Unit frequently advocates for workers who have experienced retaliation. Retaliation occurs when an employer punishes a worker for engaging in legally protected activity, such as advocating for the right to a safe work environment. The ELU has represented employees in cases of employer retaliation against workers taking the form of violence; firing; false arrest; threats of violence, firing, or arrest; wage and/or hour reduction, or reassignment to a less favorable position. In good times, retaliation chills worker’s willingness to come forward and amidst a public health crisis when worker health and safety implicates the general public’s health and safety, the stakes are even higher.

Worker retaliation is not a new issue, but rather a violation of rights exacerbated by the current pandemic. We have already seen employers retaliate against essential workers through abuse and firing after the worker advocated for basic safety precautions on the job. Many workers do not have safety nets to fall back on. A worker whose employer is engaging in flagrant violations of health and safety law must weigh the potentially deadly risk of continued exposure to COVID-19 against the economically devastating risk of job loss were their employer to retaliate against them.

It is clear that this pandemic has both exposed and exacerbated the problem of unjust abuse of power by employers, and that we must act now to protect workers. It is also clear that in addressing this

unprecedented crisis, we must turn towards those solutions that encourage rational and collaborative action. We believe that Bill Int. No. 1923 accomplishes these goals on both counts.

First, this bill, through requiring a system of progressive discipline, would encourage the setting of clear work expectations for employees. This legislation does not prohibit an employer from terminating an employee for just cause, such as in the event of misconduct. Rather, the bill encourages the communication of reasonable expectations and the provision of training to ensure employees are equipped to meet workplace performance standards, and that the worker be told what rule that they violated in the event that they do not meet those standards.

Second, this bill would protect workers' open communication to employers when something in the workplace is not right, and potentially dangerous. In facilitating feedback, employers and workers are better able to act rationally and to resolve issues together. When employees feel safe in advocating for safe working conditions, they advocate not only for their own protection, but also for the safety of consumers who are undeniably impacted by products made in unsafe workplaces. Consumers, workers, and employers face the challenges posed by this unprecedented crisis together. As the pandemic crisis continues to profoundly affect daily life, we must all do our part to ensure that New Yorkers can continue their livelihoods while protecting the health and safety of all.

Further, through protecting workers who stand up to flagrant health violations and workplace abuses, the bill would help to ensure that all employers honor the health and safety of their employees—in short, that employers follow the practices that are simply the right thing to do. In fact, it is already unlawful to retaliate against employees for raising certain violations of law. However, the patchwork of existing protections has many holes and leaves workers with the burden of proving that they were let go because of an unlawful motive rather than a lawful unfair or irrational motive. This bill would create an affirmative process to avoid both unlawful and bad -- and dangerous -- decision making.

Moreover, at a time when businesses are working immensely hard to overcome the economic challenges posed by this crisis, this resolution would ensure that employers are not competing against businesses engaging in violations of labor law. This bill would help to ensure the playing field remains level as the economy continues to operate at varying capacities over the coming months. Thus, contrary to reflexive and unfounded opposition by business organizations, this bill does not burden employers; it ensures fair competition and rational lifesaving behavior.

Conclusion

In sum, all New Yorkers face unprecedented challenges amidst the Covid-19 crisis. But not all New Yorkers face the same health risks and workplace abuse as the essential workers who continue to report daily to their jobs. The essential workers who are keeping our city running deserve the protection of their labor rights and access to paid time off. The Legal Aid Society commends the City Council's efforts to enact laws that protect New York City's frontline workers. We support the proposal to extend safe and sick leave for independent contractors and misclassified employees and to institute a just cause firing law as outlined above.

Justice in Every Borough.

Testimony of Teamsters Local 237
before the New York City Council Committee on Civil Service and Labor
May 5, 2020

Good morning Chair Miller and honorable Council Members on the Council's Committee on Civil Service and Labor. My name is Gregory Floyd and I am the President of Teamster Local 237, and Vice President-at Large of the General Board of the International Brotherhood of Teamsters. I am here to testify today regarding the Council's COVID-19 recovery bills. Local 237 supports the Council's efforts and wants to ensure that no municipal worker is forgotten as we fight COVID-19.

Local 237 represents over 24,000 members who work in all of the city's municipal agencies, including the city's public housing facilities, public hospitals, schools and colleges, homeless shelters, ACS facilities, and almost all other municipal agencies. We are the largest local union in the International Brotherhood of Teamsters, and our members serve the City of New York and on Long Island every day. In NYC DOE schools, thousands of our members work to create a safe environment in which students learn while others make sure students receive nutritious meals. In NYCHA, our members fight to guarantee that our city's public housing operates safely and effectively. In HRA/DHS and H+H facilities, our members maintain security for staff and visitors alike. In the COVID-19 pandemic, our members have been categorized as essential workers and have continued to report to their jobs serving the most vulnerable populations of a city in need.

Every day during this crisis, Local 237 members go into harm's way to serve the city, often without the very basic level of protection they need. At the start of this crisis, many of our members, including NYCHA, NYPD, H+H, and HRA employees, were left without PPE or sufficient training even though they were on the front line of the city's response. Still, they reported to work for the good of the city. In some workplaces, PPE access has improved, but this is not universal. Our workers still need PPE, hand sanitizers, and training, to protect themselves and their families.

Local 237 commends the City Council for its efforts to protect essential workers and want to highlight the need to guarantee all municipal worker titles are included in legislation in the city and in the state level. These bills are a great start but we cannot stop here. Our members have served the city and many died due to COVID-19. They should be praised for their efforts, not penalized, jeopardized and left out of the City's plans to combat this deadly virus. Their sacrifices cannot be forgotten.

I thank you for giving Local 237 the opportunity to testify today, and we are happy to work with the City Council on these bills and any others.



DETECTIVES' ENDOWMENT ASSOCIATION, INC.

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Testimony of Paul DiGiacomo

President, Detectives Endowment Association, Inc

The New City Council Committee on Civil Service and Labor

May 5, 2020

Good afternoon Chair Miller and Members of the Committee on Civil Service & Labor. I am Detective Paul DiGiacomo, I am the President of the New York City Detectives Endowment Association. I have the privilege of representing more than 17,000 active and retired New York City detectives.

I submit this testimony in support of the pre-considered introduction to extend medical benefits to the surviving families of municipal workers who have died due to COVID-19 and the pre-considered resolution calling on the New York State legislature to pass a law to classify all such deaths as line-of-duty deaths.

I would like to begin by recognizing the dedication and sacrifice the doctors, nurses, and all the healthcare workers and our first responder brothers and sisters in the NYPD, FDNY, EMS as well as corrections, sanitation, transit and others who are out there every day ensuring the health and safety of all New Yorkers.

I want to also extend our sincere condolences to the families of all of those who have been taken away by this horrible virus. We have lost five of our brother detectives. We understand your loss and share your grief.

COVID-19 is a silent and invisible bullet that kills and has proven to be far more dangerous and deadly than any terrorist attack or any criminal. It knows no boundaries and has no limits.



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Our members understand we will be subjected to risks when they join our ranks. Despite this knowledge we commit by swearing and fulfilling the oath to “serve and protect.” Upon taking that oath we commit ourselves to be among those who run toward danger when others are running away to safety.

The world saw our commitment on Sept. 11, 2001 and its aftermath. Our members were among those who searched through the pile at Ground Zero and later on Staten Island at the Fresh Kills landfill, as well as the city morgue looking for any sign of those who were lost; anything to bring comfort and closure to the families of the almost 3,000 victims.

Today, while our city is on lockdown and our neighbors are told to shelter at home. Our members have been out there fulfilling that oath. These five have paid the ultimate price.

Detective Cedric Dixon, a 23-year veteran of the NYPD was the first member of the department to be taken away by this virus. He leaves behind two daughters. Detective Robert Cardona, a 19-year veteran, who was stricken with cancer in the aftermath of 9/11, leaves behind an 8 year-old son. Detective Jack Polimeni, a 23-year veteran leaves behind his wife Patricia. April 13 we lost two of our brother detectives. Detective Jeffrey Scalf, a 14-year veteran who leaves behind a wife and three daughters; and most heartbreaking of all, Detective Raymond Abear, a 19-year veteran of the department leaves behind a wife and two babies. The eldest is two-years old, and his sister is a five-month old infant who will never know her father.

This being the darkest time in the history of the rank of detective in the NYPD. Losing five members in a two week period to this silent killer, the Corona Virus.

THE POLICE UNION REPRESENTING THE GREATEST DETECTIVES IN THE WORLD

AFFILIATIONS — NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS (NAPO)
NEW YORK STATE ASSOCIATION OF PBAs



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Each of these men took and fulfilled their oaths to serve and protect. They did it and paid the ultimate price because they expected our City and our government would fulfill its obligation to protect those who serve. That obligation extends to protecting their families when they perish, fulfilling their oaths. Extending healthcare benefits for the surviving families of these five detectives and the families of all other fellow municipal workers who have become casualties in the war against COVID-19, as well as classifying their deaths as line-of-duty deaths, is a moral obligation. Just as we protect the surviving families of detectives struck down by a perpetrator's bullet, we must protect those of detectives who fall victim to COVID-19.

We urge you to approve expeditiously the pre-considered bill and resolution in order to fulfill the sacred obligation owed to the families of Detectives Dixon, Cardona, Polimeni, Scalf, and Ahear.

Thank you,

Letter of Opposition to Int. 1923

Dear Speaker Johnson,

I would like to follow up on my previous email in support of certain legislation, and to now strongly OPPOSE [Int. 1923](#). This bill would prohibit employers from discharging an essential employee without just cause.

Small bars and restaurants can only currently operate with very strict guidelines. Only ONE person / employee is currently allowed on the premise to conduct to-go orders. How are we supposed to maintain our entire staff at this time?? Furthermore, once we are granted the right to return to work, we will be forced to operate at a very limited capacity. How can we possibly maintain our entire staff? It's just not possible. The walls are closing in for bars and restaurants. And nobody seems to care. There is no meaningful action. There are only meager attempts to help the situation, and now, I see there are even attempts to make it worse.

I strongly urge you to exclude bars and restaurants from this bill.

Sincerely,

Kaarin Von Herrlich

4 Bleecker Street

New York, NY 10012

kaarinvon@gmail.com

GREATER NEW YORK HOSPITAL ASSOCIATION

555 WEST 57TH STREET, NEW YORK, NY 10019 • T (212) 246-7100 • F (212) 262-6350 • WWW.GNYHA.ORG • PRESIDENT, KENNETH E. RASKE

May
Five
2020

Council Member I. Daneek Miller
Chair, Committee on Civil Service and Labor
New York City Council
250 Broadway, Suite 1810
New York, NY 10007

RE: Statement for Hearing: Introductions 1918-2020 (Premium Pay for Essential Workers) and
Introduction 1923-2020 (“Just Cause” Employment)

Dear Council Member Miller:

Thank you for the opportunity to testify on behalf of the Greater New York Hospital Association (GNYHA), which proudly represents all hospitals in New York City, both public and not-for-profit, as well as hospitals throughout New York State and in New Jersey, Connecticut, and Rhode Island.

GNYHA has played a leading role throughout the ongoing coronavirus pandemic. We continue to help coordinate emergency response efforts, support hospitals as they expand capacity, source supplies for hospitals and health care workers, share governmental guidance, share best practices, and much more.

It is impossible to overstate the debt owed to essential workers across New York City, especially the dedicated hospital caregivers on the front lines. However, while we support the goals of Introductions 1918-2020 and 1923-2020, we must oppose them as written.

Introduction 1918-2020 (Premium Pay for Essential Workers)

GNYHA supports premium pay for our essential workers, but this issue can only be addressed at the Federal level, with Federal funding. Some hospitals have chosen to provide additional compensation to their workers as a gesture of gratitude for extraordinary service under extremely challenging conditions. Others, whose workers are no less selfless and heroic, simply lack the means to do the same. These are our struggling safety net hospitals serving the City’s most vulnerable communities. Requiring them to provide additional pay without additional funding would simply worsen their already precarious financial situation. It is also not clear to us whether



GNYHA is a dynamic, constantly evolving center for health care advocacy and expertise, but our core mission—helping hospitals deliver the finest patient care in the most cost-effective way—never changes.

this bill's provisions would mandate pay on top of the additional compensation some institutions currently provide their workers.

Even before this crisis, many hospitals in New York City were in critical financial condition because of inadequate Medicaid and Medicare reimbursement. That situation has worsened as hospitals have suffered from lost revenue and incurred huge added expenses to meet the demands of responding to COVID-19, including overtime, securing agency health workers from across the country to supplement their staff, and purchasing critical supplies at very high prices because demand outstripped supply. Even the largest and most well-resourced systems report losses of approximately \$350-450 million per month. Hospitals will also have to maintain this level of readiness and excess capacity at high financial cost to themselves in order to protect New Yorkers from a second surge of the virus, even as the New York State Division of the Budget has issued a dire warning that Medicaid provider payments could be slashed by a staggering and unprecedented 20-30% due to crashing revenue.

Only Washington has the financial ability to compensate localities, health care institutions, and workers for the extraordinary burdens they continue to shoulder during this crisis. GNYHA and New York City hospitals are working with the New York Congressional delegation to pass legislation authorizing significant “crisis pay” payments that could be used to fund increased wages. We would be immensely grateful if the City Council could lend its support to this advocacy effort.

Introduction 1923-2020 (“Just Cause” Employment)

GNYHA understands the City Council’s concerns about the ability of health care workers to speak openly about their concerns during this crisis. But New York City hospitals have a long record of negotiating in good faith with organized labor. Through collective bargaining, many have agreed to even stronger employee protections than are contained in applicable law.

Those protections, as they relate to the health care sector, are already robust. The New York State Labor Law protects whistleblowers who report health and safety concerns to the relevant authorities. Also, hospitals are subject to stringent oversight and regulation, including corporate compliance requirements, which include whistleblower and anti-retaliation provisions, as a condition of participating in Medicare and Medicaid. These legal requirements are specifically geared toward protecting activity that is designed to address employee concerns.

GNYHA supports these existing worker protections, but we strongly oppose this bill.

This bill goes far beyond the City Council’s concerns about workers’ ability to express their views in the press. It would completely upend longstanding legal concepts that afford common sense deference to the judgment of the employer and to the relationship between management and labor. We question the need to so drastically alter the balance between employers and workers in the

health care sector, which has a long track record of providing fair pay, generous benefits, and good faith engagement with unions and workers. The bill would also impose vast administrative burdens and costs on hospitals by effectively requiring employers to document and justify every disciplinary decision they make to the City and possibly to juries, at the same time that our hospitals are responding to the pandemic and attempting to resume much-needed surgeries and procedures that had to be deferred during the surge of COVID-19 patients. Consideration of this bill could not come at a worse time, given the ongoing challenges posed by the pandemic and our hospitals' increasingly dire financial situation.

Additionally, it should be noted that hospitals are not like other employers. Protections for whistleblowers who report concerns to the relevant authorities that are best positioned to address those concerns are already in effect. But giving health care workers broad latitude to comment in the press about their workplace can raise, and has raised, patient privacy concerns. Even where a health care worker is not intending to disclose protected health information, she may do so inadvertently or because she is not aware of the technicalities of applicable patient privacy laws. For this reason, the Office for Civil Rights (OCR) of the Department of Health and Human Services, the body that enforces the Health Insurance Portability and Accountability Act (HIPAA), has contacted hospitals in response to COVID-19 media stories, to provide educational reminders of certain HIPAA regulations and OCR guidance. OCR has the discretion to respond with educational assistance, as it has done, but it also has broad powers to fine hospitals for HIPAA violations. Patient privacy is one very important reason why hospitals maintain media policies.

GNYHA urges the Council to rethink this overbroad proposal. We stand ready to discuss a more tailored approach to address the Council's concerns.

Conclusion

GNYHA and its entire membership are strongly committed to ensuring that health care workers are properly supported and protected during the pandemic and beyond. We appreciate the City Council's interest in this issue and look forward to working together.

If you have any questions, please contact me (atitle@gnyha.org) or David Labdon (dlabdon@gnyha.org).

Sincerely,



Andrew E. Title
Assistant Vice President, Government Affairs



Testimony of Kendra Hems

On Behalf of

Trucking Association of New York

Before the

**New York City Council
Committee on Transportation
May 5, 2020**

Regarding

COVID-19 Relief Package: Premium Pay for Essential Workers (Int. 1918) and Just Cause Discharge from Employment (Int. 1923)

I would like to thank Chairman Miller and the rest of the committee members for the opportunity to submit testimony.

For over 85 years, the Trucking Association of New York (TANY), a non-profit trade group, has represented the trucking industry in New York, advocating for the industry at the local, state and federal levels. We provide educational programs to our membership, which enhance their safety and maintenance efforts and offer numerous councils and committees to meet the diverse needs of our membership. TANY comprises over 600 member companies from New York, Canada, every border state, and other states across the country and is the exclusive New York affiliate of the American Trucking Associations (ATA).

In the midst of the COVID-19 crisis, professional truck drivers along with our healthcare workers, law enforcement and other essential personnel are on the frontlines of this pandemic. Professional drivers are working overtime to ensure that critical deliveries of food, water, toiletries, pharmaceuticals and medical supplies get to healthcare facilities, businesses, and consumers in this time of need. However, even though certain segments of the trucking industry have seen growth due to this increased demand for these goods, other segments are struggling to keep their doors open. While we certainly understand the intent of the package of bills introduced, we have serious concerns about the additional financial and administrative burdens it will place on companies during a time when they are doing everything they can to stay in business and keep their employees employed.

We have seen record drops in consumer spending just in the first three months of 2020. As an example, clothing sales have dropped 36 percent, motor vehicles and parts are down 33 percent, restaurant and bar sales are down 30 percent. The most recent Empire State Manufacturing Survey, conducted between April 2 and April 10 shows that the General Business Conditions Index has plummeted 57 points to negative 78.2. This is the lowest level in the history of the survey by a wide margin. To give a reference point, during the depths of the Great Recession from 2007 – 2009 the Index was at negative 34.3.

For the trucking industry, this equates to a cratering of demand and it is incredibly difficult to find freight. Rates have dropped significantly as companies fight to get what little freight is available. Unless you are a company dedicated to hauling groceries or durable goods such as toiletries and cleaning supplies, you are struggling to make ends meet and keep your doors open.

TRUCKING ASSOCIATION OF NEW YORK

With respect to Int. 1918, we are dismayed that the Council would seek to mandate a “premium pay” for essential workers at a time like this. Companies are already struggling to keep the employees they have and a requirement for premium pay would make that nearly impossible. Even as revenues have dropped to unprecedented levels, companies are expending unbudgeted funds to obtain critical and necessary personal protective equipment such as masks and hand sanitizer to keep employees safe. Our member companies are fighting for their survival. Without exaggeration, an increase in their payroll costs resulting from a premium pay mandate would force many of them to close down completely. There is simply no way for them to absorb this additional financial burden.

With regards to Int. 1923, the type of just cause requirement that is proposed would substantially disrupt the way many of companies conduct their business. Int. 1923 seeks to require companies to implement lengthy and rigorous processes to discharge, suspend or reduce an employees' hours. Additionally, this bill creates a private right of action for employees, which will result in costly attorney fees and a long drawn out court process that many small operators will not have the means to endure. Given the demands we as an industry are trying to meet in the middle of a pandemic, it is inappropriate to saddle the trucking industry with an onerous and burdensome regulation. Companies are doing everything they can, adjusting their models and shifting operations where possible, to keep their businesses open and to keep their workers employed.

Finally, we have very serious concerns with Int. 1926, which would expand coverage under the Earned Safe and Sick Time Act. This legislation would change the presumption of employment to what is often referred to as the “A, B, C” test. In the trucking industry, that is largely dependent on the use of independent contractors, it is impossible to meet the “B” prong of the test which requires “the person performs labor or services that are outside the usual course of the hiring entity’s business”. It was for this very reason that the trucking industry worked closely with labor to pass the New York State Commercial Goods Transportation Industry Fair Play Act. The Act went into effect in 2014 and created a new standard for determining whether a driver of commercial vehicles who transports goods is an employee or independent contractor. We would ask that the Council consider amending the proposed legislation to honor the definition of a “separate business entity” included in the Fair Play Act to ensure that true independent contractors are not unduly classified as employees.

In closing I would like to stress that the trucking industry is committed to ensuring the protection and wellbeing of their employees. We ask that rather than create a divide between employers and employees, that we work together to support our critical businesses so that they can continue to provide much needed jobs. Passage of the above referenced legislation would only serve to put crippling administrative and financial burdens on companies that are hanging on by a thread, resulting in many of them being forced to close their doors.

We look forward to working with the Council on this issue.

Thank you.

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**Testimony from A Better Balance for New York City Council Committee on Civil Service
and Labor Hearing on the Essential Worker Bill of Rights package (Int. Nos. 1918-2020,
1923-2020, 1926-2020; T2020-6139; Res. No. 1285-2020; and T2020-6145)**

May 5, 2020

**by Cassandra Gomez, Staff Attorney, Sherry Leiwant, Co-President and Co-Founder, and
Molly Weston Williamson, Director of Paid Leave and Future of Work**

A Better Balance (“ABB”) is a national legal advocacy organization dedicated to promoting fairness in the workplace and helping employees meet the conflicting demands of work and family. Through legislative advocacy, litigation, research, public education, and technical assistance to state and local campaigns, ABB is committed to helping workers care for themselves and their families without risking their economic security. ABB has co-drafted model paid sick leave legislation that has been used and adapted in the 49 jurisdictions that have enacted permanent paid sick leave laws; in this unprecedented crisis, we have worked closely with lawmakers at the federal, state, and local levels to draft, pass, and implement emergency sick leave legislation. Here in New York City, we helped draft the Earned Safe and Sick Time Act and negotiated the final terms of the legislation. Since the law’s passage, we have heard firsthand about issues workers face when they or their families are ill through our legal helpline.

The coronavirus pandemic highlights what is true for New York City and the nation: the American workplace has failed to respond to the changes in the make-up of our workforce. Nationwide, more than 32 million private sector employees have no paid sick leave in their jobs.¹ And many more workers, whether for gig economy companies or in legacy industries like construction, are left out because they have been misclassified as independent contractors rather than employees. Based on our work on earned sick leave around the country, and the overwhelmingly positive outcome that the Earned Safe and Sick Time Act has had in New York City since it went into effect in 2014, we urge this committee to move forward with the Essential Worker Bill of Rights package and pass this important legislation.

**I. Gig workers and other misclassified workers should not be left unprotected
when they need time to care for themselves or their family.**

Today, too many workers’ rights to paid sick time under our law are clouded by misclassification: employers who treat workers as independent contractors when they ought to be employees. The rise of app-based platform work and the so-called gig economy, has drawn new attention to this problem, which has long plagued industries like construction and shipping. The proposed legislation would offer a powerful tool in fighting misclassification and empowering workers, removing questions as to coverage by providing greater clarity in the law.

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Many of those affected are essential workers continuing to work through this crisis, putting themselves in harm's way to allow others to stay home, but operating without the protections they need to keep themselves, their families, and the public safe. Misclassified workers tend to be from the most economically vulnerable communities: they are women, they are people of color, and they work for low wages.² Many of these workers are forced to continue working during the COVID-19 crisis to stay afloat financially, making them and their families more susceptible to the virus. They deserve clear coverage under the earned sick time law, and the proposed amendment to the law is an important step forward.

The legislation proposed today would add to the existing sick time law a broad presumption of employment, setting the baseline that those who work for others are considered employees unless they met clear, specific tests showing they are truly operating as independent contractors. These amendments would make it easier for workers who are misclassified or whose employment status is in question to show that they are employees entitled to the full protection of the law, rather than independent contractors. This builds upon the law's existing strong framework by eliminating uncertainty over coverage and thus better protecting workers across the city.

II. Paid sick time for all workers is always necessary, and the current pandemic illustrates why all workers need this crucial right.

Ensuring access to paid sick days for workers who have been misclassified and removing questions as to coverage for workers on the borderline is essential because of paid sick time's profound health impacts. Paid sick time is crucial to workers and their families, our communities, and a healthy economy because when workers have access to paid sick leave, they are not forced to choose between caring for themselves or their sick family members and their paycheck. Instead, they can take the time needed to recover from an illness, or to care for an ill family member, and avoid coming into contact with others in the community both on their way to work and at work.

Paid sick time is essential for New York City's public health. Studies show that workers with access to paid sick leave are far less likely to go to work while sick or send a sick child to school or day care, thus reducing the spread of contagious illnesses in our communities.³ Additionally, workers with paid sick leave are also more likely to seek preventative care, allowing healthcare professionals to treat illnesses before they become more serious, and ultimately reducing medical costs.⁴

Additionally, when sick workers can stay home without fear of retribution from their employer or a reduction in their pay, businesses benefit from the reduction in the spread of contagious illnesses between co-workers, and from money saved on lost productivity. Workers with even minor illnesses are less productive than their healthy co-workers and cost the American economy

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billions of dollars per year.⁵ For example, nationally, the common cold alone costs \$16.6 billion in productivity loss.⁶ Paid sick leave make sense.

As the epicenter of the coronavirus pandemic in the U.S. with nearly 165,000 confirmed cases of COVID-19,⁷ New York City must ensure that all workers have paid sick time. One of the most important benefits of access to paid sick time is that it reduces the spread of contagious disease.⁸ For example, during the height of the H1N1 (swine flu) pandemic of 2009-2010, workers with lower rates of access to paid sick leave were more likely than those with higher rates of access to paid sick leave to go to work sick, and as a result, the pandemic lasted longer in their workplaces as the virus spread from co-worker to co-worker.⁹ One study estimates that lack of paid sick leave was responsible for five million cases of influenza-like illness during the pandemic.¹⁰

According to the Centers for Disease Control, the best way to prevent the spread of COVID-19 is by avoiding close contact with people who are sick and staying at home while sick.¹¹ For many New Yorkers, staying home while sick is only an option if they can still count on receiving a paycheck and having a job to return to when they're better. Ensuring that misclassification will not deprive workers of their sick time rights is essential to getting through this crisis and to ensuring that we will be better prepared for handling public health emergencies in the future.

While our city has been on the forefront in protecting workers via our groundbreaking earned paid sick time law, more must be done to ensure that *all* workers, including those who have been misclassified by their employers as independent contractors, can take time off work when they or their family members are sick, without fear of losing their jobs or their paychecks. New York City must rise up for the workers that continue to keep our city running by providing them with paid sick time. Through this package of bills, we can also offer other much-needed rights. By moving forward with and passing the Essential Worker Bill of Rights, the Council Committee will take a huge step forward for our workers and our community.

¹ *Quick Facts*, Support Paid Sick Days, <http://www.paidicksdays.org/research-resources/quick-facts.html> (analyzing Bureau of Labor Statistics data).

² Julie Kashen et al., *Collective Responses for Independent Contractors During COVID-19*, The Century Foundation (Apr. 21, 2020), <https://tcf.org/content/report/collective-responses-for-independent-contractors-during-covid-19/?agreed=1>.

³ Tom W. Smith & Jibum Kim, Paid Sick Days: Attitudes and Experiences, Nat'l Opinion Res. Ctr. at U. of Chi. (June 2010), <https://www.issuelab.org/resource/paid-sick-days-attitudes-and-experiences.html>.

⁴ Kevin Miller et al., Paid Sick Days and Health: Cost Savings from Reduced Emergency Department Visits, Inst. for Women's Pol'y Res. (Nov. 2011), <http://www.iwpr.org/publications/pubs/paid-sick-days-and-health-cost-savings-from-reduced-emergency-department-visits>.

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⁵ Andrew Smith, A Review of the Effects of Colds and Influenza on Human Performance, 39 J. Soc’y Occupational Med. 65 (1989).

⁶ Andrew P. Smith, Twenty-Five Years of Research on the Behavioural Malaise Associated with Influenza and the Common Cold, 38 Psychoneuroendocrinology 744, 745 (2012), available at http://ssu.ac.ir/cms/fileadmin/user_upload/Moavenatha/MBehdashti/Pishgiri_Bimariha/anf5/89.pdf.

⁷ COVID-19: Data, New York City Dep’t of Health, <https://www1.nyc.gov/site/doh/covid/covid-19-data.page> (last visited May 4, 2020).

⁸ See Vicky Lovell, *Paid Sick Days Improve Public Health by Reducing the Spread of Disease*, Institute for Women’s Policy Research (Feb. 2006), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/B250.pdf>.

⁹ Robert Drago & Kevin Miller, *Sick at Work: Infected Employees in the Workplace During the H1N1 Pandemic*, Institute for Women’s Policy Research (Feb. 2010), <https://iwpr.org/wp-content/uploads/wpallimport/files/iwpr-export/publications/B284.pdf>.

¹⁰ Supriya Kumar et al., *The Impact of Workplace Policies and Other Social Factors on Self-Reported Influenza-Like Illness During the 2009 H1N1 Pandemic*, 102 Am. J. Pub. Health 134, 139 (2012).

¹¹ *Coronavirus Disease 2019 (COVID-19): Prevention and Treatment*, Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/about/prevention-treatment.html> (last visited May 4, 2020).



STEVEN N. DAVI
Executive Director
Email: sdavi@alliedbuilding.org
Mobile: 516.361.8211

May 8, 2020

VIA EMAIL (ATCO@LABOR.NY.GOV)
New York City Council

Re: **Int. 1918**

Dear Sir/Madam:

This comment is submitted on behalf of Allied Building Metal Industries, Inc. ("Allied"), as a pointed objection to Int. 1918, which, if adopted, would require large employers to pay premium wages to certain essential non-salaried workers over and above such workers' normal pay, as follows: employers with more than 100 employees would pay hourly workers \$30.00 for a shift under four hours, \$60.00 for a shift of four to eight hours and \$75.00 dollars for any shift over eight hours. The bill does not seem to provide any particulars regarding when its provisions would sunset. For the reasons set forth below, Allied respectfully urges the Council not to adopt Int. 1918. Alternatively, we would strongly urge the Council to amend the bill ahead of its adoption in a number of ways, including, at a minimum, by exempting from its coverage any and all employers that are party to collective bargaining agreements.

Allied Building Metal Industries, Inc. ("Allied"), is an association of New York's leading union erectors and fabricators of structural steel, curtainwall, and miscellaneous, architectural and ornamental metal products. Allied's members are involved in many of the most high-profile and significant heavy and building construction projects in the five boroughs of New York City, as well as Nassau, Suffolk and Westchester Counties. Allied has been in continuous existence since 1922. As such, Allied is one of the oldest and most respected employer associations in the New York metropolitan area.

Allied is authorized to enter into collective bargaining agreements on behalf of its members. Accordingly, by virtue of their affiliation with Allied, our member contractors are signatory to several collective bargaining agreements, including with Structural Iron Workers Local Union Nos. 40 and 361 of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, and Architectural and Ornamental Iron Workers Local Union No. 580 of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers. In this regard, Allied and its member contractors also are joint sponsors to the registered apprentice programs established by Ironworkers Local Union Nos. 40 and 361, as well as Local Union No. 580 (collectively, the "Union").

As the Council may or may not be aware, union Ironworkers and Operating Engineers working in the New York City metropolitan area are among the highest, if not the highest-paid trades in the United States, with most journeymen routinely earning a wage and benefit package in the low- to mid-six figure range annually. Moreover, many if not most long-tenured NYC union Ironworkers and Operating Engineers, when they are ready to stop working, are able to retire with dignity,

often with seven-figure nest eggs in their pension and annuity fund accounts that will sustain handsomely them during retirement.

Concerns with Int. 1918

First, the premium pay bill would exempt employers “covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local law and provides comparable or superior benefits for essential employees.” Similar language can be found in the city paid sick leave law enacted in June, 2013, with the critical exception that the city paid sick leave law allowed unions and employers time – ten months – to negotiate waivers before the law became effective. By contrast, Int. 1918 would take effect immediately. Thus, in most cases it will not be possible for parties to incorporate a waiver into their collective bargaining agreements ahead of the law’s effective date.

Second, even though union Ironworkers and Operating Engineers are very well paid, it is debatable, judging by the narrow standards of Int. 1918, whether our collective bargaining agreements provide “comparable or superior benefits for essential employees” since there is no provision in our agreements that would provide for additional pay to workers deemed “essential” by the state government.

Third, it is apparent the exemption extended to Int. 1918 for NAIS 531 businesses is meant to ensure the COVID-related additional costs for day-to-day maintenance of residential and commercial buildings are not passed onto tenants. This exemption does not go nearly far enough. Ironworkers and operating engineers perform structural maintenance work on residential and commercial buildings every day that is deemed “essential” under ESDC Guidelines. They should be afforded the same type of exemption available to NAIS 531 businesses.

Fourth, Int. 1918 does not have any discernible end date. As the economy reopens, it is likely the distinctions between “essential” and “non-essential” work will begin to fall away. Nonetheless, is it the Council’s intention to continue the premium pay mandate? Int. 1918 is silent where this critical issue is concerned.

Fifth, in a world where the debt service on construction loans must continue to be paid during the shutdown, it is likely the additional costs imposed on employers in having to make premium payments to their essential workers will push many employers to shutter their businesses and abandon their projects altogether. The premium pay provision will be more than many businesses can bear during these unprecedented times.

Based on the foregoing, we respectfully request the Council amend Int. 1918 to exempt union Ironworkers and Operating Engineers.

Thank you.

Very truly yours,

ALLIED BUILDING METAL INDUSTRIES, INC.

By: /s/ Steven N. Davi

Steven N. Davi,
Executive Director

**TESTIMONY OF
ACTION ENVIRONMENTAL GROUP
RONALD S. BERGAMINI, E.V.P.**

**NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL SERVICE AND LABOR
COUNCILMEMBER DANEK MILLER, CHAIRMAN**

MAY 5, 2020

Good afternoon. My name is Ron Bergamini; I am the Executive Vice President of Interstate Waste Services, a parent company to Action Carting, the city's largest trash and recyclable hauler. First let me thank Committee Chair Miller and the Civil Service and Labor Committee members Adams, Dromm, Louis, Moya, Rosenthal and Ulrich for the opportunity to comment specifically on introductions 1918 and 1923 and their impact on my company and our industry. Our subsidiaries include a hauling company, transfer stations and recycling facilities.

The Current Situation

We are currently at an inflection point in our COVID-19 experience. On the one hand, we are just beginning to see some positive trends across the nation regarding hospital admissions and fatalities that is lifting our spirits. However, this good news is not universally spread across the country as hotspots continue appear and not all curves have peaked or plateaued. It also remains to be seen how reopening the economy now will impact the virus going forward.

Our growing optimism regarding COVID-19 is healthy but needs to be tempered. The bad news is that economic fallout from the virus is far from its peak. In fact, the worst is just beginning. Tomorrow, the City Council will start budget hearings and provide an update on the City's fiscal condition. In about 10 days, the Governor will provide an update on the State's fiscal condition which affects NYC profoundly. Combined these updates will show that the deepening economic crisis will drastically reduce government resources to all state and local governments. On the national level, partisanship is preventing the needed massive federal response from taking shape. Without state and federal assistance, the City must do what it can to get people back to work.

The state's essential workers and NY Pause unquestionably saved lives but we must acknowledge the devastation experienced by businesses causing severe liquidity concerns that threaten their very survival. Some analysts predict a third of all small businesses will not recover. Large businesses are also an integral part of our city and the employer of millions. In order to get people back to work, we must avoid increasing the costs of doing business for all businesses. We would rather see more people collecting a fair collectively bargained paycheck than fewer people receiving additional funds (even if we understand the emotion behind the desire).

The legislation under consideration would significantly increase business costs at the expense of returning as many as possible back to work. I offer the following observations regarding Intros 1918 and 1923.

Conceptually, the argument is simple – most NYC companies have experienced drops in revenue ranging from 25% to 95% including those that provide essential services. All these companies are struggling with cash flow. The Federal government passed CARES legislation to help support business of all sizes recognizing losses from COVID and lack of liquidity were inevitable. Adding a huge expense to already struggling businesses is not only irresponsible but in conflict with the Federal stimulus approach. However well intentioned, this bill will cause layoffs at a minimum and at worse business closures.

Take our subway workers where ridership is down 95% percent. We all want to see these essential workers paid more just like our brave workers in the private sanitation business. The question in both cases is where to find the money when the underlying business is bearing afloat. The same goes for city budgets where I assume the council would support extra pay for police, fire, EMT's, and public sanitation workers. There simply is no money available.

Comments on Intro 1918

Intro. 1918, mandates that employers with more than 100 employees be required to pay hazard pay for essential employees. The proposed hazard pay will be accrued in the amounts of \$30 for a shift less than 4 hours, \$60 for a shift of 4-8 hours and \$75 for a shift over 8 hours.

An example of the bill's ramifications is that a \$15.00 per hour employee working an 8 hour shift will receive an additional \$7.50 per hour, a staggering 50% increase.

There are also issues with the definition of the term "essential employee". It excludes those who are "covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local law and provides comparable or superior benefits for essential employees." This creates a scenario that will not allow for quick implementation of this legislation since clearly no CBA has expressly cited or waived the law to date and will require companies who are party to a CBA to open immediate negotiations.

Moreover, this entire legislative scheme requires legal review as it appears on its face to conflict with Article 1, Section 10 of the United States Constitution wherein "[n]o state shall ... pass any ... Law impairing the Obligation of Contracts."

Comments on Intro 1923

This legislation would change the at-will employment standard for all essential workers to a "just cause" standard. Obviously, this would be applicable to non-union staff whose employment is not governed by a "just cause" standard. The central question becomes if financial ruin of the company represents "just cause"? How about exposure to life & death issues? Is that just cause?

These laws will impact only two or three of the City's waste hauling business while leaving the remaining 87 or so licensees immune. This legislation is so inequitable, it borders on absurd. This legislation will hurt or destroy the very companies expected to lead the City's Commercial Waste Zone efforts and those that strive to comply with all its rules and regulations and represents the very worst of the bill's unintended consequences.

From a legal perspective, it is questionable whether the City Council has the authority to change the wages, which are set by the State, even on a regional basis. The State has been exercising this authority for many years, issuing different rates for different areas of the State. It is unlikely that the state will relinquish this authority because of the pandemic.

With the tremendous loss of business our industry has experienced, how are we supposed to pay for these increased wages and benefits? The only way to do is by further reducing the number of workers we employ. This is the solution we are constantly trying to avoid for the City. Thank you.



MEMORANDUM OF OPPOSITION

BILL: Int. 1918-2020

SUBJECT: Premiums for Essential Workers

DATE: May 4, 2020

The Associated General Contractors of New York State, (AGC NYS) the leading statewide trade association representing union and open shop construction companies, strongly opposes Int. 1918-2020 which would require large employers to pay premiums to certain essential non-salaried workers: employers with more than 100 employees would pay hourly workers \$30 for a shift under four hours, \$60 for a shift of four to eight hours and \$75 dollars for any shift over eight hours.

Simply put, Int.1918-2020 is poor public policy in a time when our city, state, and nation are suffering under an extreme economic crisis. It is unconscionable that the New York City Council is considering this bill without a comprehensive fiscal analysis to determine the actual cost and long-term ramifications of this proposal. The bill includes an overly broad definition of “essential employee”; a flawed collective bargaining exclusion; a vague definition of “essential employer” and “large essential employer”; and does not include a specific sunset provision.

Int. 1918-2020 and the supporting documents do not include a comprehensive fiscal analysis of the costs on employers, impact on all levels of “essential” and non-essential employment, city tax revenues, records retention, litigation, and other fiscal categories. If enacted, this bill would establish a fiscally irresponsible tax on businesses already struggling to survive during the COVID-19 pandemic.

In March 2020, Governor Cuomo issued Executive Order 202.6 which, deemed fourteen categories of essential businesses, entities, and services. On April 28, 2020, Governor Cuomo announced a plan to reopen New York’s economy in phases which will increase the the ranks of “essential businesses”. Both actions by Governor Cuomo do not lift the State of Emergency. Int. 1918-2020 does not take into account the reopening of our economy by Governor Cuomo and would therefore dramatically increase the number of “essential employees” eligible for the premium pay.

Int. 1918-2020 includes a deeply flawed exclusion for collective bargaining. The bill states that an essential worker excludes employees covered by collective bargaining agreement if such agreement expressly waives the provisions of the local law and provides comparable superior benefits. This provision would upend established collective bargaining agreements that provide prevailing wages and comprehensive benefits for union construction workers.

The bill includes a confusing definition of “essential employer” and “large essential employer”. This is particularly troubling for general contractors managing subcontractors at a job site because it does not clearly define the responsible entity for paying the premium for essential workers.

Most businesses are either struggling to survive or are closed and may never reopen after the COVID-19 pandemic is eradicated. Therefore, AGC NYS strongly urges the City Council to reject this proposal.

May 5, 2020

Hon. Corey Johnson & Miller
New York City Council
City Hall
New York, NY 10038

Speaker Johnson & Chair Miller:

My name is Nasim Almontaser. I am a Yemeni American, born and raised in Brooklyn NY, an activist, worked at my parents' bodega for at least 10 years and am a full time student at Brooklyn College studying History and Secondary Education. During these times, I'm really trying to juggle this workload simultaneously ensuring I am healthy. As an activist, I believe in "voicing the voiceless." To learn more about the work I do, I am all over social media, please follow me on **Facebook**: NAlmontaser, **Instagram**: Nasim_almontaser, and **Twitter**: NAlmontaser3. As a student who has gone through public education all my life, I aspire to complete a Doctorates degree in Education and be the future Chancellor of the NYC Department of Education to ensure equity is pushed throughout districts. Most importantly, to tackle the bigger issues in public education which have been brushed under the rug for way too long and building upon Chancellor Carranza's work. Part of my activist work has revolved not just around education but also the issues that the Yemeni community and small businesses are facing at large. I urge the Council not to proceed with this package because it will add a burden/ more responsibility on top of what small businesses have to worry about as we try surviving COVID-19 including myself during these unprecedented times that we are living in.

The Yemeni community and small businesses have been overlooked for way too long. The Yemeni American Merchant Association which I have volunteered for-- seeks to support the growth and development of Yemeni-American merchants and their families through education, capacity building services, information, networking, and advocacy. This organization has really shed light on the Yemeni community at large in projecting issues that we have been encountering all our lives. There is a language barrier in my community which limits them from speaking up. Many people in my community work minimum 12 hour shifts and just don't have the luxury to keep up with what's going around in the world. As a Yemeni American who speaks the language and is a part of NYC's fabric, there are very few of me within the larger community because lots of Arabs would migrate to NYC and opening a bodega would be the first thing in order to support family due to the lack of education and language—which is why I really found my purpose in life during these unprecedented times. I've experienced this through my own eyes. That is advocating for rights of the oppressed and elevating such issues to higher authority to ensure that we are living in a peaceful, equitable and accepting society.

My parents own four bodegas across NYC. For the past ten years, I've never come to work with such fear and anxiety until the Corona virus came along. There are businesses who cut their hours short to ensure safety and decrease the risk of spreading the virus. However, there are some that are one of the only one's which remain open 24 hours such as my parents' bodega and we including many other Yemeni Americans are dealing with the issue of being better equipped during this crisis. We find it our social moral responsibility to come out and serve the public. Depending on how long this virus lasts, especially hearing from the CDC saying there might be a second wave in the Fall, bodega workers are really reconsidering remaining open which is unfortunate as it will hurt New Yorkers since lots of places have remained closed. We need to understand that at the moment New Yorker's are really relying on us for simple groceries to keep themselves alive. YAMA has been trying their hardest in making sure essential workers are safe and we really need your help in taking this seriously, supporting along the way. The work that YAMA and myself are doing in publicizing the NYCMaskMission to equip essential workers and first responders in order to make them feel comfortable coming to work including myself-- have been featured by many news outlets: Pix11, News12, International Radio, and other journalists. I just wanted to commend you. Thank you.

COVID-19 is affecting everyone most importantly-- immigrants, folks without medical insurance, low income, and those with language barriers. Many of us might check one of these boxes which is why we're struggling. Many of us have lost friends, families and loved one's which has taken a huge toll in our lives. I've lost several friends, really close one's as young as 30. Trying to process the close people I lost who made me smile on the college campus, folks I used to go out to lunch with has been a burden. I remember one friend in particular hoped to see me again after the virus and now he is gone. Recently, I found out that his father passed away while trying to recover from COVID-19-- but he couldn't handle the loss of his son. As we see these are challenging times. COVID-19 has taught us to cherish life a little more and care for one another. Essential workers and first responders are out serving the public, day in and day out-- working with such fear. Fear that they would bring home the virus, interacting with New Yorkers who have not taken this seriously and come out not equipped at all, and juggling with the thoughts in their mind of the people they've lost-- coming to work and keeping a good attitude with their customers/ clients. To add onto that, it's important to note that essential workers remain humble on top of the disrespect they receive from their clients/ customers. It's important to understand essential workers are at risk and adding more responsibilities won't do any good.

In solidarity with New York City's employers, large and small, for profit and non-profit, across multiple industries, I know there are many people watching this, as I speak on behalf of the marginalized communities and of small businesses as they appreciate every word I am articulating here-- hoping change happens now. We urge you to re-think the one-sided approach to the COVID-19 pandemic that is reflected in Intros. 1918, 1923 and 1926. It is critical for the city's recovery that New Yorkers come together to heal our city, protect its most vulnerable residents and workers, and rebuild

our economy and tax base. Employers are your allies in these efforts, not the enemy. Essential businesses and services simply cannot absorb additional cost and regulatory burdens. These bills will harm all employers and, ultimately, the city's economic recovery. New reality is businesses are CLOSING. The essential businesses that are managing to stay open to serve their communities and support their workers have extra costs/procedures – provide workers with PPE (*which is hard to get*), etc. They are not making a profit.

As a clerk who sells fresh produce and other groceries, bill 1918 won't do us any good because prices have gone skyrocketing high in the markets. It has been really hard to find certain items in the markets and those items we find-- markets are charging high prices. Therefore, this causes customers to not want to buy anything since prices have increased on top of the amount of people in NYC on unemployment. At times, we barely have money to pay off bills or the workers. Sometimes we'd have to split their pay throughout the month. Therefore, adding a responsibility on top of what we have in this bill which is to give a pay increase for our employers is impractical-- as we are trying to ensure the business has it's simple necessities to run smoothly. These are times out of our control and we really need people to hear us out and take seriously what we are going through because the public is relying on us unlike ever before and if we are not safe-- then many of us will close which will hurt NYC.

Bill 1923 won't do us any good either because we are trying to get through such unprecedented times financially, emotionally, and physically. With all the responsibilities I've shared prior that are on our plate, if we have an employee who is not doing the job-- we will fire them as we just don't have the financial needs to pay them as we give multiple warnings. At that point, we will just fire them because they're not upholding the values of the business nor doing their job. I hate to say it so harshly, but there is no reason to pay someone for doing nothing. You cannot compare big businesses with small businesses as both run really differently and have different structures in place.

Bill 1926, would hurt those who work 80 hours a week especially if it's a side job for them. Classifying them as an employee comes with lots of responsibilities which many don't want to handle. For example, most people who work for Uber do it as a side job as they are just trying to make a little bit of cash on the side. Some of those people are managing two or three other jobs. Putting more responsibilities on top of what they have considering now their *employees*, which they never set themselves up to, is intolerable.

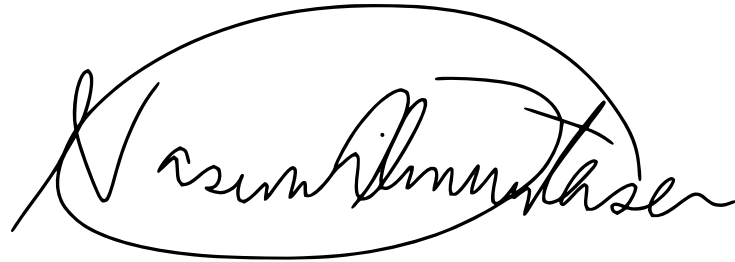
To conclude, please reconsider your decision on behalf of Bill Intros 1918, 1923 and 1926 as it is hurting small businesses and regular New Yorkers. You cannot hold a small business and a big business to the same level. As we are trying to juggle ensuring protective equipment, the inflation of prices from markets and paying our workers-- we need to come together and really make a decision that speaks to those who are trying to make ends meet. In the words of Barack Obama, "A change is brought about

because ordinary people do extraordinary things.” We’ve been overlooked for way too long as we are the heroes doing extraordinary things for the public. Yet, we deserve the same respect.

Once again my work revolves around “voicing the voiceless” and hope to get in touch with you all. I want you to all understand that I am here for you and for the core values NYC manifests. To get in touch, you can find me on all social media outlets. **Facebook:** NAlmuntaser, **Instagram:** nasim_almuntaser and **Twitter:** NAlmuntaser3.

Thank you and I have served my time.

Yours truly,

A handwritten signature in black ink, reading "Nasim Almontaser", is enclosed within a large, hand-drawn oval. The signature is fluid and cursive, with the first letter 'N' being particularly large and stylized.

Nasim Almontaser
Brooklyn College Student
Activist
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Testimony before the Civil Service and Labor Committee

Intro 1918

Bonus Pay for Essential Workers

May, 5, 2020

Dr. Richard Lipsky

Executive Summary

Intro 1918, introduced by the City Council as a measure to reward essential workers, is a well-meaning effort that, if passed, would likely do more harm than good for the very workers that the bill aims to reward. As described in a press account;

During the current state of emergency, businesses with more than 100 employees to pay hourly workers a \$30 bonus for a shift under four hours, \$60 for a shift of four to eight hours and \$75 for any shift over eight hours..."

[\(https://nypost.com/2020/04/21/nyc-council-rolling-out-coronavirus-package-to-help-new-yorkers/\)](https://nypost.com/2020/04/21/nyc-council-rolling-out-coronavirus-package-to-help-new-yorkers/)

Unfortunately, all of this was done with absolutely no consideration of the collateral damage this would cause to the vital food retail industry in NYC-the essential businesses that employ the essential workers being rewarded. No one in the supermarket industry was apprised of the bill, and neither were any of the supermarket unions.

Because the bill was drafted without consulting those with the knowledge of the industry, we are left with legislation that will undermine the businesses employing the front line workers, and lead to not only the loss of supermarkets in NYC, but the concomitant loss of the very jobs we are looking to reward and preserve for the vital role they have played in these challenging times.

Put simply:

Grocery workers are doing a heroic job during this health crisis. Forcing the companies to pay them bonuses without the revenues to support them, will only lead to the elimination of the very vital jobs they are performing.

Background

I have been representing NYC supermarkets and their workers for the past thirty years. Initially this work was against mega-development and big box stores that undermined neighborhood supermarkets and the communities that support them. In the 1990s, I also organized and led the successful fight against the Giuliani mega store plan that would have eliminated all City Council oversight over any box store development in the city.

Over the past 15 years I have also led the successful fight against Walmart's attempt to enter NYC. One of the reasons for the success of many of these battles was that elected officials and New Yorkers as a whole recognized the importance that neighborhood supermarkets play in the life and vitality of the city's neighborhoods-and the growing recognition that the neighborhood supermarket was disappearing in New York.

In response to many of these publicly fought battles, the City saw that markets were disappearing, and this phenomenon was seen not only a threat to neighborhood vitality, but to public health as well. The Fresh Program was initiated to address these ominous trends:

"A study conducted for the Mayor's Food Policy Task Force showed that many low-income neighborhoods across the city are underserved by neighborhood grocery stores. The resulting lack of affordable, fresh food in these neighborhoods has been linked to higher rates of diet-related diseases, including heart disease, diabetes, and obesity. In response, the City established the Food Retail Expansion

to Support Health (FRESH) program.” <https://www1.nyc.gov/nycbusiness/description/food-retail-expansion-to-support-health-fresh-program>

The Good Intentions Paving Company

A number of years ago the author Saul Bellow came up with the Good Intentions Paving Company observation to describe well-meaning actions that have disastrous consequences. (<https://conversableeconomist.blogspot.com/2013/12/the-good-intentions-paving-company.html>)

This observation of Bellows’ aptly describes the council wage and bonus proposal because it doesn’t consider the immense collateral damage that the legislation will have on supermarkets that NYC has already designated as a kind of endangered species.

Over the past two decades, the press recognized the disappearing supermarket phenomenon:

“Many of the city’s grocers, large and small, have struggled to survive. Some have succumbed to high rent, narrow profit margins and increased competition from upscale supermarkets, online grocers and drugstore chains that have expanded their wares to include grocery items.

“It’s depressing,” said Charles Platkin, the executive director of the New York City Food Policy Center at Hunter College. “When a supermarket in your area closes, it feels like you’re moving backward.”

<https://www.nytimes.com/2016/11/06/realestate/new-york-city-small-supermarkets-are-closing.html>; See also:

<https://www.nytimes.com/2006/03/22/realestate/commercial/where-have-all-the-supermarkets-gone.html>)

What the Council has so far failed to do is examine the impact of their proposal on this fragile but vital industry. The Council bonus pay bill would likely either close neighborhood supermarkets because the bonus pay is unsupported by revenues in this very low margin business, or it will lead to a dramatic work force reduction as companies strive to get under the 100-worker threshold.

Another frightening scenario at a time of mass unemployment, is that the supermarkets that remain in business will have to raise food prices by up to 30%

to cover these additional costs. At the very least supermarkets-as essential food retailers with very low profit margins-should be exempt from this bill.

What needs to be done

When we have essential workers, it means we have essential businesses that employ them. The current Covid 19 has dramatized the heroic work being done by supermarket workers and owners acting together to meet the emergency needs of all New Yorkers.

Beneath this heroism, however, lies a fragile industry buffeted by high rents, business chilling taxes, and onerous regulations. And this was even before the current pandemic struck. In addition, on line delivery services threaten the continued existence of the neighborhood supermarket (Even more so today as fear of exposure spreads throughout the city).

What the City Council needs to do is to develop-along with the mayor's office-a comprehensive plan to bolster the industry and its work force. We need to find ways to reduce their cost of doing business, and incentivize the kind of new store development that fits the character of the neighborhoods of the city, and the new safety-conscious post-pandemic reality.

Intro 1918 is not the right approach.



Make the Road New York Testimony on the Essential Workers Bill of Rights

May 5, 2020

I am Amanda Bransford, a workers' rights attorney at Make the Road New York. I testified at the hearing and wish to submit testimony on behalf of a Make the Road member who could not be present. His statement follows.

My name is Clemente, and I am a delivery worker for a restaurant in Brooklyn. I am here today to ask the City Council to pass the Essential Workers Bill of Rights. I and other delivery workers have been ignored in the past, but we are now considered essential. Our jobs are now dangerous, but we are not being paid anything extra, and not all customers are giving us extra tips, even though we're going out on the street so they don't have to. My employer is pressuring me to work extra shifts, but I don't want to, because I am too concerned about my health during this pandemic.

I think it would be fair for us to receive extra pay for the danger we're facing right now. We are scared – being out on the street is not the same as working inside. We put ourselves at risk. People are dying for doing this work. We go out on the street in fear that we will catch the disease. It's dangerous. I know another worker who sadly was infected and had to be quarantined, and that scared all the other delivery workers. We're working out of necessity because we have to pay our rent and our bills. Some delivery workers are refusing to work because they are too afraid, but they do not know if they will have a job when they are ready to come back. This is not an option for me. I would rather be able to stay home like other people are. But it's not possible. It wouldn't mean just a week or two without pay – this is going to last a long time.

We're still making deliveries for the restaurant, and the restaurant is still making money. Now they're also using app workers to make deliveries because they need extra delivery workers. A lot of delivery workers are afraid of speaking up about our health and safety needs, because they could be replaced. Other delivery workers are working extra shifts. Protection against firing us without cause would help us because employers would respect our rights to speak up about health and safety and being paid what we deserve if the city said they had to.

When the pandemic started, the restaurant where I work didn't want to give us safety

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equipment. We got gloves and masks from volunteers who supplied them to us – not from our employers. My coworkers and I all talk about the risks with the way things are. I believe we are at risk going out and making deliveries. I worry about my children. But I have to pay rent – it is not a choice. I would like to isolate myself but I can't be sure of having a job afterward.

We as essential workers want to be kept in mind. Right after businesses shut down because of the pandemic, the governor finally legalized the electric bicycles we use to make deliveries, after we had fought for a long time. The governor finally saw that delivery workers are necessary. All of a sudden, we were important. The city needs us and it can't function without us. Extra pay and protections would help us because we are worried and stressed about everything that is going to happen, and we want the city to remember that we are also people and are putting ourselves in danger, and do not have a choice. I ask that the City Council pass the Essential Workers Bill of Rights to help make a bad situation better for us. Thank you.

I am Dr. Arsh Gupta a Cardiology Fellow at Coney Island Hospital and I am a member of the Committee of Interns and Residents/SEIU (CIR/SEIU) which represents interns, residents, and fellows throughout NYC and nationally.

We as members of CIR/SEIU believe the definition of essential worker in The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) needs to be broadened.

The NYC Essential Bill of Rights bill put forth by Speaker Corey Johnson, Councilmembers Laurie Cumbo, Ben Kallos, Brad Lander, James Van Bramer, and Margaret Chin disqualifies CIR members in a few ways, particularly in regards to Premium Pay: 1) The definition of "essential worker" excludes the public sector, so all city workers, including our residents at H+H are left out. The provision also excludes salaried workers, which impacts all of our members in the private sector. We believe that all essential workers deserve premium pay but as the bill currently stands it does not do this and excludes many essential workers including doctors like me.

Residents are doctors in training that are the life force of a city hospital. When this epidemic started and hospital censuses ballooned over 50%, they hired more nurses, respiratory therapists, specialists but the same amount of residents managed all the extra patients. When families were barred from seeing their loved ones in the hospitals we called them multiple times a day to give them updates, facetime when possible, when the phlebotomists called out sick we drew the daily bloodwork on all the patients, when patients succumbed to the disease, we called the families we made connections with and had to deliver the news as they waited on the other end of the phone. I've made that call more in the past week than I have in the past 5 years of my training. Our hours have been longer, our workloads have been greater, the pressure has been higher than ever with every patient seemingly life or death...

We have done our best to protect ourselves in a bad situation. For most of this time we have been using masks for multiple days in a row, and being forced to purchase our own additional protective equipment. Multiple residents have caught the virus in the line of work me included. We have no way to know what the long term health consequences will be, and furthermore we have no way to predict how this will impact our mental health and well being in the future.

While some people say this is what I signed up for when I decided to become a doctor I definitely disagree. Nyc hospitals have become war zones, When I was in medical school I never would've dreamed of going to work in a gas mask. I never would have imagined shortages of protective equipment, ventilators or hospital beds.

We wear masks and gowns, caps and gloves. We constantly battle internal paranoia wondering if we have symptoms. We are afraid to hug your family members because you know you have been exposed to the virus. Additional PPE and ubers to work have all come out of our pockets

In any other industry if your boss said you have to work longer hours accomplish more in a shorter period of time, expose yourself to a dangerous work environment, make numerous life

or death decisions on a daily basis and spend money out of pocket for protective equipment and transportation but you'll be paid the same amount I don't think people would come to work the next day.

Now if I were to ask you, after hearing all of that what do you think a medical resident should be paid? What do you think is fair for someone who has completed 4 years undergrad, 4 year MD and is in an receiving additional 3-6 years of training. We are used to making 15 dollars an hour working 80 hour work weeks. Not to mention the mountains of student loans most of us have. Almost all additional educational activities have come screeching to a halt.

We have seen some private hospitals who are often viewed as bottom line driven recognize the obvious fact residents and fellows need additional compensation for the impossible situation they're facing. But residents who work for city hospitals still haven't received any additional compensation.

The department of labor defines Hazard pay as: additional pay for performing hazardous duty or work involving physical hardship. Work duty that causes extreme physical discomfort and distress which is not adequately alleviated by protective devices is deemed to impose a physical hardship.

Now how can you say residents don't fit the bill?

We can't get to the hospital to care for our patients without our transit workers, we can't eat without our delivery, restaurant and grocery workers and they like us and like all essential workers deserve more than just gratitude we deserve to be compensated for our service. While we appreciate that the City Council is taking action to provide premium pay to essential workers there should not be a distinction between public and private sector workers that denies premium pay to Public Sector workers like myself.

In conclusion we as members of CIR/SEIU believe the definition of essential worker in The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) needs to be broadened.



Matthew Bershadker
President & CEO

American Society for the Prevention of Cruelty to Animals

Hearing before the New York City Council's Committee on Civil Service and Labor: Intro. 1918, in relation to premiums for essential workers; Intro. 1923, in relation to just cause employment protections for essential workers; Intro 1926, in relation to the expansion of worker coverage under the Earned Safe and Sick Time Act.

May 5, 2020

Dear Chairman Miller:

The ASPCA is deeply committed to providing critical services for at-risk animals, low-income families, individuals who have been impacted by COVID-19, and all New Yorkers in this time of crisis, which is why we appreciate this opportunity to express our grave concerns regarding the impacts that Intros. 1918, 1923, and 1926 will have on our ability to continue to do this lifesaving work.

If enacted as currently worded, these measures would ultimately have the exact opposite effect than what was intended by their sponsors, imposing devastating, unlawful, and unfunded mandates that would force the ASPCA and a host of other service organizations to drastically limit, and in some cases suspend, critical work in New York City at a time when such services are increasingly more difficult to obtain and afford.

Unlike many not-for-profit organizations, the ASPCA is almost entirely funded through charitable donations.

Our commitment to those most in need in New York City has resulted in shifting our operational focus to provide them with even more of the support they desperately need during this time of crisis. Supporting our essential workforce who continue to provide these critical services to low income families with pets is a top priority. Unlike many of our partners in human services however, ***we are not reimbursed by the government to provide such needed services***, yet we have already committed to invest almost \$7 million in efforts specifically focused on responding to the COVID-19 crisis.

These measures will do significant harm to the work the ASPCA is currently doing to provide services to vulnerable New Yorkers impacted by COVID-19.

Currently, we are hard at work providing free pet food and emergency animal boarding services for overwhelmed New Yorkers; delivering expanded Urgent Veterinary Care services at our ASPCA Animal Hospital in Manhattan, Community Veterinary Center in the Bronx, and in our mobile primary pet care clinic in Brooklyn; and partnering with the NYC Office of Emergency Management (OEM) to establish and run a COVID-19 Pet Hotline, which serves as an information, planning, referral and service coordination hub for residents seeking support for their pets during the pandemic. We also launched a \$2 million emergency grants program for animal shelters and rescue groups in need.

ASPCA essential staff are supported and highly valued.

Our essential staff are vital to the success of these operations, and our concern for their continued health and safety is both our highest priority and reflected in the additional financial benefits we currently provide for them. All essential staff are currently eligible to receive Qualified Disaster Payments to offset expenses arising out of the COVID-19 pandemic. We have authorized this temporary additional benefit for frontline staff in the amount of \$30 per shift, which we project will cost approximately \$350,000 to \$500,000 over the first six weeks that we offer the benefit – an amount that we are committed to

providing because it is the right thing to do for our staff, despite the fact that this is an expense that we did not contemplate and therefore did not budget for. *This benefit would be paid in addition to the pay shift premiums of \$30 to \$75 per shift required by Intro. 1918*, potentially costing anywhere from \$5-25 million in additional donor funds, or even more, depending upon the ultimate length of New York's current emergency declaration.

In addition, at the outset of the pandemic, all ASPCA staff received 80 hours of paid COVID-19 time off, over and above any existing paid leave benefits to which they were already entitled. We have also expanded use of sick time for anyone directly affected by COVID-19 and have offered Temporary Work Assignments for any employee who works in an area where operations are currently suspended. These benefits are all well-deserved and provide personnel with the support and benefits they have earned, balanced with our continued ability to provide the key services our communities expect and depend on, now and in the coming months. The unfunded mandates imposed by these proposed bills will upset this carefully calibrated balance, and will make it difficult, if not impossible, for us to continue to operate all of these programs.

Both recently launched and longtime ASPCA programs would be dramatically impacted.

The integrity and effectiveness of our COVID-19 response efforts are not the only ASPCA programs that would be gravely harmed by the massive costs of complying with these proposals. In the normal course of our operations during "non COVID" times, we work in communities all over the City, using donated funds, to offer low-income communities low-cost and no-cost spay/neuter and primary pet care, and a hospital that allows us to serve shelter pets and victims of cruelty, as well as cats and dogs whose owners are experiencing financial challenges.

In 2019, we launched a groundbreaking, multi-year initiative that will invest more than \$45 million to build (and operate) ASPCA Community Veterinary Center facilities in New York City to provide low-income pet owners with access to basic and urgent veterinary care, including vaccinations, spay/neuter surgery, and to establish a highly specialized facility in the Hudson Valley to care for and rehabilitate canine victims of cruelty primarily seized by the City of New York Police Department. Once operational, these NYC facilities (our Bronx facility is now open, with facilities planned to follow in Brooklyn and Manhattan or Queens), will also treat homeless dogs and cats being cared for by animal rescue organizations, expanding the ASPCA's services to the animal rescue community.

We continue our effective and forward-reaching public and private partnerships as well. Our Humane Law Enforcement partnership with the NYPD continues to ensure that animal cruelty victims are protected and that these criminal cases are properly adjudicated in our courts, with NYPD officers responding to all animal cruelty complaints and the ASPCA expending millions of dollars each year to provide the city with direct care for animal victims, law enforcement training and veterinary forensic and legal support.

The ASPCA also partners with Animal Care Centers of NYC to provide critical services to help the nation's largest sheltering system achieve unprecedented live release rates for homeless dogs and cats. Among these services, we perform an average of 4,800 spay and neuter surgeries annually free of charge for ACC. In 2019, we accepted transfer of nearly 750 animals from ACC in order to find them adoptive homes and sheltered and found homes for more than 750 kittens who would otherwise have been admitted to the shelter. Over the last decade, the ASPCA has granted more than \$14.5 million to support the city's efforts to increase adoptions, provide critical veterinary care and wellness services and offer vital services to pets and people in underserved communities

The ASPCA has developed successful partnerships with human services organizations, including Food Bank For New York City – which has distributed approximately 400,000 pet food meals to pet owners in need since our partnership began in 2017 – and the Urban Resource Institute, which yielded the creation of the City's first-ever program allowing victims of domestic violence and their pets to reside together in emergency shelters. All of these programs are funded through thoughtfully budgeted donor dollars.

These well-intended proposals are unlawful and will harm essential workers and services.

Another troubling aspect of these well-intended proposals is that each contains serious legal infirmities that would not only adversely impact all not-for-profit agencies, whether receiving governmental funding or not, but would create an environment whereby both those employed and served by such organizations would be put at great risk. The City simply lacks the legal authority to set a new minimum wage, prohibit at-will employment, or retroactively reclassify independent contractors as employees.

The New York Constitution vests local governments with the power to adopt certain laws, including those related to “labor and the health and well-being of [their] residents.” Article IX, § 2(c). However, this power comes with a significant limitation – local governments may not enact laws that are inconsistent with the Constitution or any general state law. When there is such an inconsistency, state law is said to “preempt” the local law, rendering it invalid. Preemption may occur in two circumstances: First, when a local law directly conflicts with a state statute; second, when a local government legislates in an area the state occupies, either expressly or by implication.

For the reasons stated below, Intros. 1918, 1923, and 1926 stand in conflict with the state laws of New York. Additionally, Intros. 1923 and 1926 are invalid to the extent they unconstitutionally impair existing collective bargaining agreements or contracts for services between businesses and workers.

Intro. 1918 Is Preempted Because It Mandates Payment of a New Minimum Wage in Conflict with State Law.

Intro. 1918 would require certain employers to pay premiums to “essential employees” of \$30 to \$75 per shift, per worker, on top of the employee’s hourly wage. In other words, the employee’s base wages plus this premium amount represent the minimum wage that an employer could lawfully pay under this measure.

For over 50 years, New York law has been clear – local government attempts to require payment of a minimum wage higher than that set by State law are preempted. *Wholesale Laundry Bd. of Trade, Inc. v. New York*, 17 A.D.2d 327, 234 N.Y.S.2d 862 (App. Div. 1st Dept. 1962). In *Wholesale Laundry*, the court invalidated New York City’s attempt to set a local minimum wage that was higher than the State’s minimum wage. The court held that because the local law forbids hiring at a wage which the State law permits, the local law is preempted because it prohibits what the State law allows.

In New York, employment is permitted at the minimum wage set in the State’s statute.

Intro. 1918 forbids this, making employment lawful only if an additional premium is paid above the State’s minimum wage. In doing so, Intro. 1918 clearly prohibits what State law allows, and it is, therefore, preempted by State law.

Intro. 1923 Is Preempted Because It Conflicts with State Law, Is Unconstitutional, and Is Unnecessary and Ineffective.

Intro. 1923 would prohibit an employer from terminating an essential employee, or reducing an essential employee’s work schedule by 15% or more, without “just cause”. “Just cause” is narrowly defined as “sufficient cause for discharging an essential employee, such as the employee’s failure to satisfactorily perform job duties or employee misconduct that is demonstrably and materially harmful to the essential employer’s business interests.” Furthermore, a termination will not be considered to have been for “just cause” unless the employer utilized progressive discipline within a proscribed period of time prior to the termination. According to the measure’s proponents, the purpose of Intro. 1923 is to provide protection for whistleblowers.

As you correctly observed at the outset of Tuesday’s public hearing, New York is an “at-will” employment jurisdiction. It is well settled under New York law that “absent an agreement establishing a fixed duration, an employment relationship is presumed to be a hiring at will, terminable at any time for any reason or no reason by either party.” *Oross v. Good Samaritan Hosp.*, 300 A.D.2d 457, 457, 751 N.Y.S.2d 580, 581 (App. Div. 2nd Dept. 2002). Moreover, the concepts of “essential businesses,” and “essential employees” are creations of State law, defined by Empire State Development in accordance with Executive Order 202.6, issued by the Governor on March 18, 2020. These definitions have been

modified from time to time by the department as the operational needs and priorities of New York in response to the crisis have shifted.

As stated above, preemption occurs when a local government legislates in a field the state occupies, either expressly or by implication. Here, the State has occupied the field – not only has the legislature let stand the common law rule of at-will employment in place since before the time of the State’s founding, but the Governor, exercising powers delegated to him by the legislature, has designated certain businesses to be “essential” during this crisis and empowered the state department of economic development to interpret and implement his directive. Intro. 1923 is preempted by the State’s occupation of the field as it specifically prohibits what State law expressly allows – at-will employment.

Intro. 1923 is also unconstitutional to the extent that it imposes obligations in conflict with existing collective bargaining agreements. Article I, Section 10 of the United States Constitution provides: “No State . . . shall pass any . . . law impairing the obligation of contracts.” The Supreme Court has created a three-part inquiry to determine whether an impairment has occurred: (1) whether there is a contract relating to the statute’s subject matter, (2) whether the change in the law impairs the contract, and (3) whether the impairment is substantial. *General Motors Corp. v. Romein*, 112 S. Ct. 1105, 1109-10 (1992).

Intro. 1923 provides that it does not apply to any essential employee “covered by a collective bargaining agreement *if such agreement expressly waives the provisions of this subchapter and provides comparable or superior benefits for said employees.*” In reality, this exclusion will be of no effect, since none of the parties to any existing collective bargaining agreement could have foreseen the need to “expressly waive” provisions that did not exist at the time the agreement was negotiated. And, if the collective bargaining agreement does not happen to provide “comparable or superior benefits,” then Intro. 1923 would impose new obligations. This would constitute a clear impairment of the existing contract between the employer and the union, and if found to be substantial, would render Intro. 1923 unconstitutional. Moreover, Intro 1923 would interfere with thoughtful exceptions built into progressive discipline systems in existing collective bargaining agreements. In situations involving conduct so egregious that even the collective bargaining agreement does not require progressive discipline, such as an act of animal cruelty, this Intro would interfere with an employer’s ability to take swift action in those circumstances.

Finally, if the purpose of Intro. 1923 is to provide protection to whistleblowers, it represents an unnecessary and ineffective approach. Multiple State and federal statutes already provide protections to employees reporting workplace health and safety concerns. N.Y. Lab. Law § 740 provides broad protection against retaliation to all employees, and N.Y. Lab. Law § 741 provides protection specifically for health care workers making reports of dangers to the public health or safety. Under federal law, OSHA provides protection to workers making complaints about safety issues and the National Labor Relations Act protects workers, unionized or not, engaged in “concerted” activities to address workplace conditions. Intro. 1923 adds nothing to these existing protections, nor does it create a more

effective enforcement mechanism. In fact, as testimony from the Department of Consumer Affairs highlighted, adding responsibilities related to arbitrations brought under this Intro might not be possible on top of its existing workload during this challenging time.

Intro. 1926 Is Preempted Because It Conflicts with State Law and Is Unconstitutional.

Intro. 1926 would provide earned safe and sick time – retroactively to January 1 – to individuals who may have previously been classified as independent contractors. Under this measure, workers would presumptively be considered “employees” unless the business demonstrates that the worker meets each element of what sponsors refer to as the “ABC” test.

As with the other Intros, this measure would likely be preempted by State law as it wades into labor and employment matters that are properly the province of the State. Tellingly, and perhaps in recognition of the likelihood of preemption, the sponsors have also proposed Resolution 1285, which asks the State legislature to adopt the “ABC” test for classification of workers as independent contractors or employees. The State legislature is the appropriate authority to address the classification of workers statewide and to avoid a confusing and conflicting patchwork of local classifications.

Furthermore, the retroactive aspect of Intro. 1926 – awarding paid safe and sick time for workers deemed to have been “employees” on and after January 1, 2020 – likely constitutes an unconstitutional impairment of contract. Particularly where businesses and workers have existing written agreements under which services would be provided, requiring the business to provide retroactive safe and sick time will almost certainly conflict with the terms of such service agreements and impose new obligations on at least one of the parties.

Conclusion

Protecting our essential workers in times of crisis should unquestionably be a priority, as it is for us at the ASPCA, as exemplified by the steps we have undertaken to provide added support to our staff and their families during these unprecedented times. But the measures before the council now, while well-intentioned, will ultimately undermine rather than achieve this aim. So many not-for-profit organizations that provide vital services to the City’s most vulnerable residents – including the ASPCA – will likely be unable to continue to do so should these measures become law, meaning less protection, and fewer jobs for our neighbors most in need. These proposals also run afoul of state preemption and constitutional mandates, ensuring that, rather than providing relief for our essential work force, they will instead be the subject of protracted and costly litigation at a time when that is the last thing any of us want. Therefore, we both reaffirm our commitment to our essential workforce and respectfully oppose these bills in their entirety.

Thank you for your time and consideration.

**Statement of Mark Henry, Chair, Amalgamated Transit Union (ATU) NYS
Legislative Conference Board & President/Business Agent, ATU Local 1056
to City Council Committee on Civil Service and Labor supporting Health Coverage
for surviving family members who passed as a result of COVID-19 and classifying
death of municipal employees who died from COVID-19 as line of duty-deaths,
May 5, 2020**

Thank you, Chairman Miller, for this opportunity to present on behalf of Amalgamated Transit Union (ATU) Local 1056. I am Mark Henry, Chair, Amalgamated Transit Union (ATU) NYS Legislative Conference Board & President/Business Agent, ATU Local 1056. The impact of COVID-19 had certainly impacted our civil servants. Members of ATU Local 1056 operate and maintain NYC Transit bus routes serving Queens with some routes extending into The Bronx and Manhattan. Transit Workers are unable to shelter in place – at home, we require a workplace that provides the minimum “at home” shelter or better “shelter” at the workplace.

Transit workers are exposed to all sorts of dangers and still show great resiliency, mentally and physically, under uncertain conditions. Clearly, nature of our work on the “front lines” providing an essential public service, puts bus operators and maintainers at great public health risk in the face of any pandemic, especially one as deadly as the Coronavirus. Sadly, our local has suffered eight (8) lives lost due to this virus; eight families and countless friends and co-workers have been impacted. Another 103 members of our local are either positive or in some type of quarantine status. This virus attacks and its sustained activity on surfaces makes my members particularly vulnerable, as they work against an unknown assailant virus that has a limitless time frame, according to health experts that are still studying the virus.

Unfortunately, actions and guidance from the CDC or WHO put our members at this level of risk beyond the scope of their duties; the Transit Authority following CDC directives and not their own Pandemic Plan, acted extremely slow to protect the members of Local 1056 and other MTA bus, subway and rail workers. Just providing proper PPE was an issue but could have saved a life. The Transit Authority later lamented that decision when the first Transit Workers died as a result of COVID -19.

The authority began to provide the needed PPE to workers and initiated effective measures sat the urgency of the unions (Cleaning of Equipment and workspaces, social distancing in workplace, rear boarding, and blocking of first several rows of bus, requiring passengers to wear masks).

ATU supports the recently mandated 24-hour cleaning schedule for public transit equipment, BUT not a shutdown of the system. The ATU understands essential workers needed for essential business (Hospitals, Groceries, Pharmacies, First Responders, etc.) must be able to commute. The city and state need to address the serious homeless problem on buses – yes also on buses – and trains as these individuals seek shelter through the mass transit system. The ATU understands WE ALL must do our part to reduce the spread of the virus through the communities we serve. MTA and Transit Authority already “utilize” shuttle bus replacements where it shuts down parts of system for repairs and it should rely solely on its public transit bus operators and not privatize a public service. For an agency that must maximize resources, outsourcing work makes absolutely no sense as an answer to any overnight subway closures.

None of these changes replaces our list brothers and sisters; many are the heads of households or the sole provider. The impact on those families is unquestionable, unimaginable, unmeasured and irreplaceable. We can be reasonably certain, if not for their line of work that they swore an oath to serve – providing an essential service – Transportation, these front-line employees – our lost members – would likely have remained with us today. Our workers demand safe work environments and workspaces as much as the riding public. The agency is not providing Pandemic Pay which would be show of support to the day to day worker being at war with the unknown. A compensation of health coverage for that member's family is a small ask of what has literally been taken as a result of the virus.

The ATU recognizes as do most experts that without a fully functioning transit system, we cannot expect New York City's – and thus our state and national – economy to fully recover and achieve growth beyond.

In these contexts, ATU supports Chairman Miller's pre-considered legislation calling for a State law but should engage the federal government as well that automatically classifies the deaths of all municipal employees who died from COVID-19 as line-of-duty deaths and to require health insurance coverage for surviving family members of municipal employees who died as a result of a complication related to the coronavirus disease, COVID-19, with the caveat the health insurance coverage legislation also specifically include New York City Transit workers.

These families deserve the health care and line of duty benefits as a result of us losing their loved serving the City and State of New York.

Thank you. Please be safe and stay protected.

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Testimony of Barbara Smith
Before the New York City Council Committee on Civil Service and Labor
in Support of Int. No. 1918-2020 – Premium Pay for Essential Workers
May 5, 2020

I am an essential worker in New York City and am writing to share my experiences, and explain why it is so important that employers like mine pay their essential workers additional pay during this crisis.

I should say first that Barbara Smith is not my real name. I am afraid that I could face retaliation if my employer knew I was providing this testimony. So I am submitting it under an altered name.

I work as a home health aide at a residential assisted living facility in New York City that several hundred elderly New Yorkers call home. My co-workers and I care for them, and help them with their daily needs like feeding, bathing and toileting that many are no longer able to do for themselves. I've worked there for a number of years. I care deeply about the residents and take great satisfaction in being able to help them now that they are no longer able to live independently in their own homes.

I work full time, forty hours a week, and earn \$15 an hour. I am also a member of United Food and Commercial Workers Union Local 2013, which is pushing to improve conditions in my facility.

It has always been a tough, demanding job. But now during the COVID crisis it is like a war zone. Many of the residents have contracted COVID and more than thirty have died. Many of the staff too, including me, have come down with COVID and have been out sick from work. At least one staff member has died from the virus.

It's devastating for me and my colleagues to be losing so many of the residents for whom we care so much. And the remaining residents are devastated and depressed. They're terrified of getting sick and feel like they're in jail since they are no longer allowed to move around the facility. It's heart-breaking.

Although I believe that the executives who run the assisted living facility are well paid, we have not received any raise or additional pay during the crisis. This is despite the fact that we are working harder than ever and at great personal risk.

Not only are we putting in longer hours than ever, since so many colleagues are out sick. But we are forced to take on a lot of new work, like bringing residents meals in their rooms, since the dining room has been closed, helping residents with masks and other precautions, and doing some of the additional cleaning that is now needed to protect against COVID.

And our employer the assisted living home is not providing us with the safety equipment that we need. We are given only flimsy disposable masks – not the N95 masks that workers like me need. Originally we were forced to wear garbage bags instead of gowns.

As a result I and the other aides have been forced to locate and purchase with our own money our own protective equipment, such as fabric masks.

The strain on me and my family of working under these circumstances is extreme. As I mentioned, I've already had COVID myself, and I infected one of my sons, which terrified me. Fortunately, he is recovering. But I live in fear that my other son will get it too.

It's never been easy for me to pay the rent, making \$15 an hour. But now during the crisis both of my sons are out of work and staying with me, and our situation is dire. We've been forced to go to the food pantry for groceries – which we've never had to do before.

Essential workers like me didn't ask for this. We are sacrificing and risking our health, and that of our families to help others through this crisis. Calling us heroes isn't enough. We need and deserve extra pay – and to be adequately protected.

Paying us an additional premium pay per shift would make a tremendous difference for me. I understand, however, that under the current proposal, I may not be eligible for the premium pay because my employer has fewer than one hundred employees. I would urge the City Council to expand the coverage to include all assisted living facilities in the city so that workers like me can get the extra pay we so desperately need to make it through the crisis.

I should also say that protections for workers who sound the alarm about dangerous conditions on the job are very important during this crisis. Until people started complaining, my employer was not providing PPE equipment – and still is not providing the type of equipment like N95 masks that we really need to stay safe. Until workers feel safe speaking up about dangerous job conditions, we will never be able to control the COVID crisis.

Thank you for the opportunity to share my story with you today.



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May 5, 2020

Honorable I. Daneek Miller
Member, New York City Council
Chairperson, Committee on Civil Service and Labor
250 Broadway, Suite 1810
New York, New York 10007

Re: Intro 1918-2020
Premium Payments for Certain Essential Workers
Intro 1923-2020
Just Cause Discharge for Essential Workers

Dear Chairman Miller and Members of the Committee:

I am the Managing Director of the Building Contractors Association, Inc. (BCA), one of the New York Metropolitan area's largest association of unionized construction contractors. Formed in 1933, the BCA represents and promotes the general welfare and interests of its construction industry employer members. The BCA has historically provided the unified contractor voice needed to address and enter equitable, long term collective bargaining agreements with organized labor.

The BCA and its contractor members have reviewed Intro 1918-2020 and Intro 1923-2020 and **oppose** these proposals. I have enclosed a Statement in Opposition for the Committee's review.

The BCA appreciates your anticipated consideration of our position on these proposals. We are always willing to meet with the City Council to discuss any and all issues that impact New York City's construction industry. If you have any questions, please feel free to call.

Yours truly,

John O'Hare
Managing Director



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BUILDING CONTRACTORS ASSOCIATION, INC.

STATEMENT IN OPPOSITION TO INTRO 1918-2020 and INTRO 1923-2020

The Building Contractors Association, Inc. ("BCA") is one of Metropolitan New York's leading membership association of union construction contractors. Since its formation in 1933, the BCA has represented and promoted the general welfare and interests of its construction industry employer members. Among its stated purposes, the BCA has historically provided the unified contractor voice needed to address and enter equitable long-term labor-management relationships through collective bargaining agreements.

The BCA and its 200 plus member construction contractors **oppose** Intro 1918-2020 and Intro 1923-2020 for the reasons set forth below.

BACKGROUND:

On March 18, 2020, Governor Cuomo issued Executive Order 202.6 mandating that employers reduce their in-person workforce at any work locations by 50% no later than March 20th. Essential businesses or entities providing essential services or functions were declared not subject to the in-person restrictions. Within days, the in-person workforce reduction was increased to 100% (Executive Order 202.8).

On March 20, 2020, NYS Empire State Development (ESD) issued its first Executive Order 202.6 guidance document setting forth numerous categories and descriptions of essential business and services. The current ESD Executive Order 202.6 guidance document contains an extensive list of 14 categories of essential businesses, entities and services (see <https://esd.ny.gov/guidance-executive-order-2026>).

It should be highlighted that Executive Order 202.6 and the ESD guidance document includes descriptions of both public and private businesses and services permitted to continue during the pandemic. Although governmental entities are exempt from in-place workforce reductions, governmental services are included in the description of essential. As such, any mandate for premium payments would include public employees unless specifically exempted.



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On April 28, 2020, Governor Cuomo announced his plans for a phased re-opening of the New York economy. This phased re-opening will result in an expansion of the current essential business and service categories, an easing of the in-person workplace reductions and a return to work for many people sidelined by this crisis.

INTRO 1918-2020: Premiums For Essential Workers

a. Definition of “essential employee” too broad:

Defining essential worker to include individuals “permitted to work at or for an essential business” is too broad and vague. Where the line is drawn or what is meant by “permitted to work at or for” is not clearly set forth in this proposal. If the intent is to reward individuals putting themselves potentially at risk of infection by working in contact with the public, such as a grocery store checkout clerk, subway conductor or health care provider, the definition should be limited to “any person receiving hourly wages from an essential business working in-place and whose job requires direct and consistent contact with general public during the term of the Corona virus emergency.”

b. Collective bargaining agreement exclusion ineffective:

As proposed, the definition of essential worker excludes employees “covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local law and provides comparable or superior benefits for essential employees.” The BCA’s member contractors employ their construction workers pursuant to collective bargaining agreements entered into with various construction trade locals. These collective bargaining agreements provide excellent above average wages and benefits for union construction workers. These wages and benefits are negotiated and agreed to between employer and employee. **Any and all construction workers covered by a collective bargaining agreement should be excluded from the provisions of Intro 1918-2020.**

The caveats set forth in Intro 1918-2020 that the collective bargaining agreement exclusion only applies if a CBA “expressly waives the provisions of this local law and provides comparable or superior benefits for essential employees” renders the exclusion ineffectual. No current CBA contains any such waiver and if the agreement contains a “comparable” payment, the exclusion is meaningless.

It is unrealistic to expect collective bargaining agreements to be renegotiated to include waivers if this proposal is intended to cover a short-term emergency. It is also unrealistic to compare the wages and benefits paid to unionized construction workers



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that often exceed prevailing wage rates with minimum or near minimum wages paid to grocery clerks.

c. Definition of “essential employer” and “large essential employer” too broad:

Definition should remove “or permits a person to work at or for” as too broad and vague. As written, it is possible that an employer could be responsible to pay a premium to individuals who are not that employer’s employee. For example, a general contractor permits a subcontractor’s employees to enter upon and “work at” a construction site. The proposal should be clear that the responsibility for premium payments requires a direct employment relationship between employer and employee.

d. Poor public policy in time of economic crisis:

At a time when small businesses and local governments and public agencies are suffering extreme economic hardship, this proposal will magnify that hardship. Businesses have been forced to close their doors or function in reduced capacities and this proposal imposes increased economic hardship on employers. A simple case study provides an example. An hourly worker making \$20 per hour working an 8 hour day, 40 hour week grosses \$800.00. According to Intro 1918-2020, this worker would receive a \$300 premium each week. This amounts to an approximate 38% weekly bonus for this employee. Where is this money coming from? What employer can afford this expense at this moment in time? This is a punishing imposition for employers at exactly the worst time.

It is certain that any mandate that increases a businesses costs of operating will result in reducing hours of operation, reducing hiring, laying off or furloughing employees, reducing investment in their places of employment, etc. While the BCA respects the desire to reward “essential” workers, it must be done in a manner that is not punitive to the businesses that have actually employ these people.

e. No sunset provision:

This proposal fails to include any specific language setting forth conditions for expiration of the mandate, such as the lifting of the in-place workforce reductions set forth in Executive Order 202.6 or such other declaration that the emergency has expired. Legislators must take into consideration the likelihood that Governor Cuomo will phase in a re-opening of the economy in the near future.



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INTRO 1923-2020: Just Cause Discharge from Employment

a. An attempt to reshape employer-employee relationships across all sectors of the economy:

Intro 1923-2020 is essentially a cut and paste version of Intro 1415-2019 that proposed eliminating the at will employment relationship between employers and employees of fast food restaurants. There is no basis for the City Council to try and take advantage of the COVID-19 crisis to advance an anti-employer, anti-business agenda that imposes a crushingly burdensome and economically unsound just cause termination policy requirement on any and all essential employers.

Every employer, large and small, has had to layoff, terminate, furlough or reduce shift hours for employees as a result of government mandated workforce reductions, closures and shutdowns. This was not a decision of their own choosing. It was a direct result of being forced to comply with in-place workforce reductions mandated by government. Now these same businesses would be prohibited from making certain necessary economic decisions that could help their businesses survive.

The current ESD Executive Order 202.6 guidance document contains an extensive list of 14 categories of essential businesses, entities and services (see <https://esd.ny.gov/guidance-executive-order-2026>). There would be no sector of the economy that Intro 1923-2020 does not touch and turn existing at will employment relationships on their head. This includes public employees as well.

b. No sunset provision:

This proposal fails to include any specific language setting forth conditions for expiration of the mandate, such as the lifting of the in-place workforce reductions set forth in Executive Order 202.6 or such other declaration that the emergency has expired. Legislators must take into consideration the likelihood that Governor Cuomo will phase in a re-opening of the economy in the near future.

The lack of sunset language in this proposal is indicative that this proposal is not intended as a crisis-related temporary measure, but an attempt to reshape employer-employee at will relationships across all sectors of the economy.

Testimony of Ira Goldstein, Executive Director of The Black Car Fund

The New York City Council - Committee on Civil Service and Labor

Tuesday, May 5, 2020

Good afternoon Chair Miller and Members of the City Council's Committee on Civil Service and Labor. My name is Ira Goldstein and I am the Executive Director of The New York Black Car Operators' Injury Compensation Fund, better known as The Black Car Fund. I thank you for the opportunity to testify at today's hearing on behalf of the black car industry.

You may already be familiar with The Black Car Fund (Fund), but for those who aren't: The Black Car Fund was created by New York State Statute in 1999, and signed into law by Governor George Pataki, with the purpose of providing workers' compensation coverage to Black Car operators in the state of New York. The statute covers all black car and high volume for hire vehicle (e.g. Uber) drivers who are dispatched by one of our member bases. As mandated under State law, a base must become a member of The Black Car Fund if it meets the requirements outlined in the statute: ninety percent or more of its for-hire business is on non-cash payment basis and that the base owns less than fifty percent of the cars it dispatches. We derive our income from a 2.5% passenger surcharge which is assessed on top of the total fare, billed and collected by member bases, and then remitted to The Fund on a monthly basis.

Over the years, the Fund is proud to have added many additional benefits at no cost or even pay the drivers to take certain classes. These additional benefits include a vision plan telemedicine for the driver and his/her family, an additional death benefit above what is mandated by State law if the driver dies while on the job, a mental wellness program, an enhanced defensive driving course and a wellness class.

The focus of our testimony today is Introduction 1926, a local law that would amend the definition of "employee" in the Earned Safe and Sick Time Act and extend the Act's benefits to independent contractors. We recognize and understand the impact of COVID-19 and support the Council's noble intentions, but cannot support Introduction 1926 as there are economic realities that need to be faced.

The economic crisis caused by the COVID-19 pandemic has devastated the black car industry. While High Volume For-Hire Vehicle Operators, such as Uber and Lyft, have seen roughly a 70-75% decline in business, the traditional black car industry has seen anywhere from an 80-90% decline. The bottom line is: based upon where the industry stands today, this bill will put destroy small businesses.

Traditional black car bases are small businesses that have already been struggling to survive, even before the current public health crisis. These businesses, the majority of which utilize independent contractors, will absolutely not be able to remain viable if they are required to comply with the unfunded mandate put forth by Introduction 1926. The black car industry joins in the near-unanimous opposition to this legislation from the business community, both small and large.

The impossible financial burden that would be placed on the black car industry by Introduction 1926 will not protect those it seeks to, but rather further jeopardize the security of their jobs. The Black Car Fund understands, better than most, the need to provide benefits and protections to independent contractors. We have been doing so for the last twenty years.

The proposed legislation largely mirrors for a limited purpose, California's legislation known as "AB5". AB5 incorporates the "ABC Test" to determine whether a worker is an independent contractor or an employee. While hailed as a victory for workers, it has been the subject of several controversies and litigation actions. The law which went into effect on January 1, 2020, it has yet to yield any benefits for workers in California. Why would the City Council consider such a flawed piece of legislation?

We urge the Council to withdraw this legislation and instead explore other models, such as The Black Car Fund's, that would be able to provide these needed protections independent contractors without endangering the viability of the small businesses they work for.

Thank you again to Chair Miller and the Members of the New York City Council's Committee on Civil Service and Labor for providing this opportunity to testify and I will be glad to respond to any questions you may have. Additionally, I am available for further questions or discussion at a mutually convenient time in the future.

Testimony of Communications Workers of America District 1

Rebecca Miller, NYS Deputy Political Director

City Council Committee on Civil Service and Labor

Tuesday, May 5, 2020

My name is Becca Miller and I am the NYS Deputy Political Director for the Communications Workers of America District 1. Thank you, Chairman Miller and the Committee on Civil Service and Labor for allowing me the opportunity to testify today in support of the Essential Workers Bill of Rights.

While many New Yorkers are able to work from home and carefully observe social distancing restrictions, there are over 1 million essential, frontline workers in NYC who must leave their homes and report to work every day, putting themselves, their families and their communities at risk. CWA District 1 represents thousands of these workers, including healthcare workers, telecommunications workers, NYC Traffic Agents and Supervisors, Board of Elections employees, and other public servants in City and State government - all public facing “essential workers” who must interact with the public and keep our city moving, allowing the rest of us to stay home. The importance of ensuring that workers like these have the right to stand up for fairness and safety in the workplace has never been more clear.

During the pandemic, CWA has been able to win better protections including extended paid leave, hazard pay and safety accommodations for many of our members. However, tens of thousands of essential workers have no union to fight for them. Many of these “essential workers” don't have the essential paid sick policies that allow them to stay home when ill or caring for a loved one. The overwhelming majority will not receive any hazard pay, even though they are risking their lives to ensure that others can work from home. Far too many lack the necessary safety supplies and equipment they need to keep themselves and their families safe and healthy. COVID-19 has shown us that we are only as safe as the least protected among us and unfortunately, there are far too many without protection.

CWA District 1 strongly supports Int. 1923, which would establish just cause employment protections for essential workers. This legislation would protect essential workers against unjust termination and safeguard whistleblowers who call attention to dangerous and hazardous working conditions during COVID-19. Furthermore, it would put the burden of proof on the employer. Every worker must have the right to speak out on the job about workplace issues, particularly around health and safety, without fear of retaliation. The Covid-19 pandemic demonstrates the importance of this essential right beyond a shadow of a doubt. Under a just cause system, an employer would be required to articulate a job-related reason for firing the worker, making it easier and safer for workers to assert their rights.

CWA District 1 also strongly endorses Int. 1926, which expands paid sick leave to workers in non-traditional employment settings. The pandemic has exposed the fraud behind the sales

pitch of the gig economy boosters . When the bottom falls out of the economy, on-call workers are not entrepreneurs who can fall back on years of accumulated profits. They are just unemployed workers who need benefits as much as traditional workers do. When on-call workers get sick, they are forced to choose between eating and staying home to get better. In a pandemic, the outcome of that decision-making process affects each and every one of us. Every worker deserves paid sick leave when they need it, and ensuring essential gig workers have paid sick leave is of utmost importance. Our City is safer when those who are sick are able to stay home, regardless of who their boss is, and without having to risk a paycheck to do it. Furthermore, CWA District 1 supports Res. 1285 which calls on the State to pass legislation addressing misclassification of the estimated 850,000 workers who are excluded from a minimum wage, health care, sick leave, unemployment insurance, and many other employee benefits.

Lastly, as the Council is considering Intro 1918, regarding mandating premium pay for essential employees in the private sector, we ask that the Council consider the issue for the many brave public sector workers who risk their lives daily in service to the City. CWA District One represents essential workers in both the public and private sectors. Our public sector members include “essential” city workers like Traffic Enforcement Agents and Supervisors, Board of Election workers, city agency administrators and supervisors, as well as city healthcare workers who are on the frontlines of this crisis without any hazard pay. Workers being forced to work during these dangerous times deserve more than our gratitude, they deserve to be compensated and fully protected. While we are broadly supportive of the concept of hazard pay for essential workers, we worry that workers in the public and private sectors will not be treated equally. We urge the Council to examine this issue closely.

Thank you for your time.

Good afternoon City Council Members and Speaker Johnson,

My Name is Dr. Noah Berland, I'm a 3rd year Emergency Medicine Resident at Kings County hospital, and one of our elected CIR delegates.

I'd first like to thank you all for giving myself and everyone here this opportunity to speak, and I want to thank you council member Cumbo, my own council member, for introducing this legislation to help make sure that our most critical responders to this pandemic get properly compensated as a part of Local law 1918 Premium Pay for essential workers.

Thank you Council Member Cumbo for saying "Hazard Pay is Essential", and as you said we are not expendable.

In these most tumultuous times it is so important that we protect both the most vulnerable of New Yorkers and make sure to adequately show recognition and provide continued support to our critical frontline workers.

Though this legislation is powerful, as an Emergency Medicine resident physician, who works at one of our critical safety net hospitals, Kings County Hospital a NYC H+H facility, I am left wondering why myself and my colleagues were left out of receiving support from the present legislation. We the residents of the H+H system bore a huge brunt of the COVID-19 epidemic, we work the longest hours in the hospital. The communities we serve were additionally hit the hardest due to historic systematic institutionalized racism and economic inequality, making these communities less healthy than the rest of the city (they have higher rates of diabetes, obesity, asthma, kidney disease, and uncontrolled hypertension), they disproportionately have jobs that prevented them from adequately social distancing, and have suffered years of lack of adequate investment in their healthcare facilities, which is why so many members of our communities have died and suffered the consequences of COVID19.

As residents we have taken on extra expenses buying personal PPE when not provided by our employer (the city), quarantining ourselves from our families and communities, and we have increased costs of living during this pandemic. But not only have we suffered great economic costs, we have also faced great mental health costs, witnessing our colleagues die, seeing more people die in one night than you usually see die in a month, and at time to simply be powerless against all of the death a misery, all while knowingly putting yourself at personal risk for harm.

Yet, because we are salaried we are left out of this legislation, as are all other salaried employees, not just physicians, but also including many nurses, techs, and other essential healthcare workers. I'm calling upon you all today to either amend this legislation to include us, or to commit today, here and now to working with us to write a new and meaningful piece of legislation to provide hazard pay to frontline healthcare workers, especially those at NYC H+H hospitals, the hardest hit of all hospitals in the city. Because unlike our colleagues at voluntary hospitals whose CEO's have the power to provide this extra support, as they already have, we

require you and the mayor to provide this same support to your employees, the employees of NYC H+H.

Again, thank you for this opportunity to speak. We understand that there are huge economic burdens on the city, and its people. We know we are lucky enough to still be getting paid. So please work with us to provide hazard pay to all frontline workers, not just those working for the voluntary hospitals.



**Testimony
New York City Council
Committee on Civil Service and Labor**

Tuesday, May 5, 2020

Good afternoon Chair Miller and members of the committees on Civil Service and Labor. I am Samara Karasyk, Executive Vice President and Chief Policy Officer at the Brooklyn Chamber of Commerce. The Brooklyn Chamber of Commerce is among the largest and most influential business advocacy organizations in New York, having spent the last hundred years developing and promoting policies that drive economic development and advance its members' interests. We are the voice of Brooklyn's business community, offering the promotion, support and advocacy businesses need to continue creating jobs and opportunities in their communities.

Our team at the Brooklyn Chamber of Commerce has been working around the clock to help our small businesses weather the COVID-19 crisis and offer them the support, tools, and resources that they need to survive. We have seen firsthand how difficult it is for them cover basic expenses such as salaries and rent at a time when many have been mandated to close and others have been forced to pivot to a completely new business model that does not offer them the same amount of revenue. We face the real possibility of 30-40% of our small businesses not reopening just due to the impacts of the shutdown. We can't afford to force additional mandates that could shutter even more businesses and put more New Yorkers out of work. Even essential businesses have been impacted by this unprecedented crisis. These enterprises cannot absorb any additional fees, taxes, or fines.

The Brooklyn Chamber of Commerce staff has been in touch with thousands of businesses since this crisis began. Our small business owners have expressed real grief about having to furlough or lay off employees. Those that are still able to be open are worried about their employees' mental and physical health. All of our businesses – essential or non-essential, are fighting to survive. Intro. 1918 would require that businesses with 100 employees or more provide \$30 for a four-hour shift and up to \$75 for a shift lasting more than 8 hours. We have heard from our businesses that would be affected by this legislation that they cannot afford these premiums. They care about their employees and need them to be as safe and healthy as possible – especially under the current circumstances. This bill puts our essential businesses at risk at a time when we need them the most. The New York State government is paying premiums for front line healthcare workers; it is the government's job to cover hazard pay for these essential workers as well - rather than placing a financial burden on businesses that cannot absorb these costs.

We are also very concerned about Intro. 1923, which would mandate that essential employees be given just cause for termination while a state of emergency is in effect in New York State.



This bill applies to businesses of every size and the reality is, for our small businesses, the owner is the HR director, Chief Executive, accountant, and frontline worker. Their HR files may not meet the criteria laid out in the bill when they meet the “just cause” requirements. And even essential businesses are being forced to make difficult decisions about who to keep and who to let go during this crisis. Small business owners consider employees to be family – they take care of them, rely on them, and have a close personal relationship. Now, in these extraordinary times, they are forced to choose between great and good enough employees. This bill makes it illegal for someone to let that “good enough” employee go. Essential businesses must be allowed to make decisions that enable them to survive and provide the much-needed services they offer to the public. This bill puts essential small businesses at risk – the arbitration process (which would take up hours where they must be at their place of business) and fines would be a significant blow to their already fragile businesses – no essential business is going to let someone go right now unless they absolutely have to.

Lastly, I will turn to Intro. 1926., which mandates that contractors that work a minimum of 80 hours a year be given paid sick leave. There are 168 hours in a week. This means that someone could do a job for a business for one week, and that business would be required to pay them sick leave, an expense that would make it impossible to contract with anyone. Additionally, Section 20-912.1 a(1) states that for a person to be considered a contractor, *they must be free of the control and direction of the hiring entity in connection with performance of the labor or services, both under the contract for the performance of the work and in fact*; but I do not know of any business that would hire someone for contract work without stipulating the terms of the work and performance expected. Under this clause as I understand it, all businesses would have to pay contractors sick leave – which is untenable for them – especially in light of the pandemic.

In closing, we ask for your help in saving our local economy and that you pause any legislation that increases financial burdens on businesses at this time. We look forward to working with you to save as many of our small businesses as we can and bring them back to life – our communities and neighborhoods cannot survive without them.

Thank you for your consideration and for your support of New York City’s small businesses.

Greetings, members of the council.

My name is Halley Bondy. I run a group called Fight for Freelancers New York. We are actually national, with groups in Illinois, New Jersey, California, which passed the similar AB5 law, and other states that are being affected by the ABC worker misclassification Test proposed by Councilmember Brad Lander. In New York we're about 1500 musicians, filmmakers, ASL Interpreters, writers, entrepreneurs, artists and many, many more. We are unaffiliated, we are unfunded. We are pro-worker and pro-union. We support rights for exploited workers. I am a proud member of the Freelancers Union, with whom we align with 100 percent on this. We also fully respect the National Writer's Union, with whom we've been in touch with over this issue, although we do fundamentally disagree on the use of the ABC Test in councilmember Brad Lander's latest legislation.

We ask that everyone here actually read the ABC Test and consider its widespread ramifications, which have been on display in California and beyond.

I am a freelance journalist and the mom of a toddler. I was fired from a full-time job recently because I couldn't be in the office from 9-5, because my kid, a newborn at the time, was frequently sick. They told me to get a full-time babysitter, I asked, with what salary exactly? I could only afford a few days a week at a day care. They fired me under the auspices of budget trouble. I thought I was doomed to poverty because I had a child. But I found a lifeline in gigging, in writing freelance for various publications, podcasts and more. Especially now, I need complete freedom, the ability to work with many clients, and the ability to set my schedule in order to raise my kid and make a living. My marketplace insurance premiums are high, which is a different issue and we are in favor of universal health care, but that's another issue.. And I'm far from alone.

We are freelancers for a number of reasons. In fact, 1/3 of New York City dwellers are freelancers, with 2/3 of those folks are doing it by choice. Those are the New York City Mayor's office numbers.

We are exhausted. We have had to say these lines so many times because unfortunately, the ABC Test keeps cropping up like a weed across the country. We fought it really hard in Albany and managed to get our voices heard so that the Governor's language was only going to encompass Digital Marketplace App workers, who is really your primary target anyway. But the ABC Test, as written, swallows all freelancing and eliminates our jobs. This is not an alarmist statement. We have seen it happen.

Put simply, we cannot work under the ABC Test. It's all bad, but the worst part of the test is part B, which stipulates that you have to be in a different industry than your employers in order to be considered an Independent Contractor. That means ALL freelance journalists will not be able to work, since we work in the same industry as our editors. That means MOST musicians won't be able to work, lighting designers, artists, consultants, independent film editors, interpreters, videographers, non-union actors, I can go on all day - we won't be able to work under this.

In California, they hastily passed the ABC test and initially had to make 50 industry carveouts under the AB5 law, which proved how messy it was, yet the law has still put journalists and artists out of business completely. Non profits and cultural institutions that depend on Independent contractors have been shuttered. They have had to revisit and revisit and revisit this problematic law even before the pandemic. California has been sued repeatedly not only by

journalists but by truckers whose jobs were threatened to be destroyed by this test.. We have many, many, many individual, sad stories from our California group. I would be happy to read them during Q&A or send them to you.

We also have incontrovertible proof that companies find the ABC test so restrictive that they refuse to work with states that have it. Hearst, which owns hundreds of media properties, told one of our members in writing that they cannot accept her article because her state, Indiana, implements the ABC Test. you might say, well Hearst is the problem, but tell that to the tens of thousands of media freelancers who work for them.

Can you imagine, right now, in a pandemic, when work is already so sparse, passing a test that eliminates even more jobs?

We are in favor of the much more sensible IRS Test and the governor's language from his earlier proposed budget. It's in the last two pages of his proposed 2021 New York Executive State Budget. We like it because it only confined this issue to digital marketplace app workers and left us out of the conversation entirely, which is what my group wants. We have found that most of the people making these laws don't fully understand what freelancers actually do or need, so please, just leave us out of the misclassification conversation. Our jobs are vast and nuanced, and extremely diverse, and customized to our lives. And it's so easy to kill them with the stroke of a pen. We ask that you leave us alone so that we can focus on our jobs and our families in this crisis.

TESTIMONY BEFORE THE COUNCIL OF THE CITY OF NEW YORK
MUZZY ROSENBLATT
CEO & PRESIDENT
BRC
TUESDAY MAY 5, 2020

My name is Muzzy Rosenblatt and I am the CEO of BRC, one of New York City's largest, most experienced and successful providers of housing and services for homeless adults. With nearly 1,000 essential staff, we serve over 10,000 individuals annually.

Thank you for the opportunity to speak with you on the critical need to ensure the ongoing viability of frontline human services agencies and those who work for them, as we continue to meet the needs of our city's most marginalized residents.

Throughout this pandemic we are providing housing, shelter, healthcare and addiction treatment to thousands of our city's most vulnerable. In doing so we have saved lives and minimized the pandemic's impact on our hospital system. Our workforce is resilient, extraordinary and brave; they are the hidden heroes of this nightmare we all are living.

I testify today in opposition to legislation being considered by this body, that will jeopardize the livelihood of these heroes, putting at risk the very jobs and workers it professes to support. By knowingly and willingly imposing unfunded financial mandates on nonprofits, this legislation will swiftly put those nonprofits out of business and these heroes out of work.

As CEO, it is my responsibility to protect our workforce...their physical and economic well-being. At BRC I have done so: taking aggressive action acquiring PPE, extending time and leave benefits, and enhancing access to health insurance. With resources we have or anticipate receiving, I will be providing our frontline staff with the differential pay their heroism and resiliency deserves.

It is also my responsibility to ensure that BRC's work continues in the weeks, months and years ahead. That will only happen if we have sufficient resources to cover our costs, and that fundamentally means the ability to pay our staff.

This legislation puts not only our workforce but our City at greater risk. If this Council wants to help these workers and the nonprofit sector, it should put its money where its mouth is, and provide the funding to support its stated objectives. Talk is cheap, as is this legislation, and it must be rejected or it will hurt those who intends to help.

My responsibility is to ensure our clients' well-being and our city's well-being, and to do that I must act to ensure that there is a BRC that can employ our heroes and enable them to do their job saving lives. This is the Council's responsibility as well. And the responsible action now is to oppose legislation without appropriation.

Thank you for listening, and I'd be happy to discuss if you have questions.



**New York City Council's Committee on Civil Service and Labor Hearing on
Int. 1918-2020 and 1923-2020**

**Testimony Of
Breaking Ground
For the New York City Council**

May 5, 2020

Thank you Council Member I. Daneek Miller, Chair of the Committee on Civil Service and Labor, and committee members. My name is Jeff Scheuer and I am Vice President for External Affairs at Breaking Ground. I am here today to express serious reservations to Intro 1918 and Intro 1923 on behalf of Breaking Ground – we believe that these bills could transfer major, unfunded financial liabilities to the nonprofit human services and housing agencies that serve the most vulnerable New Yorkers.

Now celebrating 30 years of service to New York City, Breaking Ground is the largest developer and operator of supportive housing for low income and chronically homeless New Yorkers. We currently operate over 20 buildings (more than 4,000 units) of permanent and transitional housing in Manhattan, Brooklyn, the Bronx and Queens – and we have a development pipeline of nearly 1,000 additional housing units over the next five years. We also operate the street outreach program, Street-to-Home, in Brooklyn, Queens and Midtown Manhattan, which connects the most entrenched, long-term homeless individuals with housing and other critical supportive services.

We wholeheartedly agree with recognizing the importance of essential workers on the frontlines during the COVID-19 public health crisis. Breaking Ground supports all of our employees, and especially those who are doing essential work, are often among the lowest paid, and in many cases are members of communities that have been hardest hit by the spread of COVID-19. And we believe it is only just that essential employees receive a pay premium during this emergency. At Breaking Ground, we are paying an hourly premium to all of essential staff when working on the frontlines in our programs and housing.

However, we can only do this with confidence that the City, with whom we are contracted to provide these essential services, will make us whole under our contracts. As a member of both the Supportive Housing Network of New York and Homeless Services United, we and our partners have been seeking clarity and commitment from the City on this issue. Though we have made progress, we are still not confident that nonprofits that have been paying an hourly premium during this crisis will be reimbursed for those additional expenses. And for our partners who wanted to pay a premium but were not able to do so without the City providing

funding immediately, there is even less confidence that the City will allow retroactive billing to provide back pay premiums to their essential employees after the fact.

For instance, at our Safe Haven transitional housing sites – a low-barrier alternative to shelter for chronically homeless New Yorkers – we employ Residential Aides (RAs) who are absolutely essential and as close to healthcare workers as one can be without receiving specialized health training. Our RAs welcome and greet clients, help clients who need assistance using restrooms, help clients meet basic needs, conduct rounds to check on all clients 24 hours a day, are trained in the use of Naloxone and are often first responders in reversing opioid-related overdose, and much, much more. Without RAs, we would not be compliant with New York State Office of Temporary Disability and Assistance regulations. And yet, these essential workers were at first *excluded* from receiving a small hourly pay premium when we inquired with the City agency that administers our contract.

Breaking Ground and our peers in human services have been deemed essential employers, and our incredible teams have been unsung heroes of the COVID-19 public health crisis from day one – helping homeless New Yorkers on the streets and in the subways, in shelters and safe havens, and in permanent supportive housing to protect their health and prevent the spread.

While Intro 1918 takes an important step to honor and recognize our essential workers, this bill places a large, uncertain, and most importantly unfunded financial burden on nonprofits that are already under severe financial duress.

In addition, Intro 1923 would impose punitive financial measures on beleaguered nonprofits at a time when the danger of alarming cuts in contract funding from the City and State is increasing.

We believe that all essential workers deserve pay premiums, benefits and worker protections. But these bills, as written, are not constructive steps towards meeting those needs. One meaningful step towards addressing these urgent concerns is to ensure human services contracts are amended with additional funding to cover the cost associated with these bills and quickly paid. We would certainly welcome you working in partnership with us to ensure that the various City agencies meet the promise of this pay premium for essential workers without putting nonprofits out of business.

Respectfully submitted by:
Jeff Scheuer, Vice President, External Affairs
Breaking Ground
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Testimony in opposition to
Council premium pay bills
Intro 1918

The BTEA is an organization that represents over 1,100 corporate members that include Construction Managers, General Contractors, subcontractors and specialty trades, plus, maintenance, testing and repair of the infrastructure (elevators, boilers, plumbers, electricians, HVAC, fire suppression) in the construction industry. These contractors employ more than 100,000 union employees and are responsible for setting in place over \$60 billion in economic activity in New York City.

The NYC Comptroller's Prevailing Wage schedule for construction workers (attached) is intended to give you an idea of who we are, but also, the prevailing wage and supplemental benefits schedule will give you an idea of how much our workers make. Please note that this schedule illustrates prevailing wages and benefits; union wages and benefits EXCEED these levels, whether we are doing public or private work.

Concerns with Int 1918:

- The bill exempts those “covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local law and provides comparable or superior benefits for essential employees”. This language is very similar to that found in the Paid Sick legislation. But under that law, passed in June of 2013 and effective in April of 2014, unions had time to negotiate a waiver, ten months in fact. Int 1918 takes effect immediately. Therefore, it is not possible to incorporate a waiver into our collective bargaining agreements on a timely basis.
- In addition, Collective bargaining agreements do not provide “comparable or superior benefits for essential employees”...\$75 in additional pay is not in any agreement. As noted above, we exceed the prevailing wage schedule. We exceed the supplemental benefits schedule. Our agreements do not contain any additional premium payments for any reason above and beyond the equitable pay provided for in our contracts. Our CBA's do however have increases for extra hours and shift differential.
- Int 1918 provides an exemption for NAIS 531 businesses. It is our understanding that the intent of this exemption is to insure that no additional cost of the day to day maintenance of residential and commercial buildings be passed onto tenants.

Members of the construction industry, of our unions, perform “maintenance” (that includes maintenance, required testing and repair in buildings —elevators, boilers, plumbing, electrical, HVAC, fire suppression). It is not unusual that these maintenance employees work in divisions separate from construction divisions within the same company. And all of this maintenance work is “essential” under ESDC Guidelines. These workers are covered under CBA's as well.

Premium pay will negatively impact labor costs and therefore reduce employment numbers leading to further job loss. Ongoing efforts between contractors and unions are to keep as many bargaining unit maintenance employees working as possible through flexible work scheduling.

However, the maintenance work might not fall within the 531 sector. We hope the legislation will be clarified to exempt this essential work from the requirements of the bill.

- Construction will be back first along with manufacturing. Once a sector “re-opens”, is the intent to continue premium pay? When does the obligation cease? There appears to be heavy reliance in the legislation upon ESDC Guidelines as amended from time to time. Is this perhaps “incorporation by reference”, not specifying who is covered, rather a catch all for many, rendering the law vague? It is not certain how the Governor will designate sectors allowed to re-open? Do we know the ESDC Guidelines on essential work will dictate which sectors are allowed to re-open? Moreover, a reopening is not a further designation of “essential” work, rather a return to normal. In this instance, even if the Executive Order is not amended, these workers are no longer “essential” and would not be covered.

- We are aware that some projects are marginal. Construction loans must be paid during the shutdown although no work is occurring on a site. Some of these sites will never re-open. Adding additional costs will add to the possibility that more projects will have to be abandoned.

- The industry, unions and owners are currently in discussions with the State as to the orderly re-opening of construction throughout the State. Part of that discussion addresses how we can re-open and yet minimize the spread of COVID19. We anticipate adding health and wellness protocols in order to combat COVID19 at all sites in addition to site-specific health and wellness protocols. These steps will cost money and place an additional but necessary financial burden on marginal projects.

BTEA position:

Our request is to exempt all construction workers. We are concerned with the impact that this pandemic will have on our companies, and, adding more costs will not help. At this point we are concerned with keeping our workers well first and foremost; finishing our projects and making sure hardworking men and women in the construction industry can start putting paychecks in their pockets.



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Lendlease (US) Construction LMB Inc. • LHT Services, LLC • Pavarini McGovern
Plaza Construction LLC • Turner Construction Company

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Margolis LLP
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John A. Cavanagh
(1935-2012)
Chairman Emeritus

May 5, 2020

Testimony in opposition to Council premium pay bills

The Contractors' Association of Greater New York (CAGNY) is a multi-employer association that represents Construction Managers/General Contractors in New York City. Our members perform some of the largest and most complex building construction projects in New York City.

We have attached the NYC Comptroller's Prevailing Wage schedule for construction workers which provides the *minimum* wage and benefit rates that our employees are paid. Please note that this schedule illustrates prevailing wages and benefits; union wages and benefits often EXCEED these levels, whether we are doing public or private work.

Concerns with Int 1918:

- The bill exempts those "covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local law and provides comparable or superior benefits for essential employees". This language is very similar to that found in the Earned Sick Time legislation. But under that law, passed in June of 2013 and effective in April of 2014, parties to collective bargaining agreements had 10 months to negotiate a waiver. As Int 1918 takes effect immediately, it would preempt federal law, which states that neither party is entitled to re-open negotiations during the term of a collective bargaining agreement unless the agreement provides for negotiating during its term.
- In addition, collective bargaining agreements do not provide "comparable or superior benefits for essential employees"; \$75 in additional pay is not in any agreement. But, as noted above, union construction workers' pay and benefits are often close to or over \$100/hour. Additionally, our collective bargaining agreements provide for increases for hours worked in excess of 8 in a day and shift differentials.
- While workers currently working on essential projects might be considered essential workers, as all construction re-opens in New York City, which could

4817-9864-9019.1

CONTRACTORS' ASSOCIATION OF GREATER NEW YORK, INC.

950 Third Avenue, 15th Floor, New York, New York 10022 Tel (212) 838-9025 Fax (212) 230-4980 www.cagnyonline.com

Testimony in opposition to Council premium pay bills

May 5, 2020

Page 2

happen in the next few weeks, the majority of workers will not be “essential” as they are not working on essential projects. The disparity in what those working on projects that were considered essential and those working on non-essential projects cannot be justified as both are doing the same type of work.

- Some construction projects are “marginal” – that is, they are dependent on finishing on time and on budget, which at this point is impossible. Construction loans must be paid during the shutdown although no work is occurring on a site. Some of these sites will never re-open and many others are in the margins. Adding additional costs will ensure that more projects will have to be abandoned, further hurting workers and the economy.
- The industry, unions, and owners are currently in discussions with the State as to the orderly re-opening of construction throughout the New York. Part of that discussion addresses how we can re-open while minimizing the spread of COVID-19. We anticipate adding general construction industry health and wellness protocols in order to combat COVID-19 at all sites in addition to site-specific health and wellness protocols. These steps will cost money and place an additional but necessary financial burden on marginal projects, further placing their viability at risk.

CAGNY position:

We request that the bill exempt all construction workers. We are concerned with the impact that this pandemic will have on our companies, our employees, and ultimately New York City’s economy; it will not help to add additional costs to workers who are already well-paid and have a union to represent their interests. At this point we are concerned with keeping our workers well first and foremost; finishing our projects, and making sure hardworking men and women in the construction industry can start putting paychecks in their pockets.



LOCAL 420
DC 37, AFSCME, AFL-CIO

New York City's Public Healthcare Workers Union

Carmen Charles

President

Ursula Joseph

1st Vice President

Angel Benitez

2nd Vice President

Esther Simon

Secretary-Treasurer

Samuel Patrick

Recording Secretary

EXECUTIVE BOARD

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Lincoln:

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Metropolitan:

Lydia Cora

North Central Bronx:

Alfred Grant

Queens General:

Frances Martino

Seaview:

Abiola O'Brien

Woodhull:

Jose Muniz

Written Testimony

Carmen Charles

President: Local 420, DC37, AFSCME, AFL-CIO

New York City Council Committee on Civil Service and Labor

Re: Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation automatically classifying the deaths of all municipal employees who died from COVID-19 as line-of-duty deaths.

Good afternoon Chair Miller and members of the New York City Council's Committee on Civil Service and Labor. My name is Carmen Charles and I am the President of AFSCME, Local 420: NYC' Municipal Hospitals Workers Union. We thank you for holding this hearing.

Local 420 would like to recognize the dedication of all frontline workers. The COVID-19 curve in New York is in the downward trajectory because of our hard work and sacrifices.

My members are at the frontline of the COVID-19 battle and have fought the pandemic from all sides. I represent more than 8,700 members across the 11 acute hospitals, 5 long-term care facilities and the plethora of clinics across the boroughs all run by NYC Health + Hospitals, along with the technicians and aides employed at the Office of the Chief Medical Examiner's Office, Fire Department and Department of Corrections.

During this pandemic, Local 420 members have treated New York City's most vulnerable people under the most grueling of circumstances. We have worked long hours, often without the proper personal protective equipment because the people that we are treating are our neighbors and our families. It is a testament to our union's professionalism, courage and love of community.

My members have provided care to COVID-19 patients with compassion and selflessness. We have gone above and beyond our job titles to provide aid and comfort to dying COVID-19 patients that are alone and scared.

This has been Local 420's finest hour, however, we are not without tragedy. Twelve Local 420 members have died from COVID-19 and dozens of others have been infected. We express our deepest sympathy to their

TRUSTEES

Sonia Denton

Janet Fowlin

SARGEANTS-AT-ARMS

Marlene Alvarado

Leroy Liverpool

Eddie Olivaria

70 West 36th Street, 16th Floor, New York, NY, 10018.

E-mail: info@local-420.org Web: www.local420union.org

Tel: (347) 532-6420

Twitter: [@L420AFSCME](https://twitter.com/L420AFSCME)

Fax: (347) 532-6432

Facebook: [Local420AFSCME](https://www.facebook.com/Local420AFSCME)

families and all the families of people that have passed away from this disease.

Each Local 420 member that has passed away, has made the ultimate sacrifice in the war against the coronavirus. Our government has an obligation to appropriately honor their sacrifice. For that reason, we fully support Resolution 6145 which will automatically classify the deaths of all municipal employees who have died from COVID-19 as 'line-of-duty' deaths.

We urge Governor Cuomo and our state legislature to enact this important legislative proposal as quickly as possible.

Thank you,

A handwritten signature in dark ink, appearing to read "C. Charles", with a long, sweeping horizontal line extending to the left.

Carmen Charles
President

CATHOLIC COMMUNITY RELATIONS COUNCIL

80 Maiden Lane, 13th Floor, New York, New York 10038

**Testimony of Joseph Rosenberg
Executive Director, Catholic Community Relations Council
Before the New York City Council Committee on Civil Service and Labor
In opposition to Int. 1918 and Int. 1923
May 5, 2020**

Good morning Chair Miller and members of the City Council Committee on Civil Service and Labor. I am Joseph Rosenberg, Director of the Catholic Communities Relations Council (“CCRC”) representing the Archdiocese of New York and the Diocese of Brooklyn. I am here today to express our opposition to both Int. 1918 and Int. 1923. We respect the Council’s efforts to stem some of the pain emanating from the COVID-19 pandemic. But we believe it is important to focus upon the unintended consequences these legislative initiatives would have on faith-based institutions and nonprofit human service providers.

Religious institutions and their human service provider organizations have always been an indispensable part of the lives of many New Yorkers. Even in the best of times, these entities are faced with daunting fiscal challenges to maintain their houses of worship, operate their schools and run their mission-driven programs that are so essential to the most vulnerable New Yorkers; namely the poor, the elderly, the disabled, the homeless, the immigrant and the refugee. The Archdiocese of New York, the Diocese of Brooklyn, their parishes, and Catholic Charities of the Archdiocese of New York and Catholic Charities of the Diocese of Brooklyn are all part of the lifelines to so many of our neighbors. These institutions operate food pantries, meal delivery programs, clinics and programs for the mentally and physically challenged, supportive housing for the homeless, and senior citizen centers and health care facilities. Their clinics, pantries and centers can be found throughout our City in practically every neighborhood. The New York City Council has always understood the significance of these programs. You have been strong partners of ours and we appreciate your tremendous support over the years.

As you can see from the foregoing description, funds are required for labor, supplies (food pantries, meals, senior centers, housing and medical facilities) and real estate. Increasing the burden of costs in any category can only be accommodated by decreasing the costs in another. These are untenable choices that the Council would inadvertently be requiring faith-based institutions and human service providers to make pursuant to Int. 1918 and Int. 1923.

Int. 1918 requires that certain workers defined as “essential” in State Executive Order 202.6 receive premium bonuses based on the hourly shifts that they work. The bill does not identify any funding source to pay for such premiums. For faith-based institutions and nonprofit human service providers, it is an unfunded mandate at the very worst of times.

Int. 1923 prevents the employment termination of an “essential” worker unless it is due to “just cause,” such as “an employee’s failure to satisfactorily perform job duties or employee misconduct that is demonstrably and materially harmful to the essential employer’s business interests.” Any finding of just cause can only occur following an administrative action where the employer “shall bear the burden of proving just cause by a preponderance of the evidence.” In addition to the administrative enforcement action, the employee also has the option to bring a private cause of action in court as well as a grievance

proceeding. What if a nonprofit service provider or faith-based institution closes a clinic or converts it to another use to serve a different needy population, or if the funding source of the program is drastically cut or discontinued? Under this bill, even if no money is available to pay them, all “essential” employees would have to be retained pending lengthy and costly administrative proceedings. This bill greatly ties the hands of nonprofit providers by requiring them to spend their scarce resources, not on their clients and programs, but on defending proceedings that they cannot afford.

Current State law and a recently introduced Assembly bill provide two different ways of dealing with the issues raised by Int. 1918 and Int. 1923.

The NYS Worker Adjustment and Retraining Notification Act of 2008 (“NYS WARN”) contains substantial worker protection rights. WARN requires all employers with 50 or more employees to provide at least 90 days’ notice of layoffs affecting 25 or more employees of their work force. If the employer fails to provide such notice they may be required to pay back wages, benefits to workers and possibly civil penalties. Exceptions to these requirements may be permitted based on sudden and unexpected circumstances beyond the employer’s control but only if an application and subsequent determination is made by the NYS Department of Labor (“DOL”). The early warning allows DOL to provide employees with information about other workforce programs, and other resources designed to help employees get back to work quickly.

Assembly bill 10359, introduced on April 29th, would require “essential workers” to receive hazard payments from certain employers during a state disaster emergency. Recognizing the dire financial circumstances of nonprofits, as well as the essential human relief services many of them provide, the legislation exempts not-for-profit organizations from the bill’s requirements.

Faith-based institutions and their human service providers have always been among the “first responders” during our City’s times of crisis. That is especially true today. They not only continue to perform their daily mission-driven work but have stepped up to provide additional lifesaving care to their vulnerable constituencies throughout our City. The Archdiocese of New York, the Diocese of Brooklyn and their respective Catholic Charities have always been here to provide faith, hope and relief to New Yorkers. Their ability to continue to do so should not be hampered.

Presently, the nonprofit human service provider sector is faced with drastic financial cuts to their core operations as well as reductions in their discretionary contracts. They are trying to provide more services to the neediest New Yorkers despite tremendous financial and logistical challenges.

Int. 1918 and Int. 1923 would create additional burdens, both financial and administrative, upon the very sector that has always been and continues to be the lifeline and safety net for so many low-income, needy and isolated New Yorkers. These bills are certainly well meaning, but they inadvertently restrict the ability of nonprofit organizations to manage their resources to most effectively provide vast services for so many of our City’s residents. We know that is not the intention of the bill’s sponsors, but passage of Int. 1918 and 1923 would have that unfortunate effect.

Thank you.



Testimony by Irene Lew, Community Service Society Policy Analyst

May 5th hearing on COVID-19 Relief Package

Before the NY City Council Committee on Civil Service and Labor

Thank you for the opportunity to testify today. My name is Irene Lew and I am a policy analyst at the Community Service Society of New York, a nonprofit that works to advance the upward mobility of low-income New Yorkers. We have been leaders in the fight to expand protections and benefits for low-wage workers, including efforts to pass the paid sick days law in New York City and more recently, the passage of paid sick days statewide as part of the FY 2021 state budget.

My testimony will be focused on two of the measures the City Council is considering today: Intro 1918 and Intro 1926. Intro 1926 would require large essential businesses with at least 100 employees to provide fair hazard pay to the hourly workers who are putting their own lives on the line to ensure that all New Yorkers get health care, that we are fed and that we have the basic necessities to ride out this pandemic. Intro 1926 would extend urgently needed paid sick days to gig workers and other workers misclassified as independent contractors who have been left out of recently enacted city and state paid sick leave laws. We are focusing our testimony today on support of Intro 1918 and Intro 1926.

Essential hourly-wage workers such as healthcare workers, grocery store clerks, delivery drivers and warehouse workers are at the frontlines of this pandemic. Frequent interaction with the public puts them at heightened risk for contracting COVID-19. At a time when essential workers are putting their own health and the health of their families at risk, we should be doing more than applauding them; we should be helping them economically through measures like additional hazard pay. Recent reports from Comptroller Scott Stringer's office and the Fiscal Policy Institute (FPI) have shown that essential workers are disproportionately low income, women, people of color and immigrants, many of the same groups that have also been hit hard by the coronavirus outbreak. Of an estimated one million frontline workers in New York City, nearly a quarter are low income, about two thirds are women, a third are black, and over half are immigrants, according to FPI. Furthermore, according to our own independent analysis of Census data¹, many of these essential workers aren't earning enough to survive in the city, let alone justify the hazards they face on the job. For example, a full-time supermarket worker in New York City has median earnings of only \$26,000 a year. The proposed premium pay amounts help ensure that essential workers are fairly compensated for the risk they face of being exposed to COVID-19 and the danger that this poses to their own families.

The pandemic has also highlighted the absence of a safety net for nontraditional workers such as Uber drivers and Grubhub food delivery cyclists who have few job protections despite their increased risk for contracting COVID-19. Applying the ABC test to the city's paid sick leave law is a good first step for

¹ Based on CSS analysis of 2014-2018 5-year American Community Survey data from the US Census Bureau

providing more protections to this workforce because it would explicitly cover app-based gig workers who have been misclassified as independent contractors. According to data from our 2019 *Unheard Third* survey, more than two-thirds (67 percent) of workers dependent on app-based gig work as their main source of income said that they did not receive any paid sick time, compared to only 36 percent of those in conventional employee arrangements who said they lacked this benefit.

Increasing awareness of new labor standards is an important part of employer compliance. We were pleased to see that Intro 1918 included some language on posting notices of hazard pay at workplace sites and specific enforcement tactics to be carried out by the Department of Consumer and Worker Protection's (DCWP) Office of Labor Policy and Standards. However, even more robust outreach to workers and worker intermediary groups is necessary so that workers are aware of their new rights. Most enforcement is driven by complaints. But workers cannot assert rights they don't know they have. We need to ensure that DCWP has adequate financial resources for outreach and enforcement of any new labor standards.

As part of the coronavirus relief package, we also urge the City Council to pass Intro 1797, which would require DCWP to create posters for display in pharmacies and health care locations throughout the city informing New Yorkers about their right to paid sick leave. Our analysis of *Unheard Third* data found this information is sorely needed: most low-income workers covered by the city's paid sick days law—60 percent—have heard little or nothing about it. If the majority of low-income employees know little about the city's basic sick leave law in effect since 2014, they probably know even less about the new federal CARES Act that provides many workers with 80 hours of COVID-19 related leave, or the new state COVID-19 paid sick leave that provides 14 days of job protection and pay to employees subject to an order of quarantine and covers many of the workers left out of the federal law. As the city starts to reopen the economy and move to more testing, contact tracing and self-quarantine, these benefits will become increasingly important, especially for essential workers. Intro 1797 could easily be amended to include information on temporary federal and state COVID-19 sick leave in addition to NYC's law. With stay at home orders limiting our usual means of getting information—through transit ads, workplaces, word-of-mouth, at family and religious gatherings—pharmacies remain one place we are still going to and can get information. Moreover, pharmacies will now have a role in Covid-19 testing.

The COVID-19 outbreak has highlighted the gaping holes in our government safety net and has laid bare the financial instability of our city's low-wage essential and gig workforce, at a time when the demand for their services has never been higher. There is an urgent need to provide these workers with higher pay and critical protections like paid sick leave that many white-collar workers already receive. We applaud the City Council for taking important steps to address these disparities.

**New York City Council Committee on Civil Service and Labor Hearing Regarding
Int 1918-2020, Int 1923-2020, Int 1926-2020, T2020-6139, Res 1285-2020, and T2020-6145**

Tuesday, May 5, 2020

Testimony of Adria Powell, President and CEO of Cooperative Home Care Associates

Thank you for providing the opportunity to submit testimony. My name is Adria Powell and I am the President and CEO of Cooperative Home Care Associates, a Bronx-based licensed home care services agency that is cooperatively owned by our workers.

I am submitting testimony to implore you to include funding for Int 1918, which would require hazard pay (referred to in the bill as “premium pay”) for essential workers. While we desperately want to provide our home care workers with additional compensation, passing this bill without funding would bankrupt CHCA and most other home care agencies in the city during a time when our services are more important than ever.

About Cooperative Home Care Associates

Cooperative Home Care Associates (CHCA) is a nationally recognized, worker-owned home care agency in the Bronx. CHCA is committed to improving both the lives of home care workers and the lives of the clients who rely on their quality care and support.

CHCA started with 12 home health aides at its founding in 1985. The cooperative now employs more than 2,300 workers and is the largest worker-owned coop in the United States. We are a licensed home care services agency that provides high-quality, reliable services to people who are elderly, chronically ill, or living with disabilities. CHCA provides services to 1,200 residents throughout Manhattan, Brooklyn, and the Bronx to people approved for home care by Medicaid, those who are privately insured, or private pay. We also operate as a Fiscal Intermediary for approved Consumer Directed Personal Assistance Program (CDPAP) services.

CHCA prides itself on investing all it can in its workers. Together with PHI, a nonprofit founded by CHCA in 1992, CHCA maintains an employer-based workforce development program that provides free training for over 600 low-income and unemployed New Yorkers annually—the majority of whom are women, people of color and immigrants—and serves as a significant driver of employment in the Bronx. We provide our trainees with financial literacy support, access to financial institutions, and targeted guidance that enhances their ability to successfully complete our training program. Once trainees are employed by CHCA, they have access to peer mentors, career advancement opportunities, union membership, health and life insurance, interest-free loans, and the opportunity to own a share in the cooperative.

Medicaid Funding Challenges

Medicaid is the primary funder for home care in the city. Accordingly, almost all of CHCA’s services are paid for through Medicaid. In recent years, Medicaid has consistently under-funded home care services. A number of new labor laws have either been unfunded or underfunded, including state Wage Parity requirements, minimum wage requirements, the reinterpretation of the federal Fair Labor Standards Act, city paid sick and safe leave, and others. On top of labor costs, additional costs around

implementing value-based payment initiatives, creating new communication systems, and purchasing new technology have not been fully funded.

This year, the Medicaid funding challenges have worsened. At the beginning of the calendar year, there was an across-the-board 1 percent cut in Medicaid funding. The new state budget (which started April 1, 2020) further cut Medicaid funding and singled out long-term care for almost \$1 billion in cuts.

Even before the COVID-19 pandemic, the Medicaid funding challenges have created an environment in which many home care agencies are struggling to survive.

The Impact of COVID-19

The COVID-19 pandemic has highlighted the importance of the services provided by home care workers, while simultaneously highlighting the challenges faced by our home care system. CHCA has seen our revenue drop while our costs increase, dramatically increasing the financial challenges we are facing.

In 2019, CHCA's average monthly revenue was approximately \$5.4 million. COVID-19 has caused many clients to suspend or reduce services until the pandemic is over. Consequently, our monthly average revenue in March and April dropped by almost one million to \$4.5 million.

Meanwhile, COVID-related costs have increased (most of which we are not reimbursed for), including:

- Personal protective equipment (PPE) – The amount we spend on acquiring PPE has increased by more than tenfold.
- Overtime costs - Due to the essential nature of these services and a decreased pool of workers, overtime costs have increased by over 400 percent.
- Emergency paid leave – Under the state emergency paid leave, CHCA has paid more than 1,500 hours of paid sick leave to date. The amount of paid sick leave hours will continue to increase as the crisis continues.
- New technology – To protect our workers and clients, CHCA has implemented a remote screening system which screens workers by phone for COVID-related symptoms. Workers who exhibit any of the symptoms then speak to a nurse. Implementing this system required both an up-front investment and ongoing monthly payments.

When combined with the existing Medicaid funding challenges, COVID-19 has left CHCA and many other home care agencies desperately searching for financial support to enable us to continue operating.

Int 1918-2020 Must Be Funded

CHCA takes every opportunity we can to invest in our workers, whether through compensation, skill-building opportunities, or providing needed supports. We agree that our essential home care workers deserve to receive hazard pay (referred to as “premium pay” in the bill). They have put themselves and their families at risk for the virus in order to care for vulnerable New Yorkers. Despite low wages and a society that under-values their work, we have been fortunate to have dedicated workers who continue to ensure that our clients are able to remain in the safest place for them right now – their homes.

However, given that home care agencies are already struggling to keep our doors open, any additional compensation for our workers would necessitate funding. According to CHCA's calculations, the hazard pay requirements in Int 1918 would cost the company over \$365,000 per week. That is a 56 percent increase over our normal weekly payroll costs. Without funding, we would quickly be bankrupted – as would most home care agencies in the city. Instead of helping our essential home care workers, they would be harmed.

Conclusion

The COVID-19 pandemic has highlighted the contributions of the essential workers who society undervalues, including home care workers. They deserve to be better compensated for their vital roles. However, the financial challenges within the Medicaid home care sector have been exacerbated by the pandemic. For home care workers to receive the hazard pay outlined in Int 1918, the City Council must also allocate funding to cover these costs.

Thank you for the opportunity to submit testimony. I am happy to answer any questions or participate in further discussion. You can reach me via phone at (718)742-5764, or email at APowell@CHCANY.org.

NYC Council Hearing

Tuesday, May 5, 2020

Dear Council Members:

I come before you today in support of the essential, frontline workers of New York City, but opposed to the bill before us in this hearing.

Through my corporation, I employ hundreds of hardworking men and women throughout the Empire State and New York City and have so for the past 25 years. I am considered a “chain” in the definition used by the New York Department of Labor and in the language of the proposed bill we are discussing today. And yet I am no different from your son or brother or nephew; I am a husband and father, with a son in college and a mortgage for a home I have owned for the past 23 years. I am not, like the Amazon founder, with unlimited financial resources. I am your neighbor next door.

Over the long arc of my career, I have been publicly silent on matters before the state and local government. I have never testified or gotten involved in grass roots initiatives. I have directed all of my professional efforts toward my employees and my business. But the bill pending before us today (Int. 1918) has compelled me to speak out. We are considered an essential business under the Governor’s Executive Order # 202.6. We fall under the food takeout and delivery category. During this tragic crisis, our hardworking staff is feeding lunch and dinner to your families and your neighbors. Our employees and countless others like them are among the heroes of this pandemic. They are on the frontline every day.

As a reward for this heroism, the Council has proposed requiring private companies like mine to pay essential workers a shift bonus for the duration of the Governor’s Emergency Order. I applaud the Council for the gesture. These frontline workers deserve to be recognized and rewarded. But I admonish the Council to look at the facts. Just as we must do with the pandemic. Act and vote with your head not your heart. Because the facts matter.

The shift bonus that has been proposed, equates to an additional \$7.50 an hour in wages. It would mean, in essence, paying our workers time and a half for every hour they are on the clock. Said differently, this is a 50 percent increase in wages. I come before you today to say this is simply not affordable for a company like mine. It would be ruinous. Somehow it has become an accepted axiom over time that “chains” or employers with over a certain number of employees – in the case of the proposed bill, 100 employees – can afford more than the mom and pop companies who are excluded from this bill. I too was once a small employer with under 20 employees. Over time, I hired some talented, dedicated employees, worked hard, perhaps got a bit lucky, and the company grew to the size it is today. But notwithstanding the hundreds of hardworking folks we employ, we still have finite resources. Just as our employee count has grown, so too have our rent obligations. And our franchisor obligations. And, frankly, our payroll obligations. In most respects we are no different today from a mom and pop operation – more locations, more employees, more revenue, but equally more expenses.

All of you know the joy and stress of providing for your families. It is among the most rewarding obligations in life to put food on the table. I am responsible for putting food on the table for hundreds of employees and many thousands of customers. It is not a responsibility I take lightly. It is a weighty obligation. All of you know what your monthly budget is at home to make ends meet. I venture to guess you could recite all of your bills to me here today. It is the same for me with my company. My payroll alone is over \$8 million a year. That is an obligation that will keep you awake at night.

The fact that I am considered a “chain” is immaterial. Whether chain or independent, large or small, my company has a budget and when additional expenses are incurred, something has to give. Just like it would for you at home. If the washer breaks down, you eat out less that month. If your car dies and a new one needs to be purchased, you do not take the vacation you had scheduled. For my company alone, the shift bonus pay we are debating today would equate to an additional expense of \$200,000 to \$300,000 a month. Let that sink in for a moment. Annualized, the proposed shift bonus would be more than an additional \$3 million in payroll expense for my company. It is simply not affordable. Not even close.

One may say that the shift bonus pay is only for a few months until the Governor’s Emergency Order is lifted. As we speak that is scheduled for September 7, 2020. But we all know for a variety of reasons that can be extended. The Emergency Order may well extend indefinitely. As regards unintended consequences, it is entirely possible, even likely, that in the coming weeks and months workers who are considered non-essential today will return to work throughout the city. Yet the way the current legislation is written, even in these circumstances, for as long as the Emergency Order is in place, the

essential workers will receive the shift bonus pay. The non-essential workers who are also working would not. For these reasons, among others, this is not commonsense legislation. This is legislation crafted from the heart, not from the head.

I have heard our Governor say on many occasions in his recent daily press briefings that the state of New York is essentially broke. Our Mayor has said the same about our city. I suppose this is why a bill was not proposed that would allocate city funds to the workers. The city cannot afford this additional expense. If the greatest city in the United States is effectively broke, how can this Council believe that a little "chain" employer like me can add \$3 million in additional annualized expenses to its budget and survive. We cannot. The money is simply not there. If this bill were to pass and require me to pay these shift bonuses, hundreds of my employees will be laid off. This is not like an hourly wage where we could cut back their hours. It is a flat shift bonus. To avoid paying it, the only solution would be to keep the worker off the shift entirely.

Some among you may say if this is the case, then let the employees file for unemployment. With the CARES Act funding, the employees can sit home and not be in harms way and still put food on their table. Nobody can say this is a smart outcome. It would be a perverse outcome. And importantly, what happens when the unemployment insurance runs out. In a normal economy, the workers would simply return to the workforce, even if their former employer had closed their doors. But it has become abundantly clear to all of us in this crisis that this is not the case. If I am forced to lay off hundreds of workers because of this bill, there will be no job for them to return to in the coming months.

In closing, I come before you today in support of the hardworking, heroic essential workers of my company and our great city. They deserve to be recognized and rewarded for their heroism. But while this may be true, the city cannot simply pass a bill requiring private employers to fund this and expect that all will be well. Because it will not be well. Many thousands of essential, heroic employees all over the city will lose their jobs. And given the state of the city and the economy today and for the foreseeable future, they will have no job to return to when the health crisis abates. I beg of this Council to vote not with your hearts but with your heads. If there is any time for commonsense public policy, it is during this crisis.

John Cilmi
jcilmi@jmcholdingsltd.com

Wednesday, May 6, 2020

To The New York City Council:

I hope that this message finds you and your families happy and well. My name is Dr. Steven C Miller, MD and I am the House-staff President and a union representative for the Committee of Interns and Residents/SEIU (CIR/SEIU) at The Brooklyn Hospital Center in beautiful downtown Brooklyn. At CIR/SEIU we represent interns, residents, and fellows throughout NYC and nationally. The members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written.

The NYC Essential Bill of Rights bill takes a step in the right direction by recognizing the extraordinary service provided by essential workers at this time. We support our colleagues who are hourly workers in receiving premium pay. However, the bill as written disqualifies CIR members in a few ways, particularly in regards to [Premium Pay](#): 1) The definition of "essential worker" excludes the public sector, so all city workers, including our residents at H+H are left out and 2) the provision excludes salaried workers, which impacts all of our members in the private sector.

CIR members are residents, doctors in training, who work at some of the hardest hit hospitals in New York City, including The Brooklyn Hospital Center where I work and represent my colleagues caring for hundreds of sick and dying patients. Throughout the peak of COVID we worked 80 - 100 hour work weeks and took on tremendous risk and responsibility, while fighting to save the lives of our patients. We are men and women who have come from around the world to work in our city's poorest and most underserved neighborhoods and continue to do so even as we brace for an inevitable resurgence of COVID patients.

Early in the pandemic, in response to what we read about how doctors and health systems were overwhelmed in Europe and Asia, many of us purchased our own PPE just in time for the supply-line disruption. Unfortunately, many were either too late or relying solely on hospital procurement and 30% of our nearly 300 residents became ill while caring for patients sick and dying from SARS CoV2. Some of our residents remain ill, some critically so, and many of our staff died. PTSD and burnout are being experienced by a significant number of residents and the disruption to life outside the clinical practice environment adds increasing stress as we spend so much of our life inside the hospital and are isolated on the outside.

We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written. Please amend the legislation to include premium pay for residents at public sector and private hospitals. Thank you for your time and consideration and please do not hesitate to reach out to me if you have further questions or require clarification.

Regards,

A handwritten signature in black ink, appearing to read 'S. Miller MD', with a stylized flourish at the end.

Dr Steven C Miller, MD
832-857-9220
stmiller@tbh.org



**NEW YORK CITY
CENTRAL LABOR COUNCIL, AFL-CIO**

President
VINCENT ALVAREZ
Secretary-Treasurer
JANELLA T. HINDS

**New York City Council Committee on Civil Service & Labor
Testimony of the New York City Central Labor Council, AFL-CIO, on the COVID-19 Relief Package**

Comprised of 1.3 million members across 300 affiliated unions, the New York City Central Labor Council, AFL-CIO, represents a myriad of organizations with different membership needs, industrial dynamics, and collective bargaining practices. As an institution, the Central Labor Council seeks to reach consensus among our affiliates, and support policies with a positive impact on their ability to represent workers on the job, give workers greater economic voice, and build a sustainable economy. The City Council's COVID-19 Relief Package is ambitious, and the Labor Movement supports many of its intended goals, but absent in the legislative package are considerations of the economic impact given the current conditions the City is facing. Though it is well intentioned, the diverse set of our affiliates' concerns surrounding the details of the package must be raised.

While the NYC Central Labor Council supports higher pay for essential workers, the NYC CLC does not see the premiums applied in Introduction No. 1918-2020 as a practical solution to the existing circumstances. Many industries prospectively impacted by the legislation have secured increased earnings for frontline workers, but have similarly expressed concerns over how this legislation could impact the economic sustainability of their industries, and, when applicable, their ability to bargain for a contract. The affiliates of the New York City Central Labor Council have concerns about the scope of coverage, types of organizations (non-profits, etc) covered, the budgetary and economic impact given the funding streams of some organizations, as well as other concerns.

The New York City Labor Movement continues to fight for workers to have a voice on the job, fair treatment, and due process. For over a century, Organized Labor has secured protections such as the right to due process. The COVID-19 pandemic has renewed the need for strong protections for workers against retaliation; while that remains a goal worthy of support, pursuing more tailored, anti-retaliation protective language would require broad input from stakeholders in our economy. Additionally, the new floor proposed in Introduction No. 1923-2020 has raised concerns over the effect on contract negotiations, private labor-management relationships that have existed for decades, and potentially those created in the future. Protecting frontline whistleblowers remains the top priority.

New York City is in the midst of an unparalleled health and economic crisis. The challenges before our city will be enormous, and likely to transform many of the businesses and ecosystems, which has been the basis for New York City's economic engine for the past few decades. Organized Labor looks forward to working with partners in city government to fight for higher wages and expansion of benefits in an economically sustainable way. While the vision of this legislative package is appreciated, there are many other things the City Council can do to protect the workforce and lift the floor for working people.



Council of New York Cooperatives & Condominiums INFORMATION, EDUCATION AND ADVOCACY

250 West 57 Street • Suite 730 • New York, NY 10107-0700

TESTIMONY TO THE COMMITTEE ON CIVIL SERVICE AND LABOR

Regarding Int. 1918 and Int. 1923

May 1, 2020

The Council of New York Cooperatives & Condominiums (CNYC Inc.) is a membership organization providing information, education and advocacy for housing cooperatives and condominiums located throughout the five boroughs of New York City and beyond. More than 170,000 New York families make their homes in CNYC member buildings, which span the full economic spectrum from very modest, income-restricted housing to solid middle class apartment complexes to upscale dwellings. The common thread is that these buildings are owned by their residents and operate as self-governing representative democracies. The budget of the cooperative or condominium is funded by monthly maintenance payments by the shareholders or unit owners — as are any additional costs that arise.

Today our City, State and Nation face an unparalleled health and economic crisis. Workers performing essential services, protecting our health and homes, deserve recognition and we share the City Council's desire to acknowledge, protect and reward them. However, this legislation threatens to cause serious hardship to homeowners employing these workers, many of whom are themselves experiencing COVID-related duress.

Int. 1918 proposes premium pay for workers at large essential businesses. While few of our members employ 100 people, the legislative language appears to capture subcontractors and others who may have provided services in our homes, making us concerned about the tremendous financial impact this bill would have.

It is worth noting that the majority of housing cooperatives and condominiums in New York City have employees who are union members, with good pay and benefits that have been established at the bargaining table. Others have employment arrangements that meet the mutual needs of the workers and cooperators. That said, we are acutely aware that many shareholders and unit owners are themselves unable to work during the pandemic and uncertain as to whether their jobs will be available when it ends. They are struggling to make their maintenance and mortgage payments and wondering if they will still be able to do so next month. How are they to countenance

funding the additional costs that Int. 1918 would impose? Without a guaranteed external source of the funds for these premium payments and specificity as to the period of time that they would cover, CNYC must strongly oppose Intr. 1918.

Int. 1923 establishes narrow requirements for demonstrating 'just cause' before dismissing or reducing the hours of any essential employee. In the midst of the current economic crisis, we cannot imagine why the Council would propose legislation that prohibits an employer from considering any practical or economic factors when making staffing decisions. This legislation has neither a sunset date nor any guarantee that it won't be amended to include even more harsh penalties. Under existing New York law, ample recourse is currently available to employees who believe they have been unjustly dismissed, and we must reiterate for the record that the majority of CNYC members already employ a unionized workforce. We oppose passage of Int. 1923 as both unnecessary and excessively complex.

Thank you for this opportunity to express our views.

Mary Ann Rothman
Executive Director



**Testimony for New York City Council Committee on Civil Service and Labor
May 5th, 2020 Hearing**

Hello, my name is Nadia Chait and I'm the Associate Director of Policy & Advocacy at The Coalition for Behavioral Health. The Coalition's membership includes 100 community-based behavioral health organizations, who collectively serve over 600,000 New Yorkers. We appreciate the opportunity to testify today.

We strongly support increased pay and appropriate paid time-off policies for frontline workers. However, we have serious concerns that Intro 1918 and Intro 1926 represent another unfunded mandate on behavioral health organizations, whose contracts already do not cover the full cost of operating programs. Behavioral health organizations are under incredible stress at this time, as they work to continue serving clients, both in-person and via telehealth, and to prepare for a substantial increase in the need for their services.

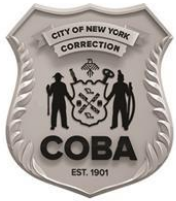
According to a recent survey of our membership, organizations have lost from \$45,000 to \$2.3 million in revenue since the declaration of the state of emergency. They have faced additional costs of \$311,000 on average, for spending on PPE, more cleanings and devices for staff and clients to transition to telehealth. These costs add on to the burden of organizations that have been chronically underfunded for decades. Organizations simply cannot bear additional unfunded costs.

Behavioral health organizations will play a critical role in New York's recovery from the pandemic, but they can only do so if they are financially able to survive COVID. Demand for behavioral health services is already increasing: 40% of our providers have seen an increase in demand for services from new clients. We are also seeing increases in substance use and depression across all New Yorkers, as a result of the incredible trauma of this pandemic. Despite this, organizations are laying off staff because the costs of responding to this pandemic are impossible for underfunded behavioral health organizations to bear.

We strongly support efforts to increase pay for our workforce. We have fought year after year for COLAs at both the City and the State levels. We support incentive pay for our frontline workers, who are putting their lives on the line to continue serving clients in residential and congregate care facilities. These bills, however, are not the answer. Without funding, Intro 1918 and Intro 1926 will only worsen the situation for the behavioral health workforce, however. It is not an exaggeration to say that these bills will lead to layoffs and will result in decreased access to vital services, as organizations will not be able to afford these costs.

We would also like to raise concerns about the Intro 1923. Due to the COVID-19 pandemic, many nonprofits are facing an unprecedented fiscal crisis. 21% of our members have already had to lay off or furlough staff; an additional 47% anticipate that layoffs or furloughs may be necessary. This bill defines essential employees to encompass everyone at an essential business. This would mean that all human services nonprofits would not be able to cut back hours or layoff staff, even if they lose City and State government contracts or discretionary funding due to the budget deficit. Nonprofits simply are not equipped to handle additional costs without financial assistance.

We thank you so much for fighting for workers in NYC, and we look forward to working with you on these urgent concerns.



CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.
"PATROLLING THE TOUGHEST PRECINCTS IN NEW YORK"

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KOEHLER & ISAACS, LLP
COBA Attorney

Testimony of Frederic Fusco, Legislative Chairman

Correction Officers' Benevolent Association

The New City Council Committee on Civil Service and Labor

May 5, 2020

Good afternoon Chairman Miller and Members of the Committee on Civil Service & Labor. My name is Frederic Fusco, and I am the Legislative Chairman of the Correction Officers' Benevolent Association ("COBA"), the second-largest law enforcement union in the City of New York. I have the privilege of representing nearly 9,000 active and 20,000 retired New York City correction officers, who provide care, custody, and control of detainees in the New York City jail system.

On behalf of COBA, I submit this testimony in support of the preconsidered introduction to extend medical benefits to the surviving families of municipal workers who have died due to COVID-19 related illnesses and the preconsidered resolution calling on the New York State legislature to pass a law to classify all such deaths as line-of-duty deaths.

I would remiss if I did not begin this testimony by first recognizing the dedication and sacrifice that all New York City correction officers have been demonstrating since the beginning of the COVID-19 crisis and continue to demonstrate every day. Their efforts and frontline work is mirrored by our first responder brothers and sisters in the ranks of the police department, fire department, sanitation department, transit, and all our healthcare heroes. Indeed, all New York City municipal workers have been performing essential work to support the frontlines in this battle and are paying a heavy price for it.

Tragically, six members of COBA have become victims of the war against COVID-19. Rikers Island, where the vast majority of our members work, has become the epicenter of the virus in New York City, which is itself the global epicenter of this pandemic. These deaths while the first, unfortunately, may not be the last. Shamefully, and despite the urging of the COBA, the Department of Correction ("DOC") did not provide sufficient personal protective equipment ("PPE") at the early stages of the efforts to contain the spread of the virus. In fact, the COBA had to procure PPE for our members just so that they could have basic protection when they were required to report for duty. Adding insult to literal injury, the DOC also refused to adopt and implement proper safety protocols, as recommended by the COBA, early enough, which could have very well prevented these deaths. It was only after COBA sued the DOC for its failure to provide this

COBA HEADQUARTERS

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www.cobanyc.org





lifesaving equipment and for mandating our members work in extraordinarily hazardous conditions that the DOC complied.

As COBA mourns the deaths of these members and fears the deaths of those that may follow, I also extend our sincere condolences to the families of all of those who have been taken away by this horrible virus. We share in your loss and your grief.

When our members join the ranks of Correction Officer, they understand the responsibility and the risk that is attendant to wearing the uniform. But they assume that responsibility and those risks with the understanding that their families will not be left unprotected should they perish in the line of duty. Throughout the COVID-19 crisis, while most New Yorkers are told to stay at home, our members have reported for duty. They have reported for duty in a place with one of the highest rates of COVID-19 infection in the world. They have reported for duty despite the DOC recklessly failing to provide them basic personal protective equipment. Our members have fulfilled their responsibilities, and six of them have made the ultimate sacrifice, becoming casualties of the COVID-19 pandemic.

The City has a moral obligation to ensure that the families of these six correction officers, and the families of the dozens of other municipal workers, who have died in responding to COVID-19 are provided healthcare, especially in the midst of a global pandemic. Indeed, given the way that the virus is transmitted, it would truly be perverse for the City not to provide medical benefits to the families of these fallen municipal workers who likely have exposed their families to COVID-19. As the Committee considers, in addition to the preconsidered items, the “COVID-19 Relief Package” of legislation that would impose a host of mandates on private sector employers, it ought to lead by example and honor the ultimate sacrifices made by its own employees.

The City can lead by example by extending healthcare benefits for the surviving families of these six correction officers and the families of all other fellow municipal workers who have become casualties in the war against COVID-19, as well as classifying their deaths as line-of-duty deaths. COBA urges you to approve the preconsidered bill and resolution immediately in order to bring much needed relief to the families of municipal workers who have died due to COVID-19.

Thank you.



Frederic Fusco

Legislative Chairman

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Testimony of Community Access before the New York City Council Committee on Civil Service and Labor regarding Intro. 1918 (pay premiums for essential workers) and Intro. 1923 (just cause employment protections for essential workers)

Thank you to the New York City Council Committee on Civil Service and Labor for the opportunity to submit testimony on this issue. My name is Cal Hedigan and I am the Chief Executive Officer of Community Access. We are one of New York's leading providers of affordable and supportive housing for New Yorkers who live with mental health concerns. We provide housing to over 1,300 individuals and families across three boroughs and serve many more through treatment programs, crisis respite, mobile teams, peer specialist training, and other support services.

Community Access is committed to social justice in all its forms, including economic justice for our non-salaried staff members who are doing vital work every day, especially now, during the ongoing COVID-19 public health crisis. That's why we made the decision to compensate our frontline workers with appreciation pay (otherwise known as incentive pay) starting on March 22, 2020. We did this, in part, based on the assurance from our city contracting agencies that they would cover these necessary COVID-19 related costs. While many New Yorkers have lost their jobs, and many are working from home, our housing staff are still out there delivering essential services to some of the most vulnerable New Yorkers.

Community Access is grateful to the New York City Council for turning its attention to frontline workers. It is commendable that these two pieces of legislation, Intro. 1918 and Intro. 1923, aim to recognize, compensate, and protect those very workers on whom we rely so heavily.

Despite our solidarity with the intention of these pieces of legislation, there are a number of concerns Community Access wishes to raise with the Committee, and a few key adjustments we ask the Committee to consider.

With regard to Intro. 1918, we will raise one major issue: there is no corresponding funding stream to support this mandate for non-profits. At a time when budgets are incredibly tight, and the future is increasingly uncertain, we respectfully request that the Council exempt nonprofits from this mandate altogether. In addition, we urge the Council to work closely with Mayor de Blasio and his administration to bring to fruition the commitment they have already made to approve COVID-19 incentive pay structures for nonprofit housing providers. Residential providers across the city submitted plans to contracting agencies four weeks ago. At the time of submitting this testimony, none has been approved. This is an untenable situation for providers.



Long before COVID-19, the nonprofit sector, Community Access included, has advocated for more funding from our city and state partners to secure the financial future of the sector while continuing to provide the essential services so critically needed here in our city. COVID-19 has unfortunately laid bare what those of us in the sector have been saying for decades: the nonprofit sector is decidedly underfunded and under-resourced and in need of serious reform if we are to maintain service delivery.

Some nonprofits with cash resources have already implemented COVID-19 incentive pay structures, with little more than a promise from the Mayor's administration to go on. Others, who do not have the resources available, have not because they cannot. To date, Community Access has spent over \$160,000 in appreciation pay for close to 300 employees. We are projected to spend \$600,000 by May 30th.

It is with great respect that we ask the New York City Council to exempt nonprofits from this mandate and urge Council Members to work together with the de Blasio Administration to ensure existing efforts to implement incentive pay through City contracts happen with the speed that is required in this public health crisis.

With regard to Intro. 1923, it is Community Access' position that, while the motive and goal of the legislation is admirable, it is unworkable for most nonprofits in its current form. It is essential that any employment protections for nonprofit staff be directly tied to funding via city contracts. These two things are inextricably linked and to mandate that nonprofits continue to employ people even if the very wages they are receiving are cut or eliminated from City contracts is not feasible. To that end, we respectfully request that the City Council consider legislation that would mandate that the City will continue to fund 100% of budgeted personnel costs for cancelled or reduced contracts for all current and new City contracts moving forward, until agencies can shift affected staff to new positions within other programs/funding streams.

Community Access is committed to ensuring that all nonprofit workers have access to workplace protections and are appropriately compensated for their work and dedication to our city and its residents. To that end, we are grateful to the New York City Council for taking on these crucial issues. We look forward to working together to create a more just and equitable New York City for us all. Thank you.

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

LABOR LAW ARTICLE 8 - NYC PUBLIC WORKS

Workers, Laborers and Mechanics employed on a public work project must receive not less than the prevailing rate of wage and benefits for the classification of work performed by each upon such public work. Pursuant to New York Labor Law Article 8 the Comptroller of the City of New York has promulgated this schedule solely for Workers, Laborers and Mechanics engaged by private contractors on New York City public work projects. Prevailing rates are required to be annexed to and form part of the public work contract pursuant to Labor Law section 220 (3).

This schedule is a compilation of separate determinations of the prevailing rate of wage and supplements made by the Comptroller for each trade classification listed herein pursuant to Labor Law section 220 (5). The source of the wage and supplement rates, whether a collective bargaining agreement, survey data or other, is listed at the end of each classification.

Agency Chief Contracting Officers should contact the Bureau of Labor Law's Classification Unit with any questions concerning trade classifications, prevailing rates or prevailing practices with respect to procurement on New York City public work contracts. Contractors are advised to review the Comptroller's Prevailing Wage Schedule before bidding on public work contracts. Contractors with questions concerning trade classifications, prevailing rates or prevailing practices with respect to public work contracts in the procurement stage must contact the contracting agency responsible for the procurement.

Any error as to compensation under the prevailing wage law or other information as to trade classification, made by the contracting agency in the contract documents or in any other communication, will not preclude a finding against the contractor of prevailing wage violation.

Any questions concerning trade classifications, prevailing rates or prevailing practices on New York City public work contracts that have already been awarded may be directed to the Bureau of Labor Law's Classification Unit by calling (212) 669-4443. All callers must have the agency name and contract registration number available when calling with questions on public work contracts. Please direct all other compliance issues to: Bureau of Labor Law, Attn: Wasyl Kinach, P.E., Office of the Comptroller, 1 Centre Street, Room 651, New York, N.Y. 10007; Fax (212) 669-4002.

Pursuant to Labor Law § 220 (3-a) (a), the appropriate schedule of prevailing wages and benefits must be posted in a prominent and accessible place at all public work sites along with the Construction Poster provided on our web site at comptroller.nyc.gov/wages. In addition, covered employees must be given the appropriate schedule of prevailing wages and benefits along with the Worker Notice provided on our web site at the time the public work project begins, and with the first paycheck to each such employee after July first of each year.

This schedule is applicable to work performed during the effective period, unless otherwise noted. Changes to this schedule are published on our web site comptroller.nyc.gov/wages. Contractors must pay the wages and supplements in effect when the worker, laborer, mechanic performs the work. Preliminary schedules for future one-year periods appear in the City Record on or about June 1 each succeeding year. Final schedules appear on or about July 1 in the City Record and on our web site comptroller.nyc.gov/wages.

The Comptroller's Office has attempted to include all overtime, shift and night differential, Holiday, Saturday, Sunday or other premium time work. However, this schedule does not set forth every prevailing practice with respect to such rates with which employers must comply. All such practices

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

are nevertheless part of the employer's prevailing wage obligation and contained in the collective bargaining agreements of the prevailing wage unions. These collective bargaining agreements are available for inspection by appointment. Requests for appointments may be made by calling (212) 669-4443, Monday through Friday between the hours of 9 a.m. and 5 p.m.

Prevailing rates and ratios for apprentices are published in the Construction Apprentice Prevailing Wage Schedule. Pursuant to Labor Law § 220 (3-e), only apprentices who are individually registered in a bona fide program to which the employer contractor is a participant, registered with the New York State Department of Labor, may be paid at the apprentice rates. Apprentices who are not so registered must be paid as journey persons.

New York City public work projects awarded pursuant to a Project Labor Agreement ("PLA") in accordance with Labor Law section 222 may have different labor standards for shift, premium and overtime work. Please refer to the PLA's pre-negotiated labor agreements for wage and benefit rates applicable to work performed outside of the regular workday. More information is available at the Mayor's Office of Contract Services (MOCS) web page at:

<https://www1.nyc.gov/site/mocs/legal-forms/project-labor-agreements.page>

All the provisions of Labor Law Article 8 remain applicable to PLA work including, but not limited to, the enforcement of prevailing wage requirements by the Comptroller in accordance with the trade classifications in this schedule; however, we will enforce shift, premium, overtime and other non-standard rates as they appear in a project's pre-negotiated labor agreement.

In order to meet their obligation to provide prevailing supplemental benefits to each covered employee, employers must either:

- 1) Provide bona fide fringe benefits which cost the employer no less than the prevailing supplemental benefits rate; or
- 2) Supplement the employee's hourly wage by an amount no less than the prevailing supplemental benefits rate; or
- 3) Provide a combination of bona fide fringe benefits and wage supplements which cost the employer no less than the prevailing supplemental benefits rate in total.

Although prevailing wage laws do not require employers to provide bona fide fringe benefits (as opposed to wage supplements) to their employees, other laws may. For example, the Employee Retirement Income Security Act, 29 U.S.C. § 1001 et seq., the Patient Protection and Affordable Care Act, 42 U.S.C. § 18001 et seq., and the New York City Paid Sick Leave Law, N.Y.C. Admin. Code § 20-911 et seq., require certain employers to provide certain benefits to their employees. Labor agreements to which employers are a party may also require certain benefits. The Comptroller's Office does not enforce these laws or agreements.

Employers must provide prevailing supplemental benefits at the straight time rate for each hour worked unless otherwise noted in the classification.

Paid Holidays, Vacation and Sick Leave when listed must be paid or provided in addition to the prevailing hourly supplemental benefit rate.

For more information, please refer to the Comptroller's Prevailing Wage Law Regulations in Title 44 of the Rules of the City of New York, Chapter 2, available at comptroller.nyc.gov/wages.

Wasył Kinach, P.E.
Director of Classifications
Bureau of Labor Law

ADDENDUM

List of Amended Classifications

1. BOILERMAKER
2. CARPENTER - BUILDING COMMERCIAL
3. CORE DRILLER
4. ELECTRICIAN
5. ELECTRICIAN-STREET LIGHTING WORKER
6. FLOOR COVERER
7. GLAZIER
8. HAZARDOUS MATERIAL HANDLER
9. HEAT AND FROST INSULATOR
10. HOUSE WRECKER
11. IRON WORKER - ORNAMENTAL
12. IRON WORKER - STRUCTURAL
13. MARBLE MECHANIC
14. MOSAIC MECHANIC
15. PAINTER - LINE STRIPING (ROADWAY)
16. PAINTER - METAL POLISHER
17. PLASTERER
18. PLUMBER
19. PLUMBER (MECHANICAL EQUIPMENT AND SERVICE)
20. PLUMBER (RESIDENTIAL RATES FOR 1, 2 AND 3 FAMILY HOME CONSTRUCTION)
21. POINTER, WATERPROOFER, CAULKER, SANDBLASTER, STEAMBLASTER
22. SHEET METAL WORKER
23. SHEET METAL WORKER – SPECIALTY
24. SIGN ERECTOR
25. STEAMFITTER
26. STEAMFITTER - REFRIGERATION AND AIR CONDITIONER
27. STONE MASON – SETTER
28. TAPER
29. TILE FINISHER
30. TILE LAYER – SETTER
31. UTILITY LOCATOR

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
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ASBESTOS HANDLER SEE HAZARDOUS MATERIAL HANDLER

BLASTER

Blaster

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$55.86**

Supplemental Benefit Rate per Hour: **\$44.48**

Blaster- Hydraulic Trac Drill

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$50.00**

Supplemental Benefit Rate per Hour: **\$44.48**

Blaster - Wagon: Air Trac: Quarry Bar: Drillrunners

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$49.17**

Supplemental Benefit Rate per Hour: **\$44.48**

Blaster - Journeyperson

(Laborer, Chipper/Jackhammer including Walk Behind Self Propelled Hydraulic Asphalt and Concrete Breakers and Hydro (Water) Demolition, Powder Carrier, Hydraulic Chuck Tender, Chuck Tender and Nipper)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$42.65**

Supplemental Benefit Rate per Hour: **\$44.48**

Blaster - Magazine Keepers: (Watch Person)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$21.33**

Supplemental Benefit Rate per Hour: **\$44.48**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

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Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Thanksgiving Day
Christmas Day

Paid Holidays

Labor Day
Thanksgiving Day

Shift Rates

When two shifts are employed, single time rate shall be paid for each shift. When three shifts are found necessary, each shift shall work seven and one half hours (7 ½), but shall be paid for eight (8) hours of labor, and be permitted one half hour for lunch.

(Local #731)

BOILERMAKER

Boilermaker

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$59.17**

Supplemental Benefit Rate per Hour: **\$44.59**

Supplemental Note: For time and one half overtime - \$66.44 For double overtime - \$88.28

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$61.24**

Supplemental Benefit Rate per Hour: **\$45.62**

Supplemental Note: For time and one half overtime - \$67.98 For double overtime - \$90.34

Overtime Description

For Repair and Maintenance work:

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

For New Construction work:

Double time the regular rate after an 8 hour day.

Double time the regular time rate for Saturday.

Double time the regular rate for Sunday.

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CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day
President's Day
Memorial Day
Independence Day
Columbus Day
Election Day
Veteran's Day
Thanksgiving Day
Christmas Day

Quadruple time the regular rate for work on the following holiday(s).

Labor Day

Paid Holidays

Good Friday
Day after Thanksgiving
Day before Christmas
Day before New Year's Day

Shift Rates

When shifts are required, the first shift shall work eight (8) hours at the regular straight-time hourly rate. The second shift shall work eight (8) hours and receive eight hours at the regular straight time hourly rate plus two dollars (\$2.00) per hour. The third shift shall work eight (8) hours and receive eight hours at the regular straight time hourly rate plus two dollars and twenty-five cents (\$2.25) per hour. Work in excess of the above shall be paid overtime at the appropriate new construction work or repair work overtime wage and supplemental benefit hourly rate.

(Local #5)

BRICKLAYER

Bricklayer

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$56.32**

Supplemental Benefit Rate per Hour: **\$33.11**

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Double time the regular rate for work on the following holiday(s).

New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Paid Holidays

None

Shift Rates

Overtime rates to be paid outside the regular scheduled work day.

(Bricklayer District Council)

CARPENTER - BUILDING COMMERCIAL

Building Commercial

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$52.50**

Supplemental Benefit Rate per Hour: **\$46.38**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$53.50**

Supplemental Benefit Rate per Hour: **\$46.33**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Columbus Day
Presidential Election Day
Thanksgiving Day
Day after Thanksgiving

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
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Christmas Day

Paid Holidays

None

Shift Rates

The employer may work two (2) shifts with the first shift at the straight time wage rate starting at the established time between 7 a.m. and 9 a.m. The second shift will receive one hour at the double time rate of pay for the last hour of the shift; eight (8) hours pay for seven (7) hours of work, nine (9) hours pay for eight (8) hours of work. When it is not possible to conduct alteration work during regular working hours in a building occupied by tenants, the rule for the second shift will apply.

(Carpenters District Council)

CARPENTER - HEAVY CONSTRUCTION WORK **(Construction of Engineering Structures and Building Foundations)**

Heavy Construction Work

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$54.68**

Supplemental Benefit Rate per Hour: **\$51.73**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Presidential Election Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Shift Rates

Off shift work commencing between 5:00 P.M. and 11:00 P.M. shall work eight and one half hours allowing for one half hour for lunch. The wage rate shall be 113% of the straight time hourly wage rate.

(Carpenters District Council)

CARPENTER - HIGH RISE CONCRETE FORMS (Excludes Engineering Structures and Building Foundations)

Carpenter High Rise A

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$50.78**

Supplemental Benefit Rate per Hour: **\$43.44**

Carpenter High Rise B

Carpenter High Rise B worker is excluded from high risk operations such as erection decking, perimeter debris netting, leading edge work, self-climbing form systems, and the installation of cocoon systems unless directly supervised by a Carpenter High Rise A worker.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$40.19**

Supplemental Benefit Rate per Hour: **\$16.75**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Presidential Election Day

Thanksgiving Day

Christmas Day

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Paid Holidays

None

Shift Rates

The second shift wage rate shall be 113% of the straight time hourly wage rate. There must be a first shift in order to work a second shift.

(Carpenters District Council)

CARPENTER - SIDEWALK SHED, SCAFFOLD AND HOIST

Carpenter - Hod Hoist

(Assisted by Mason Tender)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$50.50**

Supplemental Benefit Rate per Hour: **\$39.56**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Presidential Election Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

None

Shift Rates

The second shift will receive one hour at the double time rate of pay for the last hour of the shift; eight hours pay for seven hours of work, nine hours pay for eight hours of work. There must be a first shift in order to work a second shift.

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CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

(Carpenters District Council)

CARPENTER - WOOD WATER STORAGE TANK

Tank Mechanic

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$34.14**

Supplemental Benefit Rate per Hour: **\$19.00**

Tank Helper

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$27.30**

Supplemental Benefit Rate per Hour: **\$19.00**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Time and one half the regular rate for work on a holiday plus the day's pay.

Paid Holidays

New Year's Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Thanksgiving Day

Day after Thanksgiving

1/2 day on Christmas Eve if work is performed in the A.M.

1/2 day on New Year's Eve if work is performed in the A.M.

Vacation

Employed for one (1) year.....one (1) week vacation (40 hours)

Employed for three (3) years.....two (2) weeks vacation (80 hours)

Employed for more than twenty (20) years.....three (3) weeks vacation (120 hours)

SICK LEAVE:

Two (2) sick days after being employed for twenty (20) years.

(Carpenters District Council)

CEMENT & CONCRETE WORKER

Cement & Concrete Worker

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$43.53**

Supplemental Benefit Rate per Hour: **\$28.95**

Supplemental Note: \$32.45 on Saturdays; \$35.95 on Sundays & Holidays

Cement & Concrete Worker - (Hired after 2/6/2016)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$33.05**

Supplemental Benefit Rate per Hour: **\$20.95**

Supplemental Note: \$22.45 on Saturdays; \$23.95 on Sundays & Holidays

Overtime Description

Time and one half the regular rate after 7 hour day (time and one half the regular rate after an 8 hour day when working with Dockbuilders on pile cap forms and for work below street level to the top of the foundation wall, not to exceed 2 feet or 3 feet above the sidewalk-brick shelf, when working on the foundation and structure.)

Overtime

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Presidential Election Day

Thanksgiving Day

Christmas Day

Paid Holidays

1/2 day before Christmas Day

1/2 day before New Year's Day

Shift Rates

On shift work extending over a twenty-four hour period, all shifts are paid at straight time.

(Cement Concrete Workers District Council)

CEMENT MASON

Cement Mason

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$44.97**

Supplemental Benefit Rate per Hour: **\$40.56**

Supplemental Note: Supplemental benefit time and one half rate: \$71.19; Double time rate: double the base supplemental benefit rate.

Overtime Description

Time and one-half the regular rate after an 8 hour day, double time the regular rate after 10 hours. Time and one-half the regular rate on Saturday, double time the regular rate after 10 hours. Double time the regular rate on Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Presidential Election Day

Thanksgiving Day

Christmas Day

Paid Holidays

Any worker who reports to work on Christmas Eve or New Year's Eve pursuant to his employer's instruction shall be entitled to three (3) hours afternoon pay without working.

Shift Rates

For an off shift day, (work at times other than the regular 7:00 A.M. to 3:30 P.M. work day) a cement mason shall be paid at the regular hourly rate plus a 25% per hour differential. Four Days a week at Ten (10)hour day.

(Local #780) (BCA)

CORE DRILLER

Core Driller

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CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$40.44

Supplemental Benefit Rate per Hour: \$26.70

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$41.19

Supplemental Benefit Rate per Hour: \$27.95

Core Driller Helper

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$32.12

Supplemental Benefit Rate per Hour: \$26.70

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$32.62

Supplemental Benefit Rate per Hour: \$27.95

Core Driller Helper(Third year in the industry)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$28.91

Supplemental Benefit Rate per Hour: \$26.70

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$29.36

Supplemental Benefit Rate per Hour: \$27.95

Core Driller Helper (Second year in the industry)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$25.70

Supplemental Benefit Rate per Hour: \$26.70

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$26.10

Supplemental Benefit Rate per Hour: \$27.95

Core Driller Helper (First year in the industry)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$22.48

Supplemental Benefit Rate per Hour: \$26.70

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$22.83

Supplemental Benefit Rate per Hour: \$27.95

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CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Overtime Description

Time and one half the regular rate for work on a holiday plus Holiday pay when worked.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Time and one half the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Shift Rates

The shift day shall be the continuous eight and one-half (8½) hours from 6:00 A.M. to 2:30 P.M. and from 2:30 P.M. to 11:00 P.M., including one-half (½) hour of employees regular rate of pay for lunch. When two (2) or more shifts are employed, single time shall be paid for each shift, but those employees employed on a shift other than from 8:00 A.M. to 5:00 P.M. shall, in addition, receive seventy-five cents (\$0.75) per hour differential for each hour worked. When three (3) shifts are needed, each shift shall work seven and one-half (7 ½) hours paid for eight (8) hours of labor and be permitted one-half (½) hour for mealtime.

(Carpenters District Council)

DERRICKPERSON AND RIGGER

Derrick Person & Rigger

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$50.91**

Supplemental Benefit Rate per Hour: **\$54.11**

Supplemental Note: The above supplemental rate applies for work performed in Manhattan, Bronx, Brooklyn and Queens. \$55.53 - For work performed in Staten Island.

Derrick Person & Rigger - Site Work

Assists the Stone Mason-Setter in the setting of stone and paving stone.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$42.59**

Supplemental Benefit Rate per Hour: **\$42.37**

Overtime Description

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The first two hours of overtime on weekdays and the first seven hours of work on Saturdays are paid at time and one half for wages and supplemental benefits. All additional overtimes is paid at double time for wages and supplemental benefits. Deduct \$1.42 from the Staten Island hourly benefits rate before computing overtime.

Overtime

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day
Washington's Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Paid Holidays

1/2 day on Christmas Eve if work is performed in the A.M.

(Local #197)

DIVER

Diver (Marine)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$69.22**

Supplemental Benefit Rate per Hour: **\$51.73**

Diver Tender (Marine)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$49.14**

Supplemental Benefit Rate per Hour: **\$51.73**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

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CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Presidential Election Day
Thanksgiving Day
Christmas Day

Paid Holidays

None

Shift Rates

When three shifts are utilized each shift shall work seven and one half-hours (7 1/2 hours) and paid for 8 hours, allowing for one half hour for lunch.

(Carpenters District Council)

DOCKBUILDER - PILE DRIVER

Dockbuilder - Pile Driver

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$54.63**

Supplemental Benefit Rate per Hour: **\$51.73**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Presidential Election Day
Thanksgiving Day
Christmas Day

Paid Holidays

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CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

None

Shift Rates

Off shift work commencing between 5:00 P.M. and 11:00 P.M. shall work eight and one half hours allowing for one half hour for lunch. The wage rate shall be 113% of the straight time hourly wage rate.

(Carpenters District Council)

DRIVER: TRUCK (TEAMSTER)

Driver - Dump Truck

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$41.18**

Supplemental Benefit Rate per Hour: **\$49.65**

Supplemental Note: Over 40 hours worked: at time and one half rate - \$22.08; at double time rate - \$29.44

Driver - Tractor Trailer

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$43.84**

Supplemental Benefit Rate per Hour: **\$49.03**

Supplemental Note: Over 40 hours worked: at time and one half rate - \$19.80; at double time rate - \$26.40

Driver - Euclid & Turnapull Operator

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$44.40**

Supplemental Benefit Rate per Hour: **\$49.03**

Supplemental Note: Over 40 hours worked: at time and one half rate - \$19.80; at double time rate - \$26.40

Overtime Description

For Paid Holidays: Holiday pay for all holidays shall be prorated based two hours per day for each day worked in the holiday week, not to exceed 8 hours of holiday pay. For Thanksgiving week, the prorated share shall be 5 1/3 hours of holiday pay for each day worked in Thanksgiving week.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

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CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Paid Holidays

New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Shift Rates

Off single shift work commencing between 6:00 P.M. and 5:00 A.M. shall work eight and one half (8 1/2) hours allowing for one half hour for lunch and be paid 117.3% of the straight time hourly wage rate.

Driver Redi-Mix (Sand & Gravel)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$39.00**

Supplemental Benefit Rate per Hour: **\$45.52**

Supplemental Note: Over 40 hours worked: time and one half rate \$16.78; double time rate \$22.37

Overtime Description

For Paid Holidays: Employees working two (2) days in the calendar week in which the holiday falls are to paid for these holidays, provided they shape each remaining workday during that calendar week.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

President's Day
Columbus Day
Veteran's Day

Triple time the regular rate for work on the following holiday(s).

New Year's Day

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CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Paid Holidays

New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Election Day
Thanksgiving Day
Christmas Day

(Local #282)

ELECTRICIAN

(Including installation of low voltage cabling carrying data, video and/or voice on building construction/alteration/renovation projects.)

Electrician "A" (Regular Day / Day Shift)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$56.00**

Supplemental Benefit Rate per Hour: **\$56.54**

Effective Period: 1/13/2020 - 4/8/2020

Wage Rate per Hour: **\$56.00**

Supplemental Benefit Rate per Hour: **\$56.41**

Effective Period: 4/9/2020 - 6/30/2020

Wage Rate per Hour: **\$58.00**

Supplemental Benefit Rate per Hour: **\$58.46**

Electrician "A" (Regular Day Overtime after 7 hrs / Day Shift Overtime after 8 hrs)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$84.00**

Supplemental Benefit Rate per Hour: **\$60.07**

Effective Period: 1/13/2020 - 4/8/2020

Wage Rate per Hour: **\$84.00**

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Supplemental Benefit Rate per Hour: \$59.95

Effective Period: 4/9/2020 - 6/30/2020

Wage Rate per Hour: \$87.00

Supplemental Benefit Rate per Hour: \$62.12

Electrician "A" (Swing Shift)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$65.71

Supplemental Benefit Rate per Hour: \$64.36

Effective Period: 1/13/2020 - 4/8/2020

Wage Rate per Hour: \$65.71

Supplemental Benefit Rate per Hour: \$64.21

Effective Period: 4/9/2020 - 6/30/2020

Wage Rate per Hour: \$68.05

Supplemental Benefit Rate per Hour: \$66.61

Electrician "A" (Swing Shift Overtime After 7.5 hours)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$98.57

Supplemental Benefit Rate per Hour: \$68.51

Effective Period: 1/13/2020 - 4/8/2020

Wage Rate per Hour: \$98.57

Supplemental Benefit Rate per Hour: \$68.36

Effective Period: 4/9/2020 - 6/30/2020

Wage Rate per Hour: \$102.08

Supplemental Benefit Rate per Hour: \$70.91

Electrician "A" (Graveyard Shift)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$73.60

Supplemental Benefit Rate per Hour: \$70.94

Effective Period: 1/13/2020 - 4/8/2020

Wage Rate per Hour: \$73.60

Supplemental Benefit Rate per Hour: \$70.77

Effective Period: 4/9/2020 - 6/30/2020

Wage Rate per Hour: \$76.23

Supplemental Benefit Rate per Hour: \$73.47

Electrician "A" (Graveyard Shift Overtime After 7 hours)

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Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$110.40

Supplemental Benefit Rate per Hour: \$75.59

Effective Period: 1/13/2020 - 4/8/2020

Wage Rate per Hour: \$110.40

Supplemental Benefit Rate per Hour: \$75.42

Effective Period: 4/9/2020 - 6/30/2020

Wage Rate per Hour: \$114.35

Supplemental Benefit Rate per Hour: \$78.28

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Overtime Holidays

Time and one half the regular rate for work on a holiday.

New Year's Day

Martin Luther King Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

None

Shift Rates

When so elected by the Employer, one or more shifts of at least five days duration may be scheduled as follows:

Day Shift: 8:00 am to 4:30 pm, Swing Shift 4:30 pm to 12:30 am, Graveyard Shift: 12:30 am to 8:00 am.

For multiple shifts of temporary light and/or power, the temporary light and/or power employee shall be paid for 8 hours at the straight time rate. For three or less workers performing 8 hours temporary light and/or power the supplemental benefit rate is \$24.92, effective 04/09/2020 the supplemental benefit rate is \$25.46.

Electrician "M" (First 8 hours)

"M" rated work shall be defined as jobbing: electrical work of limited duration and scope, also consisting of repairs and/or replacement of electrical and tele-data equipment. Includes all work necessary to retrofit, service,

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maintain and repair all kinds of lighting fixtures and local lighting controls and washing and cleaning of foregoing fixtures.

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$29.00

Supplemental Benefit Rate per Hour: \$23.43

First and Second Year "M" Wage Rate Per Hour: \$24.50

First and Second Year "M" Supplemental Rate: \$21.07

Effective Period: 1/13/2020 - 4/8/2020

Wage Rate per Hour: \$29.00

Supplemental Benefit Rate per Hour: \$23.36

First and Second Year "M" Wage Rate Per Hour: \$24.50

First and Second Year "M" Supplemental Rate: \$21.02

Effective Period: 4/9/2020 - 6/30/2020

Wage Rate per Hour: \$30.50

Supplemental Benefit Rate per Hour: \$24.45

First and Second Year "M" Wage Rate Per Hour: \$26.00

First and Second Year "M" Supplemental Rate: \$22.06

Electrician "M" (Overtime After First 8 hours)

"M" rated work shall be defined as jobbing: electrical work of limited duration and scope, also consisting of repairs and/or replacement of electrical and tele-data equipment. Includes all work necessary to retrofit, service, maintain and repair all kinds of lighting fixtures and local lighting controls and washing and cleaning of foregoing fixtures.

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$43.50

Supplemental Benefit Rate per Hour: \$25.26

First and Second Year "M" Wage Rate Per Hour: \$36.75

First and Second Year "M" Supplemental Rate: \$22.62

Effective Period: 1/13/2020 - 4/8/2020

Wage Rate per Hour: \$43.50

Supplemental Benefit Rate per Hour: \$25.20

First and Second Year "M" Wage Rate Per Hour: \$36.75

First and Second Year "M" Supplemental Rate: \$22.57

Effective Period: 4/9/2020 - 6/30/2020

Wage Rate per Hour: \$45.75

Supplemental Benefit Rate per Hour: \$26.38

First and Second Year "M" Wage Rate Per Hour: \$39.00

First and Second Year "M" Supplemental Rate: \$23.70

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

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CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Paid Holidays

None

(Local #3)

ELECTRICIAN - ALARM TECHNICIAN

(Scope of Work - Inspect, test, repair, and replace defective, malfunctioning, or broken devices, components and controls of Fire, Burglar and Security Systems)

Alarm Technician

Effective Period: 7/1/2019 - 3/9/2020

Wage Rate per Hour: **\$33.40**

Supplemental Benefit Rate per Hour: **\$17.68**

Supplemental Note: \$16.06 only after 8 hours worked in a day

Effective Period: 3/10/2020 - 6/30/2020

Wage Rate per Hour: **\$33.90**

Supplemental Benefit Rate per Hour: **\$18.43**

Supplemental Note: \$16.80 only after 8 hours worked in a day

Overtime Description

Time and one half the regular rate for work on the following holidays: Columbus Day, Veterans Day, Day after Thanksgiving.

Double time the regular rate for work on the following holidays: New Year's day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

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Double time the regular rate for Sunday.

Paid Holidays

New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Shift Rates

Night Differential is based upon a ten percent (10%) differential between the hours of 4:00 P.M. and 12:30 A.M. and a fifteen percent (15%) differential for the hours 12:00 A.M. to 8:00 A.M.

Vacation

At least 1 year of employment.....ten (10) days
5 years or more of employment.....fifteen (15) days
10 years of employment.....twenty (20) days
Plus one Personal Day per year

Sick Days:

One day per Year. Up to 4 vacation days may be used as sick days.

(Local #3)

ELECTRICIAN-STREET LIGHTING WORKER

Electrician - Electro Pole Electrician

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$56.00**

Supplemental Benefit Rate per Hour: **\$58.44**

Effective Period: 1/13/2020 - 4/22/2020

Wage Rate per Hour: **\$56.00**

Supplemental Benefit Rate per Hour: **\$58.31**

Effective Period: 4/23/2020 - 6/30/2020

Wage Rate per Hour: **\$58.00**

Supplemental Benefit Rate per Hour: **\$60.43**

Electrician - Electro Pole Foundation Installer

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Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$42.66

Supplemental Benefit Rate per Hour: \$43.52

Effective Period: 1/13/2020 - 4/22/2020

Wage Rate per Hour: \$42.66

Supplemental Benefit Rate per Hour: \$43.97

Effective Period: 4/23/2020 - 6/30/2020

Wage Rate per Hour: \$43.16

Supplemental Benefit Rate per Hour: \$44.83

Electrician - Electro Pole Maintainer

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$36.61

Supplemental Benefit Rate per Hour: \$39.16

Effective Period: 1/13/2020 - 4/22/2020

Wage Rate per Hour: \$36.61

Supplemental Benefit Rate per Hour: \$39.55

Effective Period: 4/23/2020 - 6/30/2020

Wage Rate per Hour: \$37.11

Supplemental Benefit Rate per Hour: \$40.34

Overtime Description

Electrician - Electro Pole Electrician: Time and one half the regular rate after a 7 hour day and after 5 consecutive days worked per week.

Electrician - Electro Pole Foundation Installer: Time and one half the regular rate after 8 hours within a 24 hour period and Saturday and Sunday.

Electrician - Electro Pole Maintainer: Time and one half the regular rate after a 7 hour day and after 5 consecutive days worked per week. Saturdays and Sundays may be used as a make-up day at straight time when a day is lost during the week to inclement weather.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day

Martin Luther King Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

None

(Local #3)

ELEVATOR CONSTRUCTOR

Elevator Constructor

Effective Period: 7/1/2019 - 3/16/2020

Wage Rate per Hour: **\$66.95**

Supplemental Benefit Rate per Hour: **\$36.65**

Effective Period: 3/17/2020 - 6/30/2020

Wage Rate per Hour: **\$69.56**

Supplemental Benefit Rate per Hour: **\$37.47**

Overtime Description

For New Construction: work performed after 7 or 8 hour day, Saturday, Sunday or between 4:30pm and 7:00am shall be paid at double time rate.

Existing buildings: work performed after an 8 hour day, Saturday, Sunday or between 5:30pm and 7:00 am shall be paid time and one half.

Overtime

Double time the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Vacation

Employer contributes 8% of regular basic hourly rate as vacation pay for employees with more than 15 years of service, and 6% for employees with 5 to 15 years of service, and 4% for employees with less than 5 years of service.

(Local #1)

ELEVATOR REPAIR & MAINTENANCE

Elevator Service/Modernization Mechanic

Effective Period: 7/1/2019 - 3/16/2020

Wage Rate per Hour: **\$52.44**

Supplemental Benefit Rate per Hour: **\$36.55**

Effective Period: 3/17/2020 - 6/30/2020

Wage Rate per Hour: **\$54.56**

Supplemental Benefit Rate per Hour: **\$37.37**

Overtime Description

For Scheduled Service Work: Double time - work scheduled in advance by two or more workers performed on Sundays, Holidays, and between midnight and 7:00am.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Time and one half the regular rate for work on a holiday plus the day's pay.

Paid Holidays

New Year's Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Shift Rates

Afternoon shift - regularly hourly rate plus a (15%) fifteen percent differential. Graveyard shift - time and one half the regular rate.

Vacation

Employer contributes 8% of regular basic hourly rate as vacation pay for employees with more than 15 years of service, and 6% for employees with 5 to 15 years of service, and 4% for employees with less than 5 years of service.

(Local #1)

ENGINEER

Engineer - Heavy Construction Operating Engineer I

Cherry pickers 20 tons and over and Loaders (rubber tired and/or tractor type with a manufacturer's minimum rated capacity of six cubic yards and over).

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$70.71**

Supplemental Benefit Rate per Hour: **\$39.74**

Supplemental Note: \$72.08 on overtime

Shift Wage Rate: **\$113.14**

Engineer - Heavy Construction Operating Engineer II

Backhoes, Basin Machines, Groover, Mechanical Sweepers, Bobcat, Boom Truck, Barrier Transport (Barrier Mover) & machines of similar nature. Operation of Churn Drills and machines of a similar nature, Stetco Silent Hoist and machines of similar nature, Vac-A-alls, Meyers Machines, John Beam and machines of a similar nature, Ross Carriers and Travel Lifts and machines of a similar nature, Bulldozers, Scrapers and Turn-a-Pulls: Tugger Hoists (Used exclusively for handling excavated material); Tractors with attachments, Hyster and Roustabout Cranes, Cherry pickers. Austin Western, Grove and machines of a similar nature, Scoopmobiles, Monorails, Conveyors, Trenchers: Loaders-Rubber Tired and Tractor: Barber Greene and Eimco Loaders and Eimco Backhoes; Mighty Midget and similar breakers and Tampers, Curb and Gutter Pavers and Motor Patrol, Motor Graders and all machines of a similar nature. Locomotives 10 Tons or under. Mini-Max, Break-Tech and machines of a similar nature; Milling machines, robotic and demolition machines and machines of a similar nature, shot blaster, skid steer machines and machines of a similar nature including bobcat, pile rig rubber-tired excavator (37,000 lbs. and under), 2 man auger.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$68.58**

Supplemental Benefit Rate per Hour: **\$39.74**

Supplemental Note: \$72.08 on overtime

Shift Wage Rate: **\$109.73**

Engineer - Heavy Construction Operating Engineer III

Minor Equipment such as Tractors, Post Hole Diggers, Ditch Witch (Walk Behind), Road Finishing Machines, Rollers five tons and under, Tugger Hoists, Dual Purpose Trucks, Fork Lifts, and Dempsey Dumpers, Fireperson.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$65.00**

Supplemental Benefit Rate per Hour: **\$39.74**

Supplemental Note: \$72.08 on overtime

Shift Wage Rate: **\$104.00**

Engineer - Heavy Construction Maintenance Engineer I

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Installing, Repairing, Maintaining, Dismantling and Manning of all equipment including Steel Cutting, Bending and Heat Sealing Machines, Mechanical Heaters, Grout Pumps, Bentonite Pumps & Plants, Screening Machines, Fusion Coupling Machines, Tunnel Boring Machines Moles and Machines of a similar nature, Power Packs, Mechanical Hydraulic Jacks; all drill rigs including but not limited to Churn, Rotary Caisson, Raised Bore & Drills of a similar nature; Personnel, Inspection & Safety Boats or any boats used to perform functions of same, Mine Hoists, Whirlies, all Climbing Cranes, all Tower Cranes, including but not limited to Truck Mounted and Crawler Type and machines of similar nature; Maintaining Hydraulic Drills and machines of a similar nature; Well Point System-Installation and dismantling; Burning, Welding, all Pumps regardless of size and/or motor power, except River Cofferdam Pumps and Wells Point Pumps; Motorized Buggies (three or more); equipment used in the cleaning and televising of sewers, but not limited to jet-rodder/vacuum truck, vacall/vactor, closed circuit television inspection equipment; high powered water pumps, jet pumps; screed machines and concrete finishing machines of a similar nature; vermeers.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$68.25**

Supplemental Benefit Rate per Hour: **\$39.74**

Supplemental Note: \$72.08 on overtime

Shift Wage Rate: **\$109.20**

Engineer - Heavy Construction Maintenance Engineer II

On Base Mounted Tower Cranes

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$90.00**

Supplemental Benefit Rate per Hour: **\$39.74**

Supplemental Note: \$72.08 on overtime

Shift Wage Rate: **\$144.00**

Engineer - Heavy Construction Maintenance Engineer III

On Generators, Light Towers

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$44.64**

Supplemental Benefit Rate per Hour: **\$39.74**

Supplemental Note: \$72.08 on overtime

Shift Wage Rate: **\$71.42**

Engineer - Heavy Construction Maintenance Engineer IV

On Pumps and Mixers including mud sucking

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$45.83**

Supplemental Benefit Rate per Hour: **\$39.74**

Supplemental Note: \$72.08 on overtime

Shift Wage Rate: **\$73.33**

Engineer - Steel Erection Maintenance Engineers

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Derrick, Travelers, Tower, Crawler Tower and Climbing Cranes

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$65.31

Supplemental Benefit Rate per Hour: \$39.74

Supplemental Note: \$72.08 on overtime

Shift Wage Rate: \$104.50

Engineer - Steel Erection Oiler I

On a Truck Crane

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$61.05

Supplemental Benefit Rate per Hour: \$39.74

Supplemental Note: \$72.08 on overtime

Shift Wage Rate: \$97.68

Engineer - Steel Erection Oiler II

On a Crawler Crane

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$46.18

Supplemental Benefit Rate per Hour: \$39.74

Supplemental Note: \$72.08 on overtime

Shift Wage Rate: \$73.89

Overtime Description

On jobs of more than one shift, if the next shift employee fails to report for work through any cause over which the employer has no control, the employee on duty who works the next shift continues to work at the single time rate.

Overtime

Double time the regular rate after an 8 hour day.

Double time the regular time rate for Saturday.

Double time the regular rate for Sunday.

Double time the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day

Lincoln's Birthday

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

Engineer - Building Work Maintenance Engineers I

Installing, repairing, maintaining, dismantling (of all equipment including: Steel Cutting and Bending Machines, Mechanical Heaters, Mine Hoists, Climbing Cranes, Tower Cranes, Linden Peine, Lorain, Liebherr, Mannes, or machines of a similar nature, Well Point Systems, Deep Well Pumps, Concrete Mixers with loading Device, Concrete Plants, Motor Generators when used for temporary power and lights), skid steer machines of a similar nature including bobcat.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$62.45**

Supplemental Benefit Rate per Hour: **\$39.74**

Supplemental Note: \$72.08 on overtime

Engineer - Building Work Maintenance Engineers II

On Pumps, Generators, Mixers and Heaters

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$48.26**

Supplemental Benefit Rate per Hour: **\$39.74**

Supplemental Note: \$72.08 on overtime

Engineer - Building Work Oilers I

All gasoline, electric, diesel or air operated Gradealls: Concrete Pumps, Overhead Cranes in Power Houses: Their duties shall be to assist the Engineer in oiling, greasing and repairing of all machines; Driving Truck Cranes: Driving and Operating Fuel and Grease Trucks, Cherrypickers (hydraulic cranes) over 70,000 GVW, and machines of a similar nature.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$59.33**

Supplemental Benefit Rate per Hour: **\$39.74**

Supplemental Note: \$72.08 on overtime

Engineer - Building Work Oilers II

Oilers on Crawler Cranes, Backhoes, Trenching Machines, Guniting Machines, Compressors (three or more in Battery).

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$43.78**

Supplemental Benefit Rate per Hour: **\$39.74**

Supplemental Note: \$72.08 on overtime

Overtime Description

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

On jobs of more than one shift, if an Employee fails to report for work through any cause over which the Employer has no control, the Employee on duty will continue to work at the rate of single time.

Overtime

Double time the regular rate after an 8 hour day.

Double time the regular time rate for Saturday.

Double time the regular rate for Sunday.

Double time the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day

Lincoln's Birthday

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Christmas Day

Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

Shift Rates

Off Shift: double time the regular hourly rate.

(Local #15)

ENGINEER - CITY SURVEYOR AND CONSULTANT

Party Chief

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$40.41**

Supplemental Benefit Rate per Hour: **\$22.75**

Supplemental Note: Overtime Benefit Rate - \$27.25 per hour (time & one half) \$31.75 per hour (double time).

Instrument Person

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$33.13**

Supplemental Benefit Rate per Hour: **\$22.75**

Supplemental Note: Overtime Benefit Rate - \$27.25 per hour (time & one half) \$31.75 per hour (double time).

Rodperson

Effective Period: 7/1/2019 - 6/30/2020

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Wage Rate per Hour: \$28.54

Supplemental Benefit Rate per Hour: \$22.75

Supplemental Note: Overtime Benefit Rate - \$27.25 per hour (time & one half) \$31.75 per hour (double time).

Overtime Description

Time and one half the regular rate after an 8 hour day, Time and one half the regular rate for Saturday for the first eight hours worked, Double time the regular time rate for Saturday for work performed in excess of eight hours, Double time the regular rate for Sunday and Double time the regular rate for work on a holiday.

Paid Holidays

New Year's Day

Lincoln's Birthday

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

(Operating Engineer Local #15-D)

ENGINEER - FIELD (BUILDING CONSTRUCTION) (Construction of Building Projects, Concrete Superstructures, etc.)

Field Engineer - BC Party Chief

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$65.44

Supplemental Benefit Rate per Hour: \$35.12

Supplemental Note: Overtime Benefit Rate - \$49.33 per hour (time & one half) \$63.54 per hour (double time).

Field Engineer - BC Instrument Person

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$50.83

Supplemental Benefit Rate per Hour: \$35.12

Supplemental Note: Overtime Benefit Rate - \$49.33 per hour (time & one half) \$63.54 per hour (double time).

Field Engineer - BC Rodperson

Effective Period: 7/1/2019 - 6/30/2020

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Wage Rate per Hour: \$32.84

Supplemental Benefit Rate per Hour: \$35.12

Supplemental Note: Overtime Benefit Rate - \$49.33 per hour (time & one half) \$63.54 per hour (double time).

Overtime Description

Time and one half the regular rate after a 7 hour work and time and one half the regular rate for Saturday for the first seven hours worked, Double time the regular time rate for Saturday for work performed in excess of seven hours, Double time the regular rate for Sunday and Double time the regular rate for work on a holiday.

Paid Holidays

New Year's Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Christmas Day

Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

(Operating Engineer Local #15-D)

ENGINEER - FIELD (HEAVY CONSTRUCTION)

(Construction of Roads, Tunnels, Bridges, Sewers, Building Foundations, Engineering Structures etc.)

Field Engineer - HC Party Chief

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$74.18

Supplemental Benefit Rate per Hour: \$36.51

Supplemental Note: Overtime benefit rate - \$51.29 per hour (time & one half), \$66.07 per hour (double time).

Field Engineer - HC Instrument Person

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$54.47

Supplemental Benefit Rate per Hour: \$36.51

Supplemental Note: Overtime benefit rate - \$51.29 per hour (time & one half), \$66.07 per hour (double time).

Field Engineer - HC Rodperson

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$45.70

Supplemental Benefit Rate per Hour: \$36.51

Supplemental Note: Overtime benefit rate - \$51.29 per hour (time & one half), \$66.07 per hour (double time).

Overtime Description

Time and one half the regular rate after an 8 hour day, Time and one half the regular rate for Saturday for the first eight hours worked, Double time the regular time rate for Saturday for work performed in excess of eight hours, Double time the regular rate for Sunday and Double time the regular rate for work on a holiday.

Paid Holidays

New Year's Day

Lincoln's Birthday

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Christmas Day

Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

(Operating Engineer Local #15-D)

ENGINEER - FIELD (STEEL ERECTION)

Field Engineer - Steel Erection Party Chief

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$69.15

Supplemental Benefit Rate per Hour: \$36.01

Supplemental Note: Overtime benefit rate - \$50.54 per hour (time & one half), \$65.07 per hour (double time).

Field Engineer - Steel Erection Instrument Person

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$53.88

Supplemental Benefit Rate per Hour: \$36.01

Supplemental Note: Overtime benefit rate - \$50.54 per hour (time & one half), \$65.07 per hour (double time).

Field Engineer - Steel Erection Rodperson

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$36.04

Supplemental Benefit Rate per Hour: \$36.01

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Supplemental Note: Overtime benefit rate - \$50.54 per hour (time & one half), \$65.07 per hour (double time).

Overtime Description

Time and one half the regular rate for Saturday for the first eight hours worked.

Double time the regular rate for Saturday for work performed in excess of eight hours.

Overtime

Time and one half the regular rate after an 8 hour day.

Double time the regular rate for Sunday.

Double time the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day

Lincoln's Birthday

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Christmas Day

Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

(Operating Engineer Local #15-D)

ENGINEER - OPERATING

Operating Engineer - Road & Heavy Construction I

Back Filling Machines, Cranes, Mucking Machines and Dual Drum Paver.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$81.17**

Supplemental Benefit Rate per Hour: **\$32.95**

Supplemental Note: \$59.95 overtime hours

Shift Wage Rate: **\$129.87**

Operating Engineer - Road & Heavy Construction II

Backhoes, Power Shovels, Hydraulic Clam Shells, Steel Erection, Moles and machines of a similar nature.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$84.01**

Supplemental Benefit Rate per Hour: **\$32.95**

Supplemental Note: \$59.95 overtime hours

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Shift Wage Rate: **\$134.42**

Operating Engineer - Road & Heavy Construction III

Mine Hoists, Cranes, etc. (Used as Mine Hoists)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$86.69**

Supplemental Benefit Rate per Hour: **\$32.95**

Supplemental Note: **\$59.95** overtime hours

Shift Wage Rate: **\$138.70**

Operating Engineer - Road & Heavy Construction IV

Gradealls, Keystones, Cranes on land or water (with digging buckets), Bridge Cranes, Vermeer Cutter and machines of a similar nature, Trenching Machines.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$84.62**

Supplemental Benefit Rate per Hour: **\$32.95**

Supplemental Note: **\$59.95** overtime hours

Shift Wage Rate: **\$135.39**

Operating Engineer - Road & Heavy Construction V

Pile Drivers & Rigs (employing Dock Builder foreperson): Derrick Boats, Tunnel Shovels.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$82.96**

Supplemental Benefit Rate per Hour: **\$32.95**

Supplemental Note: **\$59.95** overtime hours

Shift Wage Rate: **\$132.74**

Operating Engineer - Road & Heavy Construction VI

Mixers (Concrete with loading attachment), Concrete Pavers, Cableways, Land Derricks, Power Houses (Low Air Pressure Units).

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$78.85**

Supplemental Benefit Rate per Hour: **\$32.95**

Supplemental Note: **\$59.95** overtime hours

Shift Wage Rate: **\$126.16**

Operating Engineer - Road & Heavy Construction VII

Barrier Movers , Barrier Transport and Machines of a Similar Nature.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$63.81**

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$102.10

Operating Engineer - Road & Heavy Construction VIII

Utility Compressors

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$49.67
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$62.44

Operating Engineer - Road & Heavy Construction IX

Horizontal Boring Rig

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$75.02
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$120.03

Operating Engineer - Road & Heavy Construction X

Elevators (manually operated as personnel hoist).

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$69.01
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$110.42

Operating Engineer - Road & Heavy Construction XI

Compressors (Portable 3 or more in battery), Driving of Truck Mounted Compressors, Well-point Pumps, Tugger Machines Well Point Pumps, Churn Drill.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$53.74
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$85.98

Operating Engineer - Road & Heavy Construction XII

All Drills and Machines of a similar nature.

Effective Period: 7/1/2019 - 6/30/2020

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Wage Rate per Hour: \$79.68
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$127.49

Operating Engineer - Road & Heavy Construction XIII

Concrete Pumps, Concrete Plant, Stone Crushers, Double Drum Hoist, Power Houses (other than above).

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$77.19
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$123.50

Operating Engineer - Road & Heavy Construction XIV

Concrete Mixer

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$73.82
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$118.11

Operating Engineer - Road & Heavy Construction XV

Compressors (Portable Single or two in Battery, not over 100 feet apart), Pumps (River Cofferdam) and Welding Machines, Push Button Machines, All Engines Irrespective of Power (Power-Pac) used to drive auxiliary equipment, Air, Hydraulic, etc.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$49.99
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$79.98

Operating Engineer - Road & Heavy Construction XVI

Concrete Breaking Machines, Hoists (Single Drum), Load Masters, Locomotives (over ten tons) and Dinkies over ten tons, Hydraulic Crane-Second Engineer.

Effective Period: 7/1/2019 - 6/30/2020
Wage Rate per Hour: \$70.53
Supplemental Benefit Rate per Hour: \$32.95
Supplemental Note: \$59.95 overtime hours
Shift Wage Rate: \$112.85

Operating Engineer - Road & Heavy Construction XVII

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

On-Site concrete plant engineer, On-site Asphalt Plant Engineer, and Vibratory console.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$71.06**

Supplemental Benefit Rate per Hour: **\$32.95**

Supplemental Note: \$59.95 overtime hours

Shift Wage Rate: **\$113.70**

Operating Engineer - Road & Heavy Construction XVIII

Tower Crane

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$101.71**

Supplemental Benefit Rate per Hour: **\$32.95**

Supplemental Note: \$59.95 overtime hours

Shift Wage Rate: **\$162.74**

Operating Engineer - Paving I

Asphalt Spreaders, Autogrades (C.M.I.), Roto/Mil

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$78.85**

Supplemental Benefit Rate per Hour: **\$32.95**

Supplemental Note: \$59.95 overtime hours

Shift Wage Rate: **\$126.16**

Operating Engineer - Paving II

Asphalt Roller

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$76.83**

Supplemental Benefit Rate per Hour: **\$32.95**

Supplemental Note: \$59.95 overtime hours

Shift Wage Rate: **\$122.93**

Operating Engineer - Paving III

Asphalt Plants

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$65.08**

Supplemental Benefit Rate per Hour: **\$32.95**

Supplemental Note: \$59.95 overtime hours

Shift Wage Rate: **\$104.13**

Operating Engineer - Concrete I

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Cranes

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$84.25

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Operating Engineer - Concrete II

Compressors

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$50.37

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Operating Engineer - Concrete III

Micro-traps (Negative Air Machines), Vac-All Remediation System.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$67.45

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Operating Engineer - Steel Erection I

Three Drum Derricks

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$87.14

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Shift Wage Rate: \$139.42

Operating Engineer - Steel Erection II

Cranes, 2 Drum Derricks, Hydraulic Cranes, Fork Lifts and Boom Trucks.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$83.75

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Shift Wage Rate: \$134.00

Operating Engineer - Steel Erection III

Compressors, Welding Machines.

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$49.95

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Shift Wage Rate: \$79.92

Operating Engineer - Steel Erection IV

Compressors - Not Combined with Welding Machine.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$47.58

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Shift Wage Rate: \$76.13

Operating Engineer - Building Work I

Forklifts, Plaster (Platform machine), Plaster Bucket, Concrete Pump and all other equipment used for hoisting material.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$69.51

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work II

Compressors, Welding Machines (Cutting Concrete-Tank Work), Paint Spraying, Sandblasting, Pumps (with the exclusion of Concrete Pumps), All Engines irrespective of Power (Power-Pac) used to drive Auxiliary Equipment, Air, Hydraulic, Jacking System, etc.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$52.21

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work III

Double Drum

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$79.02

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work IV

Stone Derrick, Cranes, Hydraulic Cranes Boom Trucks.

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$83.68

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work V

Dismantling and Erection of Cranes, Relief Engineer.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$77.15

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work VI

4 Pole Hoist, Single Drum Hoists.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$76.35

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

Operating Engineer - Building Work VII

Rack & Pinion and House Cars

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$60.84

Supplemental Benefit Rate per Hour: \$32.95

Supplemental Note: \$59.95 overtime hours

For New House Car projects Wage Rate per Hour \$48.70

Overtime Description

On jobs of more than one shift, if an Employee fails to report for work through any cause over which the Employer has no control, the Employee on duty will continue to work at the rate of single time.

For House Cars and Rack & Pinion only: Overtime paid at time and one-half for all hours in excess of eight hours in a day, Saturday, Sunday and Holidays worked.

Overtime

Double time the regular rate after an 8 hour day.

Double time the regular time rate for Saturday.

Double time the regular rate for Sunday.

Double time the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day

Lincoln's Birthday

President's Day

Memorial Day

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

Shift Rates

For Steel Erection Only: Shifts may be worked at the single time rate at other than the regular working hours (8:00 A.M. to 4:30 P.M.) on the following work ONLY: Heavy construction jobs on work below the street level, over railroad tracks and on building jobs.

(Operating Engineer Local #14)

FLOOR COVERER

(Interior vinyl composition tile, sheath vinyl linoleum and wood parquet tile including site preparation and synthetic turf not including site preparation)

Floor Coverer

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$50.50**

Supplemental Benefit Rate per Hour: **\$45.98**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$53.50**

Supplemental Benefit Rate per Hour: **\$46.33**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Presidential Election Day
Thanksgiving Day

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Day after Thanksgiving
Christmas Day

Paid Holidays

1/2 day on Christmas Eve if work is performed in the A.M.
1/2 day on New Year's Eve if work is performed in the A.M.

Shift Rates

Two shifts may be utilized with the first shift working 8 a.m. to the end of the shift at straight time rate of pay. The wage rate for the second shift consisting of 7 hours shall be paid at 114.29% of straight time wage rate. The wage rate for the second shift consisting of 8 hours shall be paid 112.5% of the straight time wage rate. There must be a first shift to work the second shift.

(Carpenters District Council)

GLAZIER

(New Construction, Remodeling, and Alteration)

Glazier

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$46.05**

Supplemental Benefit Rate per Hour: **\$43.39**

Supplemental Note: Supplemental Benefit Overtime Rate: \$65.10

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$46.55**

Supplemental Benefit Rate per Hour: **\$44.14**

Supplemental Note: Supplemental Benefit Overtime Rate: \$66.23

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Paid Holidays

None

Shift Rates

Shifts shall be any 8 consecutive hours after the normal working day for which the Glazier shall receive 9 hours pay for 8 hours worked.

(Local #1281)

GLAZIER - REPAIR & MAINTENANCE

(For the Installation of Glass - All repair and maintenance work on a particular building, whenever performed, where the total cumulative contract value is under \$141,750)

Craft Jurisdiction for repair, maintenance and fabrication

Plate glass replacement, Residential glass replacement, Residential mirrors and shower doors, Storm windows and storm doors, Residential replacement windows, Herculite door repairs, Door closer repairs, Retrofit apartment house (non-commercial buildings), Glass tinting.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$25.64**

Supplemental Benefit Rate per Hour: **\$22.29**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Sunday.

Time and one half the regular rate for work on the following holiday(s).

Time and one half the regular hourly rate after 40 straight time hours in any work week.

Paid Holidays

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Employees must work at least one day in the payroll week in which the holiday occurs to receive the paid holiday

(Local #1281)

HAZARDOUS MATERIAL HANDLER

(Removal, abatement, encapsulation or decontamination of asbestos, lead, mold, or other toxic or hazardous waste/materials)

Handler

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$36.50**

Supplemental Benefit Rate per Hour: **\$16.45**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$37.50**

Supplemental Benefit Rate per Hour: **\$16.95**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Sunday.

Time and one half the regular hourly rate after 40 straight time hours in any work week.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Easter

Paid Holidays

None

(Local #78 and Local #12A)

HEAT AND FROST INSULATOR

Heat & Frost Insulator

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$61.46**

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Supplemental Benefit Rate per Hour: **\$40.46**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$62.01**

Supplemental Benefit Rate per Hour: **\$41.16**

Overtime Description

Double time shall be paid for supplemental benefits during overtime work.
8th hour paid at time and one half.

Overtime

Double time the regular rate after an 8 hour day.
Double time the regular time rate for Saturday.
Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Columbus Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Triple time the regular rate for work on the following holiday(s).

Labor Day

Paid Holidays

None

Shift Rates

The first shift shall work seven hours at the regular straight time rate. The second and third shift shall work seven hours the regular straight time hourly rate plus a fourteen percent wage and benefit premium.

(Local #12) (BCA)

HOUSE WRECKER (TOTAL DEMOLITION)

House Wrecker - Tier A

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

On all work sites the first, second, eleventh and every third House Wrecker thereafter will be Tier A House Wreckers (i.e. 1st, 2nd, 11th, 14th etc). Other House Wreckers may be Tier B House Wreckers.

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$37.18

Supplemental Benefit Rate per Hour: \$29.77

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$37.18

Supplemental Benefit Rate per Hour: \$30.07

House Wrecker - Tier B

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$26.41

Supplemental Benefit Rate per Hour: \$22.18

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$26.41

Supplemental Benefit Rate per Hour: \$22.48

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

(Mason Tenders District Council)

IRON WORKER - ORNAMENTAL

Iron Worker - Ornamental

Effective Period: 7/1/2019 - 1/12/2020

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Wage Rate per Hour: \$45.15

Supplemental Benefit Rate per Hour: \$55.62

Supplemental Note: Supplemental benefits are to be paid at the applicable overtime rate when overtime is in effect.

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$45.40

Supplemental Benefit Rate per Hour: \$55.62

Supplemental Note: Supplemental benefits are to be paid at the applicable overtime rate when overtime is in effect.

Overtime Description

Time and one half the regular rate after a 7 hour day for a maximum of two hours on any regular work day (the 8th and 9th hour) and double time shall be paid for all work on a regular work day thereafter, time and one half the regular rate for Saturday for the first seven hours of work and double time shall be paid for all work on a Saturday thereafter.

Overtime

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

Shift Rates

For off shift work - 8 hours pay for 7 hours of work. When two or three shifts are employed on a job, Monday through Friday, the workday for each shift shall be seven hours and paid for ten and one-half hours at the single time rate. When two or three shifts are worked on Saturday, Sunday or holidays, each shift shall be seven hours and paid fifteen and three-quarters hours.

(Local #580)

IRON WORKER - STRUCTURAL

Iron Worker - Structural

Effective Period: 7/1/2019 - 1/12/2020

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Wage Rate per Hour: \$51.05

Supplemental Benefit Rate per Hour: \$76.89

Supplemental Note: Supplemental benefits are to be paid at the applicable overtime rate when overtime is in effect.

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$51.95

Supplemental Benefit Rate per Hour: \$79.84

Supplemental Note: Supplemental benefits are to be paid at the applicable overtime rate when overtime is in effect.

Overtime Description

Monday through Friday- the first eight hours are paid at straight time, the 9th and 10th hours are paid at time and one-half the regular rate, all additional weekday overtime is paid at double the regular rate. Saturdays- the first eight hours are paid at time and one-half the regular rate, double time thereafter. Sunday-all shifts are paid at double time.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Paid Holidays

1/2 day on Christmas Eve if work is performed in the A.M.

1/2 day on New Year's Eve if work is performed in the A.M.

Shift Rates

Monday through Friday - First Shift: First eight hours are paid at straight time, the 9th & 10th hours are paid at time and a half, double time paid thereafter. Second and third Shifts: First eight hours are paid at time and one-half, double time thereafter. Saturdays: All shifts, first eight hours paid at time and one-half, double time thereafter: Sunday all shifts are paid at double time.

(Local #40 & #361)

LABORER

(Foundation, Concrete, Excavating, Street Pipe Layer and Common)

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Laborer

Excavation and foundation work for buildings, heavy construction, engineering work, and hazardous waste removal in connection with the above work. Landscaping tasks in connection with heavy construction work, engineering work and building projects. Projects include, but are not limited to pollution plants, sewers, parks, subways, bridges, highways, etc.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$42.65**

Supplemental Benefit Rate per Hour: **\$44.48**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Thanksgiving Day

Christmas Day

Paid Holidays

Labor Day

Thanksgiving Day

Shift Rates

When two shifts are employed, single time rate shall be paid for each shift. When three shifts are found necessary, each shift shall work seven and one half hours (7 ½), but shall be paid for eight (8) hours of labor, and be permitted one half hour for lunch.

(Local #731)

LANDSCAPING

(Landscaping tasks, as well as tree pruning, tree removing, spraying and maintenance in connection with the planting of street trees and the planting of trees in city parks but not when such activities are performed as part of, or in connection with, other construction or reconstruction projects.)

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Landscaper (Year 6 and above)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$31.75**

Supplemental Benefit Rate per Hour: **\$16.05**

Landscaper (Year 3 - 5)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$30.72**

Supplemental Benefit Rate per Hour: **\$16.05**

Landscaper (up to 3 years)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$28.14**

Supplemental Benefit Rate per Hour: **\$16.05**

Groundperson

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$28.14**

Supplemental Benefit Rate per Hour: **\$16.05**

Tree Remover / Pruner

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$36.92**

Supplemental Benefit Rate per Hour: **\$16.05**

Landscaper Sprayer (Pesticide Applicator)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$26.59**

Supplemental Benefit Rate per Hour: **\$16.05**

Watering - Plant Maintainer

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$21.40**

Supplemental Benefit Rate per Hour: **\$16.05**

Overtime Description

For all overtime work performed, supplemental benefits shall include an additional seventy-five (\$0.75) cents per hour.

Overtime

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Time and one half the regular rate after an 8 hour day.
Time and one half the regular rate for Saturday.
Double time the regular rate for Sunday.
Time and one half the regular rate for work on a holiday plus the day's pay.

Paid Holidays

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Shift Rates

Work performed on a 4pm to 12am shift has a 15% differential. Work performed on a 12am to 8am shift has a 20% differential.

(Local #175)

MARBLE MECHANIC

Marble Setter

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$54.44**

Supplemental Benefit Rate per Hour: **\$40.77**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$54.76**

Supplemental Benefit Rate per Hour: **\$40.91**

Marble Finisher

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$42.86**

Supplemental Benefit Rate per Hour: **\$38.22**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$43.13**

Supplemental Benefit Rate per Hour: **\$38.36**

Marble Polisher

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$39.81**

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Supplemental Benefit Rate per Hour: **\$30.35**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$40.57**

Supplemental Benefit Rate per Hour: **\$30.68**

Marble Maintenance Finisher

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$24.31**

Supplemental Benefit Rate per Hour: **\$13.34**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$24.98**

Supplemental Benefit Rate per Hour: **\$13.34**

Overtime Description

Supplemental Benefit contributions are to be made at the applicable overtime rates. Time and one half the regular rate after a 7 hour day or time and one half the regular rate after an 8 hour day - chosen by Employer at the start of the project and then would last for the full duration of the project.

Overtime

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

None

(Local #7)

MASON TENDER

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Mason Tender

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$38.40**

Supplemental Benefit Rate per Hour: **\$31.04**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

Shift Rates

The employer may work two (2) shifts with the first shift at the straight time wage rate and the second shift receiving eight (8) hours paid for seven (7) hours work at the straight time wage rate. When it is not possible to conduct alteration work during regular working hours in a building occupied by tenants, the rule for the second shift will apply.

(Local #79)

MASON TENDER (INTERIOR DEMOLITION WORKER)

Mason Tender Tier A

Tier A Interior Demolition Worker performs all burning, chopping, and other technically skilled tasks related to interior demolition work.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$36.44**

Supplemental Benefit Rate per Hour: **\$24.50**

Mason Tender Tier B

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Tier B Interior Demolition Worker performs manual work and work incidental to demolition work, such as loading and carting of debris from the work site to an area where it can be loaded in to bins/trucks for removal. Also performs clean-up of the site when demolition is completed.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$25.63**

Supplemental Benefit Rate per Hour: **\$18.82**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

(Local #79)

METALLIC LATHER

Metallic Lather

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$46.23**

Supplemental Benefit Rate per Hour: **\$46.67**

Supplemental Note: Overtime Supplemental Benefit rate - \$57.92

Overtime Description

Overtime would be time and one half the regular rate after a seven (7) or eight (8) hours workday, which would be set at the start of the job.

Overtime

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Double time the regular rate for work on the following holiday(s).

New Year's Day
Washington's Birthday
Memorial Day
Independence Day
Labor Day
Columbus Day
Thanksgiving Day
Christmas Day

Paid Holidays

1/2 day on Christmas Eve if work is performed in the A.M.
1/2 day on New Year's Eve if work is performed in the A.M.

Shift Rates

There will be no shift differential paid on the first shift if more than one shift is employed. The shift differential will remain \$12/hour on the second and third shift for the first eight (8) hours if worked. There will be no pyramiding on overtime worked on second and third shifts. The time and one half (1.5x) rate will be against the base wage rate, not the shift differential

(Local #46)

MILLWRIGHT

Millwright

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$54.20**

Supplemental Benefit Rate per Hour: **\$53.81**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
Presidential Election Day

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Thanksgiving Day
Christmas Day

Paid Holidays

1/2 day on Christmas Eve if work is performed in the A.M.
1/2 day on New Year's Eve if work is performed in the A.M.

Shift Rates

The first shift shall receive the straight time rate of pay. The second shift receives the straight time rate of pay plus fifteen (15%) per cent. Members of the second shift shall be allowed one half hour to eat, with this time being included in the hours of the workday established. There must be a first shift to work a second shift. All additional hours worked shall be paid at the time and one-half rate of pay plus fifteen (15%) per cent for weekday hours.

(Local #740)

MOSAIC MECHANIC

Mosaic Mechanic - Mosaic & Terrazzo Mechanic

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$49.91**

Supplemental Benefit Rate per Hour: **\$43.24**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$50.21**

Supplemental Benefit Rate per Hour: **\$42.43**

Mosaic Mechanic - Mosaic & Terrazzo Finisher

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$48.31**

Supplemental Benefit Rate per Hour: **\$43.24**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$48.61**

Supplemental Benefit Rate per Hour: **\$42.43**

Mosaic Mechanic - Machine Operator Grinder

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$48.31**

Supplemental Benefit Rate per Hour: **\$43.24**

Effective Period: 1/13/2020 - 6/30/2020

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Wage Rate per Hour: **\$48.61**

Supplemental Benefit Rate per Hour: **\$42.43**

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

Washington's Birthday

Good Friday

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

None

(Local #7)

PAINTER

Painter - Brush & Roller

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$43.00**

Supplemental Benefit Rate per Hour: **\$32.49**

Supplemental Note: \$ 37.75 on overtime

Spray & Scaffold / Decorative / Sandblast

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$46.00**

Supplemental Benefit Rate per Hour: **\$32.49**

Supplemental Note: \$ 37.75 on overtime

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Thanksgiving Day
Christmas Day

Paid Holidays

None

(District Council of Painters #9)

PAINTER - LINE STRIPING (ROADWAY)

Striping - Machine Operator

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$35.00**

Supplemental Benefit Rate per Hour: **\$12.37**

Supplemental Note: Overtime Supplemental Benefit rate - \$8.02; New Hire Rate (0-3 months) - \$0.00

Lineperson (Thermoplastic)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$39.00**

Supplemental Benefit Rate per Hour: **\$12.37**

Supplemental Note: Overtime Supplemental Benefit rate - \$8.02; New Hire Rate (0-3 months) - \$0.00

Overtime Description

For Paid Holidays: Employees will only receive Holiday Pay for holidays not worked if said employee worked both the weekday before and the weekday after the holiday.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Time and one half the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day
Good Friday

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Memorial Day
Independence Day
Labor Day
Columbus Day
Presidential Election Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Shift Rates

Four (4), ten (10) hour days may be worked at straight time during a week, Monday thru Thursday. Friday may be used as a make-up day.

Vacation

Employees with one to two years service shall accrue vacation based on hours worked: 250 hours worked - 1 day vacation; 500 hours worked - 2 days vacation; 750 hours worked - 3 days vacation; 900 hours worked - 4 days vacation; 1,000 hours worked - 5 days vacation. Employees with two to five years service receive two weeks vacation. Employees with five to twenty years service receive three weeks vacation. Employees with twenty to twenty-five years service receive four weeks vacation. Employees with 25 or more years service receive five weeks vacation. Vacation must be taken during winter months.

(Local #1010)

PAINTER - METAL POLISHER

METAL POLISHER

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$30.58**

Supplemental Benefit Rate per Hour: **\$7.16**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$31.08**

Supplemental Benefit Rate per Hour: **\$8.34**

METAL POLISHER - NEW CONSTRUCTION

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$31.53**

Supplemental Benefit Rate per Hour: **\$7.16**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$32.03**

Supplemental Benefit Rate per Hour: **\$8.34**

METAL POLISHER - SCAFFOLD OVER 34 FEET

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$34.08

Supplemental Benefit Rate per Hour: \$7.16

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$34.58

Supplemental Benefit Rate per Hour: \$8.34

Overtime Description

All work performed on Saturdays shall be paid at time-in-a half. The exception being; for suspended scaffold work and work deemed as a construction project; an eight (8) hour shift lost during the week due to circumstances beyond the control of the employer, up to a maximum of eight (8) hours per week, may be worked on Saturday at the straight time rate.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Triple time the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Election Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Shift Rates

Four Days a week at Ten (10) hours straight a day.

Local 8A-28A

PAINTER - SIGN

Sign Painter

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$41.98

Supplemental Benefit Rate per Hour: \$20.10

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Assistant Sign Painter

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$35.67**

Supplemental Benefit Rate per Hour: **\$18.47**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Double time the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Election Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Vacation

At least 1 year of employment.....1 week

2 years or more of employment.....2 weeks

8 years or more of employment.....3 weeks

(Local #8A-28A)

PAINTER - STRUCTURAL STEEL

Painters on Structural Steel

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$49.50**

Supplemental Benefit Rate per Hour: **\$41.83**

Painter - Power Tool

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$55.50**

Supplemental Benefit Rate per Hour: **\$41.83**

Overtime Wage Rate: \$6.00 above the "Painters on Structural Steel" overtime rate.

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Overtime Description

Supplemental Benefits shall be paid for each hour worked, up to forty (40) hours per week for the period of May 1st to November 15th or up to fifty (50) hours per week for the period of November 16th to April 30th.

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

Shift Rates

Regular hourly rates plus a ten per cent (10%) differential

(Local #806)

PAPERHANGER

Paperhanger

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$45.40**

Supplemental Benefit Rate per Hour: **\$34.74**

Supplemental Note: Supplemental benefits are to be paid at the appropriate straight time and overtime rate.

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

Paid Holidays

None

Shift Rates

Evening shift - 4:30 P.M. to 12:00 Midnight (regular rate of pay); any work performed before 7:00 A.M. shall be at time and one half the regular base rate of pay.

(District Council of Painters #9)

PAVER AND ROADBUILDER

Paver & Roadbuilder - Formsetter

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$46.85**

Supplemental Benefit Rate per Hour: **\$44.86**

Supplemental Note: For time and one half overtime - \$48.74 For double overtime - \$52.61

Paver & Roadbuilder - Laborer

Paving and road construction work, regardless of material used, including but not limited to preparation of job sites, removal of old surfaces, asphalt and/or concrete, by whatever method, including but not limited to milling; laying of concrete; laying of asphalt for temporary, patchwork, and utility paving (but not production paving); site preparation and incidental work for installation of rubberized materials and similar surfaces; installation and repair of temporary construction fencing; slurry/seal coating, paving stones, maintenance of safety surfaces; play equipment installation, and other related work.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$42.98**

Supplemental Benefit Rate per Hour: **\$44.86**

Supplemental Note: For time and one half overtime - \$48.74 For double overtime - \$52.61

Production Paver & Roadbuilder - Screed Person

(Production paving is asphalt paving when using a paving machine or on a project where a paving machine is traditionally used)

Adjustment of paving machinery on production paving jobs.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$47.45**

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Supplemental Benefit Rate per Hour: **\$44.86**

Supplemental Note: For time and one half overtime - \$48.74 For double overtime - \$52.61

Production Paver & Roadbuilder - Raker

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$46.85**

Supplemental Benefit Rate per Hour: **\$44.86**

Supplemental Note: For time and one half overtime - \$48.74 For double overtime - \$52.61

Production Paver & Roadbuilder - Shoveler

General laborer (except removal of surfaces - see Paver and Roadbuilder-Laborer) including but not limited to tamper, AC paint and liquid tar work.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$42.98**

Supplemental Benefit Rate per Hour: **\$44.86**

Supplemental Note: For time and one half overtime - \$48.74 For double overtime - \$52.61

Overtime Description

If an employee works New Year's Day or Christmas Day, they receive the single time rate plus 25%.

For Paid Holidays: Holiday pay for all holidays shall be prorated based two hours per day for each day worked in the holiday week, not to exceed 8 hours of holiday pay.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

Memorial Day

Independence Day

Labor Day

Columbus Day

Thanksgiving Day

Paid Holidays

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Shift Rates

When two shifts are employed, the work period for each shift shall be a continuous eight (8) hours. When three shifts are employed, each shift will work seven and one half (7 ½) hours but will be paid for eight (8) hours since only one half (1/2) hour is allowed for meal time.

When two or more shifts are employed, single time will be paid for each shift.

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Night Work - On night work, the first eight (8) hours of work will be paid for at the single time rate, except that production paving work shall be paid at 10% over the single time rate for the screed person, rakers and shovelers directly involved only. This differential is to be paid when there is only one shift and the shift works at night. All other workers will be exempt. Hours worked over eight (8) hours during said shift shall be paid for at the time and one-half rate.

(Local #1010)

PLASTERER

Plasterer

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$45.93

Supplemental Benefit Rate per Hour: \$26.52

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$45.73

Supplemental Benefit Rate per Hour: \$27.37

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

Shift Rates

When it is not possible to conduct work during regular working hours (between 6:30am and 4:30pm), a shift differential shall be paid at the regular hourly rate plus a twelve per cent (12%) per hour differential. Workers on shift work shall be allowed a paid one-half hour meal break.

(Local #262)

PLASTERER - TENDER

Plasterer - Tender

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$38.40**

Supplemental Benefit Rate per Hour: **\$31.04**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

Washington's Birthday

Memorial Day

Independence Day

Labor Day

Presidential Election Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

Shift Rates

When work commences outside regular work hours, workers receive an hour additional (differential) wage and supplement payment. Eight hours pay for seven hours work or nine hours pay for eight hours work.

(Mason Tenders District Council)

PLUMBER

Plumber

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$69.00**

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Supplemental Benefit Rate per Hour: \$37.20

Supplemental Note: Supplemental benefit contributions are to be made at the applicable overtime rates.

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$70.35

Supplemental Benefit Rate per Hour: \$37.85

Supplemental Note: Supplemental benefit contributions are to be made at the applicable overtime rates.

Plumber - Temporary Services

Temporary Services - When there are no Plumbers on the job site, there may be three shifts designed to cover the entire twenty-four hour period, including weekends if necessary, at the following rate straight time.

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$55.28

Supplemental Benefit Rate per Hour: \$29.68

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$56.36

Supplemental Benefit Rate per Hour: \$30.20

Overtime Description

Double time the regular rate after a 7 hour day - unless for new construction site work where the plumbing contract price is \$1.5 million or less, the hours of labor can be 8 hours per day at the employers option. On Alteration jobs when other mechanical trades at the site are working an eighth hour at straight time, then the plumber shall also work an eighth hour at straight time.

Overtime

Double time the regular time rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Shift Rates

Shift work, when directly specified in public agency or authority documents where plumbing contract is \$8 million or less, will be permitted. 30% shift premium shall be paid for wages and fringe benefits for 4:00 pm and midnight shifts Monday to Friday. 50% shift premium shall be paid for wages and fringe benefits for 4:00 pm and midnight shift work performed on weekends. For shift work on holidays, double time wages and fringe benefits shall be paid.

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

(Plumbers Local #1)

PLUMBER (MECHANICAL EQUIPMENT AND SERVICE)
(Mechanical Equipment and Service work shall include any repair and/or replacement of the present plumbing system.)

Plumber

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$43.05**

Supplemental Benefit Rate per Hour: **\$17.71**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$44.37**

Supplemental Benefit Rate per Hour: **\$18.31**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

None

(Plumbers Local # 1)

PLUMBER (RESIDENTIAL RATES FOR 1, 2 AND 3 FAMILY HOME CONSTRUCTION)

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$47.89

Supplemental Benefit Rate per Hour: \$26.74

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$48.84

Supplemental Benefit Rate per Hour: \$27.20

Overtime

Double time the regular rate after an 8 hour day.

Double time the regular time rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

None

Shift Rates

30% shift premium shall be paid for wages and fringe benefits for 4:00 pm and midnight shifts Monday to Friday.

50% shift premium shall be paid for wages and fringe benefits for 4:00 pm and midnight shift work performed on weekends. For shift work on holidays, double time wages and fringe benefits shall be paid.

(Plumbers Local #1)

PLUMBER: PUMP & TANK

Oil Trades (Installation and Maintenance)

Plumber - Pump & Tank

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: \$67.45

Supplemental Benefit Rate per Hour: \$25.26

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

None

Shift Rates

All work outside the regular workday (8:00 A.M. to 3:30 P.M.) is to be paid at time and one half the regular hourly rate

(Plumbers Local #1)

POINTER, WATERPROOFER, CAULKER, SANDBLASTER, STEAMBLASTER (Exterior Building Renovation)

Journey person

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$53.42**

Supplemental Benefit Rate per Hour: **\$26.52**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$54.39**

Supplemental Benefit Rate per Hour: **\$27.79**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Time and one half the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

Paid Holidays

None

Shift Rates

All work outside the regular work day (an eight hour workday between the hours of 6:00 A.M. and 4:30 P.M.) is to be paid at time and one half the regular rate.

(Bricklayer District Council)

ROOFER

Roofer

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$43.50**

Supplemental Benefit Rate per Hour: **\$33.81**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Christmas Day

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Paid Holidays

None

Shift Rates

Second shift - Regular hourly rate plus a 10% differential. Third shift - Regular hourly rate plus a 15% differential.

(Local #8)

SHEET METAL WORKER

Sheet Metal Worker

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$50.15**

Supplemental Benefit Rate per Hour: **\$50.55**

Supplemental Note: Supplemental benefit contributions are to be made at the applicable overtime rates.

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$50.61**

Supplemental Benefit Rate per Hour: **\$52.09**

Supplemental Note: Supplemental benefit contributions are to be made at the applicable overtime rates.

Sheet Metal Worker - Fan Maintenance

(The temporary operation of fans or blowers in new or existing buildings for heating and/or ventilation, and/or air conditioning prior to the completion of the project.)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$40.12**

Supplemental Benefit Rate per Hour: **\$50.55**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$40.49**

Supplemental Benefit Rate per Hour: **\$52.09**

Sheet Metal Worker - Duct Cleaner

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$16.08**

Supplemental Benefit Rate per Hour: **\$11.63**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$18.26**

Supplemental Benefit Rate per Hour: **\$11.63**

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

Martin Luther King Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

None

Shift Rates

Work that can only be performed outside regular working hours (eight hours of work between 7:30 A.M. and 3:30 P.M.) - First shift (work between 3:30 P.M. and 11:30 P.M.) - 10% differential above the established hourly rate.

Second shift (work between 11:30 P.M. and 7:30 A.M.) - 15% differential above the established hourly rate.

For Fan Maintenance: On all full shifts of fan maintenance work the straight time hourly rate of pay will be paid for each shift, including nights, Saturdays, Sundays, and holidays.

(Local #28

SHEET METAL WORKER - SPECIALTY (Decking & Siding)

Sheet Metal Specialty Worker

The first worker to perform this work must be paid at the rate of the Sheet Metal Worker. The second and third workers shall be paid the Specialty Worker Rate. The ratio of One Sheet Metal Worker, then Two Specialty Workers shall be utilized thereafter.

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$46.30**

Supplemental Benefit Rate per Hour: **\$25.95**

Supplemental Note: Supplemental benefit contributions are to be made at the applicable overtime rates.

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$47.66**

Supplemental Benefit Rate per Hour: **\$25.99**

Supplemental Note: Supplemental benefit contributions are to be made at the applicable overtime rates.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

Martin Luther King Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

(Local #28)

SHIPYARD WORKER

Shipyard Mechanic - First Class

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$28.50**

Supplemental Benefit Rate per Hour: **\$3.95**

Shipyard Mechanic - Second Class

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$19.07**

Supplemental Benefit Rate per Hour: **\$3.59**

Shipyard Laborer - First Class

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$23.40**

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Supplemental Benefit Rate per Hour: **\$3.75**

Shipyard Laborer - Second Class

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$17.38**

Supplemental Benefit Rate per Hour: **\$3.52**

Shipyard Dockhand - First Class

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$21.57**

Supplemental Benefit Rate per Hour: **\$3.68**

Shipyard Dockhand - Second Class

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$17.28**

Supplemental Benefit Rate per Hour: **\$3.52**

Overtime Description

Work performed on holiday is paid double time the regular hourly wage rate plus holiday pay.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Time and one half the regular hourly rate after 40 straight time hours in any work week.

Paid Holidays

New Year's Day

Martin Luther King Jr. Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Based on Survey Data

SIGN ERECTOR

(Sheet Metal, Plastic, Electric, and Neon)

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Sign Erector

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$49.35**

Supplemental Benefit Rate per Hour: **\$54.63**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$50.79**

Supplemental Benefit Rate per Hour: **\$56.05**

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Time and one half the regular rate for work on the following holiday(s).

Paid Holidays

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Election Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Shift Rates

Time and one half the regular hourly rate is to be paid for all hours worked outside the regular workday either (7:00 A.M. through 2:30 P.M.) or (8:00 A.M. through 3:30 P.M.)

(Local #137)

STEAMFITTER

Steamfitter I

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$57.50**

Supplemental Benefit Rate per Hour: **\$57.29**

Supplemental Note: Overtime supplemental benefit rate: \$113.84

Effective Period: 1/13/2020 - 6/30/2020

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Wage Rate per Hour: \$57.95

Supplemental Benefit Rate per Hour: \$57.84

Supplemental Note: Overtime supplemental benefit rate: \$114.94

Steamfitter -Temporary Services

The steamfitters shall not do any other work and shall not be permitted to work more than one shift in a twenty-four hour day. When steamfitters are present during the regular working day, no temporary services steamfitter will be required

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$43.70

Supplemental Benefit Rate per Hour: \$46.54

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$44.04

Supplemental Benefit Rate per Hour: \$47.01

Overtime

Double time the regular rate after a 7 hour day.

Double time the regular time rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

None

Shift Rates

Work performed between 3:30 P.M. and 7:00 A.M. and on Saturdays, Sundays and Holidays shall be at double time the regular hourly rate and paid at the overtime supplemental benefit rate above.

Steamfitter II

For heating, ventilation, air conditioning and mechanical public work contracts with a dollar value not to exceed \$30,000,000 and for fire protection/sprinkler public work contracts not to exceed \$3,000,000.

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$57.50

Supplemental Benefit Rate per Hour: \$57.29

Supplemental Note: Overtime supplemental benefit rate: \$113.84

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$57.95

Supplemental Benefit Rate per Hour: \$57.84

Supplemental Note: Overtime supplemental benefit rate: \$114.94

Steamfitter -Temporary Services

The steamfitters shall not do any other work and shall not be permitted to work more than one shift in a twenty-four hour day. When steamfitters are present during the regular working day, no temporary services steamfitter will be required.

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$43.70

Supplemental Benefit Rate per Hour: \$46.54

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$44.04

Supplemental Benefit Rate per Hour: \$47.01

Overtime

Double time the regular rate after an 8 hour day.

Double time the regular time rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

None

Shift Rates

May be performed outside of the regular workday except Saturday, Sunday and Holidays. A shift shall consist of eight working hours. All work performed in excess of eight hours shall be paid at double time. No shift shall commence after 7:00 P.M. on Friday or 7:00 P.M. the day before holidays. All work performed after 12:01 A.M. Saturday or 12:01 A.M. the day before a Holiday will be paid at double time. When shift work is performed the

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

wage rate for regular time worked is a 15% percent premium on wage and 15% percent premium on supplemental benefits.

On Transit Authority projects, where work is performed in the vicinity of tracks all shift work on weekends and holidays may be performed at the regular shift rates.

Local #638

STEAMFITTER - REFRIGERATION AND AIR CONDITIONER (Maintenance and Installation Service Person)

Refrigeration and Air Conditioner Mechanic

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$42.35**

Supplemental Benefit Rate per Hour: **\$17.46**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$42.60**

Supplemental Benefit Rate per Hour: **\$17.96**

Refrigeration and Air Conditioner Service Person V

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$34.80**

Supplemental Benefit Rate per Hour: **\$15.59**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$35.01**

Supplemental Benefit Rate per Hour: **\$16.02**

Refrigeration and Air Conditioner Service Person IV

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$28.83**

Supplemental Benefit Rate per Hour: **\$14.05**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$29.00**

Supplemental Benefit Rate per Hour: **\$14.43**

Refrigeration and Air Conditioner Service Person III

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Filter changing and maintenance thereof, oil and greasing, tower and coil cleaning, scraping and painting, general housekeeping, taking of water samples.

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$24.74

Supplemental Benefit Rate per Hour: \$12.91

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$24.89

Supplemental Benefit Rate per Hour: \$13.25

Refrigeration and Air Conditioner Service Person II

Filter changing and maintenance thereof, oil and greasing, tower and coil cleaning, scraping and painting, general housekeeping, taking of water samples.

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$20.51

Supplemental Benefit Rate per Hour: \$11.83

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$20.63

Supplemental Benefit Rate per Hour: \$12.13

Refrigeration and Air Conditioner Service Person I

Filter changing and maintenance thereof, oil and greasing, tower and coil cleaning, scraping and painting, general housekeeping, taking of water samples.

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$15.01

Supplemental Benefit Rate per Hour: \$10.60

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$15.10

Supplemental Benefit Rate per Hour: \$10.86

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

Independence Day

Labor Day

Veteran's Day

Thanksgiving Day

Christmas Day

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Double time and one half the regular rate for work on the following holiday(s).

Martin Luther King Jr. Day
President's Day
Memorial Day
Columbus Day

Paid Holidays

New Year's Day
Martin Luther King Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

(Local #638B)

STONE MASON - SETTER

Stone Mason - Setter

(Assisted by Derrickperson and Rigger)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$54.17**

Supplemental Benefit Rate per Hour: **\$42.65**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$54.99**

Supplemental Benefit Rate per Hour: **\$45.58**

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day
Washington's Birthday
Good Friday
Memorial Day
Independence Day
Labor Day

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Thanksgiving Day
Christmas Day

Paid Holidays

1/2 day on Christmas Eve if work is performed in the A.M.

Shift Rates

For all work outside the regular workday (8:00 A.M. to 3:30 P.M. Monday through Friday), the pay shall be straight time plus a ten percent (10%) differential.

(Bricklayers District Council)

TAPER

Drywall Taper

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$47.82**

Supplemental Benefit Rate per Hour: **\$26.81**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$47.82**

Supplemental Benefit Rate per Hour: **\$27.56**

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day

Martin Luther King Jr. Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Thanksgiving Day

Christmas Day

Paid Holidays

Any worker who reports to work on Christmas Eve or New Year's Eve pursuant to his employer's instruction shall be entitled to three (3) hours afternoon pay without working.

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

(Local #1974)

TELECOMMUNICATION WORKER

(Install/maintain/repair telecommunications cables carrying data, video, and/or voice except for installation on building construction/alteration/renovation projects.)

Telecommunication Worker

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$44.75**

Supplemental Benefit Rate per Hour: **\$23.15**

Supplemental Note: The above rate applies for Manhattan, Bronx, Brooklyn, Queens. \$22.84 for Staten Island only.

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Time and one half the regular rate for Sunday.

Overtime Holidays

Time and one half the regular rate for work on the following holiday(s).

New Year's Day

Lincoln's Birthday

Washington's Birthday

Memorial Day

Independence Day

Labor Day

Columbus Day

Election Day

Veteran's Day

Thanksgiving Day

Christmas Day

Paid Holidays

New Year's Day

Lincoln's Birthday

Washington's Birthday

Memorial Day

Independence Day

Labor Day

Columbus Day

Election Day

Veteran's Day

Thanksgiving Day

Christmas Day

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Employees have the option of observing either Martin Luther King's Birthday or the day after Thanksgiving instead of Lincoln's Birthday

Shift Rates

For any workday that starts before 8A.M. or ends after 6P.M. there is a 10% differential for the applicable worker's hourly rate.

Vacation

After 6 months.....one week.
After 12 months but less than 7 years.....two weeks.
After 7 or more but less than 15 years.....three weeks.
After 15 years or more but less than 25 years.....four weeks.

(C.W.A.)

TILE FINISHER

Tile Finisher

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$42.72**

Supplemental Benefit Rate per Hour: **\$33.57**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$42.85**

Supplemental Benefit Rate per Hour: **\$34.17**

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Paid Holidays

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

None

Shift Rates

Off shift work day (work performed outside the regular 8:00 A.M. to 3:30 P.M. workday): shift differential of one and one quarter ($1\frac{1}{4}$) times the regular straight time rate of pay for the seven hours of actual off-shift work.

(Local #7)

TILE LAYER - SETTER

Tile Layer - Setter

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$54.84**

Supplemental Benefit Rate per Hour: **\$38.32**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$55.23**

Supplemental Benefit Rate per Hour: **\$38.82**

Overtime

Time and one half the regular rate after a 7 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Columbus Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving

Christmas Day

Shift Rates

Off shift work day (work performed outside the regular 8:00 A.M. to 3:30 P.M. workday): shift differential of one and one quarter ($1\frac{1}{4}$) times the regular straight time rate of pay for the seven hours of actual off-shift work.

(Local #7)

TIMBERPERSON

Timberperson

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$50.05**

Supplemental Benefit Rate per Hour: **\$51.03**

Overtime

Time and one half the regular rate after an 8 hour day.

Time and one half the regular rate for Saturday.

Double time the regular rate for Sunday.

Saturday may be used as a make-up day at straight time when a day is lost during that week to inclement weather.

Time and one half the regular hourly rate after 40 straight time hours in any work week.

Overtime Holidays

Double time the regular rate for work on the following holiday(s).

New Year's Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Presidential Election Day

Thanksgiving Day

Christmas Day

Paid Holidays

None

Shift Rates

Off shift work commencing between 5:00 P.M. and 11:00 P.M. shall work eight and one half hours allowing for one half hour for lunch. The wage rate shall be 113% of the straight time hourly wage rate.

(Local #1536)

TUNNEL WORKER

Blasters, Mucking Machine Operators (Compressed Air Rates)

Effective Period: 7/1/2019 - 6/30/2020

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Wage Rate per Hour: **\$65.42**

Supplemental Benefit Rate per Hour: **\$56.42**

Tunnel Workers (Compressed Air Rates)

Includes shield driven liner plate portions or solidification portions work (8 hour shift) during excavation phase.

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$63.21**

Supplemental Benefit Rate per Hour: **\$54.60**

Top Nipper (Compressed Air Rates)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$62.02**

Supplemental Benefit Rate per Hour: **\$53.57**

Outside Lock Tender, Outside Gauge Tender, Muck Lock Tender (Compressed Air Rates)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$60.84**

Supplemental Benefit Rate per Hour: **\$52.63**

Bottom Bell & Top Bell Signal Person: Shaft Person (Compressed Air Rates)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$60.84**

Supplemental Benefit Rate per Hour: **\$52.63**

Changehouse Attendant: Powder Watchperson (Compressed Air Rates)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$53.40**

Supplemental Benefit Rate per Hour: **\$49.60**

Blasters (Free Air Rates)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$62.41**

Supplemental Benefit Rate per Hour: **\$54.17**

Tunnel Workers (Free Air Rates)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$59.72**

Supplemental Benefit Rate per Hour: **\$51.89**

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CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

All Others (Free Air Rates)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$55.18**

Supplemental Benefit Rate per Hour: **\$48.03**

Microtunneling (Free Air Rates)

Effective Period: 7/1/2019 - 6/30/2020

Wage Rate per Hour: **\$47.78**

Supplemental Benefit Rate per Hour: **\$41.51**

Overtime Description

For work performed during excavation and primary concrete tunnel lining phases - Double time the regular rate after an 8 hour day and Saturday, Sunday and on the following holiday(s) listed below.

For Repair-Maintenance Work on Existing Equipment and Facilities - Time and one half the regular rate after a 7 hour day, Saturday, Sunday and double time the regular rate for work on the following holiday(s) listed below.

For Small-Bore Micro Tunneling Machines - Time and one-half the regular rate shall be paid for all overtime.

For work not listed above - Time and one half the regular rate after an 8 hour day and Saturday and double time the regular rate on Sunday and on the following holiday(s) listed below.

Paid Holidays

New Year's Day

Lincoln's Birthday

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Election Day

Veteran's Day

Thanksgiving Day

Christmas Day

(Local #147)

UTILITY LOCATOR

(Locate & mark underground utilities for street excavation.)

Utility Locator (Year 7 and above)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$31.56**

Supplemental Benefit Rate per Hour: **\$1.93**

**OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE**

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$31.56

Supplemental Benefit Rate per Hour: \$1.43

Utility Locator (Year 5 - 6)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$22.85

Supplemental Benefit Rate per Hour: \$1.93

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$22.85

Supplemental Benefit Rate per Hour: \$1.43

Utility Locator (Year 4)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$21.54

Supplemental Benefit Rate per Hour: \$1.93

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$21.54

Supplemental Benefit Rate per Hour: \$1.43

Utility Locator (Year 3)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$20.30

Supplemental Benefit Rate per Hour: \$1.93

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$20.30

Supplemental Benefit Rate per Hour: \$1.43

Utility Locator (Year 2)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$19.13

Supplemental Benefit Rate per Hour: \$1.93

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: \$19.13

Supplemental Benefit Rate per Hour: \$1.43

Utility Locator (Year 1)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: \$18.04

Supplemental Benefit Rate per Hour: \$1.93

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CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$18.04**

Supplemental Benefit Rate per Hour: **\$1.43**

Utility Locator (Up to 1 year)

Effective Period: 7/1/2019 - 1/12/2020

Wage Rate per Hour: **\$17.00**

Supplemental Benefit Rate per Hour: **\$1.93**

Supplemental Note: No benefits for the first 90 days of employment.

Effective Period: 1/13/2020 - 6/30/2020

Wage Rate per Hour: **\$17.00**

Supplemental Benefit Rate per Hour: **\$1.43**

Supplemental Note: No benefits for the first 90 days of employment.

Overtime

Time and one half the regular rate for work on the following holiday(s).

Time and one half the regular hourly rate after 40 straight time hours in any work week.

Paid Holidays

New Year's Day

Memorial Day

Independence Day

Thanksgiving Day

Christmas Day

Shift Rates

10% shift differential to employees working any shift starting between noon and 5 AM.

Vacation

For up to 1 year 0 hours

For year 1 - 2 48 hours per year

For year 3 - 9 96 hours per year

For year 10 or more 144 hours per year

Sick Days:

For up to 1 year employee receives 40 hours paid sick leave.

For year 1 employee earns 2 hours of paid sick leave for every 100 overtime hours worked.

For year 2 - 9 years employee earns 4 hours of paid sick leave for every 100 overtime hours worked.

For year 10 or more employee earns 6 hours of paid sick leave for every 100 overtime hours worked.

(C.W.A.)

OFFICE OF THE COMPTROLLER, CITY OF NEW YORK
CONSTRUCTION WORKER PREVAILING WAGE SCHEDULE

WELDER

**TO BE PAID AT THE RATE OF THE JOURNEYPERSON IN THE TRADE
PERFORMING THE WORK.**

May 5, 2020

**Testimony of Elizabeth W. Smith
President & CEO
Central Park Conservancy**

Before the

**New York City Council
Committees on Civil Service and Labor**

Concerning

**COVID-19 Relief Package: Premium Pay for Essential Workers (Int. 1918) and Just Cause
Discharge from Employment (Int. 1923)**

I want to thank Chairman Miller and the rest of the committee members for the opportunity to submit testimony.

My name is Elizabeth Smith and I am the President and CEO of the Central Park Conservancy. Founded in 1980, the Central Park Conservancy (“the Conservancy”) is responsible for the daily maintenance, operations, and restoration of the 843 acres comprising the entirety of Central Park. Over the last 40 years we have marshalled the resources to completely restore the Park to make it the beloved and beautiful landscape and public space it is today.

At a time when New Yorkers are struggling to deal with the impacts of the COVID-19 pandemic, Central Park has provided people with an open space they can visit while safely maintaining social distancing protocols. We believe Central Park and other open spaces throughout the city are a crucial component to helping all New Yorkers stay healthy both mentally and physically. In order to keep the 843 acres of Central Park operating efficiently, the Conservancy employs more than 200 maintenance and operations staff that work throughout the Park.

We care deeply about our employees, and during the early days of the pandemic, when things were at their worst, we significantly reduced the number of maintenance and operations staff required to report to work in the field every day. As New York City and the rest of the state looks to the future for reopening the economy and other aspects of our society, the Conservancy has now scheduled a majority of our operations staff to return to work in order to meet the demands of the season and to ensure that Central Park remains open and accessible.

There are a number of bills being considered today, but I would like to focus on Intros. 1918 and 1923, which will undoubtedly impact the Conservancy. The premium pay that Int. 1918 seeks to mandate would place a tremendous burden and unfunded mandate on the Conservancy as well as other non-profits who have essential workers as categorized by the Governor’s Executive Order and the Empire State Development Corporation’s (ESD) essential business guidance memo. The Conservancy has estimated that for the roughly 230 operational staff we have working, the requirement of premium pay that Int. 1918 prescribes would result in approximately \$150,000 of added payroll expenses per month.

Given the financial impacts of the COVID-19 crisis, this type of added expense is something we simply cannot absorb financially. Like many other non-profits, the restrictions on social gatherings and other events have substantially altered the way we cultivate donors and perform other fundraising activities. We

have to acknowledge that the non-profit community has been dramatically impacted by this crisis, and to institute a premium pay mandate at this time when we are trying to retain the employees we already have is not the direction the Council should be moving in.

With regard to Int. 1923, we feel that imposing this type of requirement on employers, particularly those in the non-profit community, puts the Conservancy in a challenging position. This bill would prohibit the firing, furloughing, or reduction of hours of an employee unless they fail to perform the duties of their job. While the Conservancy has no intentions of terminating any of our essential staff, the reality of the situation is that we, like many other non-profits, are hurting financially as a result of this crisis.

With the drastic drop in revenue, donations, fees and other funding sources, organizations like the Conservancy may be forced if necessary to reduce staff hours or furlough a number of employees. While this is not something any organization wants to resort to, it could, and has in many cases, become a reality under certain financial circumstances. In addition, the onerous documentation and time restrictions imposed under Int. 1923 to satisfy the legislation's just cause standard would result in a tremendous administrative and legal burden on our organization.

We should all work together to combat the impacts of COVID-19 so that all New Yorkers have access to healthcare, food, and government financial assistance. The Conservancy has and will continue to do its part to ensure that every New Yorker will have clean and well-maintained open space to visit. However, the unduly burdensome financial and administrative obligations proposed in Intros. 1918 and 1923 will severely compromise our ability to do so.

We look forward to working with the Council on this important issue.

Thank you.

Testimony of James Bifulco
President, Construction Safety Advisory Committee of New York
Before the New York City Council Civil Service and Labor Committee
Concerning
Introductions 1918 and 1923
May 5, 2020

Thank you, Chair Miller and Members of the Committee. I am Jim Bifulco, President of the Construction Safety Advisory Committee of New York, herein referred to as CSAC. Our membership is made up of former officials from the New York City Department of Buildings, FDNY, SCA, NYC Transit, and EMS just to name a few. The founding members and Board of Directors include past Presidents of the American Society of Safety Professionals (ASSP) NYC Chapter, Past President of the Safety Executives of New York and other industry experts.

CSAC's mission is to advocate for safety on and around New York City construction sites. While we applaud the council for seeking to protect workers – something we seek to achieve every day by the nature of our profession – we vehemently oppose Introductions 1918 and 1923. These bills would place an undue financial and regulatory burden on our members and their businesses and force many to close their doors at a time when we are all doing our best to keep people employed and keep New Yorkers safe.

CSAC recently joined a broad coalition of over 30 organizations by signing a letter urging Speaker Johnson and the Council to re-think the one-sided approach to the COVID-19 pandemic that is reflected in Intros. 1918 and 1923. We all want to protect our workers, but essential businesses that are already struggling simply cannot absorb additional costs and regulatory burdens. These bills will harm all employers and, ultimately, the city's economic recovery.

It is critical for the city's recovery that New Yorkers come together to heal our city, protect its most vulnerable residents and workers, and rebuild our economy and tax base. Employers are your allies in these efforts, and not the enemy.

As the conversations continue about re-opening our economy, we know construction will be one of the first industries to return to work. This will involve significantly changing the way we do business to protect our workers and prevent any spread of COVID19. In the meantime, we urge the Council to impose your own "Pause" on any legislation that will have a detrimental effect on New York City businesses and lead to fewer jobs overall.

The Construction Safety Advisory Committee of New York thanks the Council for the opportunity to testify and welcomes the opportunity to continue working with the New York City Council in order to protect all New Yorkers.

Center for Urban Community Services (CUCS)
Testimony to the NYC Council
RE: Intro 1918, Intro 1926, Intro 1923
Date: May 5, 2020

My name is Abbey Nyamekye, and I am a Deputy Chief Program Officer at the Center for Urban Community Services (CUCS).

First, I thank the honorable members of the Council for holding these hearings today. Your steadfast interest and involvement in matters that mean the most to New Yorkers are consistently impressive. As employees and representatives of a non-profit organization that serves homeless, formerly homeless, and low-income individuals and families, my colleagues and I are particularly appreciative of the attention this Council and its leadership gives to protecting the rights and interests of New York City's most vulnerable.

CUCS is an organization of about 500 staff serving New York City via 35 direct services programs, in addition to a national staff training program. We are responsible for all of the street outreach and housing placement for Manhattan under contract to the Department of Homeless Services, we provide medical and psychiatric services on the street and in parks, we operate shelters for homeless mentally ill women and men, we provide support services to more than 2500 units of supportive housing, we work in jails, in VA Centers, and are embedded in communities to support immigrants, the unemployed and neighbors at risk. Our staff are on the front lines. During the Covid-19 Crisis, we are part of the essential workforce. Our case managers, social workers and medical practitioners are among our city's heroes risking their own lives for the health and safety of others.

So CUCS commends you for bringing forward Intro 1918, 1926, and 1923. They speak to the protection of the workforce. Our concern, however, is that they would become unfunded mandates and threatens the already fragile financial eco systems of non-profit organizations serving severely vulnerable populations. CUCS fully supports the spirit and intent of Intro 1918, for instance, and we are committed to providing premium pay for all staff on the front-lines during this pandemic. Our main concern in this regard at this time, however, is ensuring that our city funding agencies support these efforts. While they have indicated they "have our backs on this", there have been mixed messages, unclear pathways to the actual dollars, and too much back peddling, leaving us concerned that we will ultimately be short-changed and at a financial loss even though we stepped up to help bring our city through this crisis.

Again we appreciate the Council's and its leadership's attention to the issues presented in Intro 1918, 1926 and 1923. For CUCS, it is not a matter of commitment to an underlying commitment to the principles presented; the concern is funding to carry them through. Thank you.

Contact Information: CUCS 198 East 121st Street, NY NY 10035. www.cucs.org
Tony Hannigan, Executive Director @ 212-801-3313. Email: tony.hannigan@cucs.org

Testimony of David Cohen, Deputy Political Director

Committee on Civil Service and Labor

May 5, 2020

Int 1923 A Local Law in relation to just cause employment protections for essential workers.

Int 1926 A Local Law in relation to the expansion of worker coverage under the Earned Safe and Sick Time Act, and to repeal subdivision f of section 20-913 of such code, relating to exemptions from coverage under the Act, and thee undesignated paragraph defining “employee” in section 20-912 of such code.

Good morning Chair Miller and members of the Committee,

My name is David Cohen I am a deputy political director of SEIU 32BJ. My union represents 165,000 building service workers from Boston to Florida. Of those members, 85,000 of them live here in New York, many are essential employees.

The outbreak of COVID-19, has highlighted and exacerbated preexisting problems in our society in areas ranging from our health care to our unemployment assistance, to our “at will” employment relations system. Under our current law employees can be dismissed without any process and for any reason, except those prohibited as discriminatory or retaliatory. Even if an employer dismisses an employee for a prohibited purpose, the burden is still on the employee to show that the employer acted wrongly. This has long biased the playing field between employees and employers in favor of the latter, resulting in lower wages for employees, and the chilling of employees when organizing or making complaints. These issues have been brought to the forefront because essential employees have been threatened with firings for exposing their working conditions,¹ or have been fired.² We have seen in the fast food sector employees be constructively discharged for simply requesting time off to visit family. As we begin reopening our economy it is crucial that fast food employees, and all other essential employees, feel like their jobs are secure should they be ill or have to quarantine. Our economy will be hindered, and public health would be threatened if workers are going to work when they are ill solely because they fear being unjustly dismissed.

Int. 1923 would prevent the firing or constructive discharge of employees after the probation period. Employers would still be able to engage in progressive discipline and to terminate employees performing unsatisfactorily, what employers will no longer be able to do is engage in pretextual and/or disparate firings of employees for minor infractions. Employers would bear the burden of proof in justifying firings, meaning that employees would no longer bear the sometimes impossible task of proving an improper motive. The protections provided by Int. 1923 are not untested innovations but exist in most union negotiated contracts and in employment contracts for executives.³

I also want to speak in support of Int 1926, which would expand the Earned Safe and Sick time act to cover gig economy workers. COVID-19 has exposed how gig economy workers have been excluded from the

¹Olivia Carville, Emma Court, Kristen V Brown, *Hospitals Tell Doctors They’ll Be Fired If They Speak Out About Lack of Gear*, Bloomberg (March 31, 2020), <https://www.bloomberg.com/news/articles/2020-03-31/hospitals-tell-doctors-they-ll-be-fired-if-they-talk-to-press?sref=ndQeXqOs>

²Brad Lander, *Health Care Workers Are Being Fired for Speaking Out About a Lack of Supplies*, The Nation (April 15, 2020), <https://www.thenation.com/article/economy/workers-coronavirus-just-cause/>

³M. Patricia Smith & Paul Sonn, *Require just-cause firing in New York: Fast-food workers deserve better than arbitrary termination*, New York Daily News (February 12, 2020), <https://www.nydailynews.com/opinion/ny-oped-just-cause-firing-20200212-4ir2egp7vvhfhfzfzgk65doq-story.html>

protections offered to all other workers, we saw the federal government rush to provide unemployment insurance to gig economy workers.⁴ We need to be proactive, gig economy workers and more generally misclassified workers are going to get sick and they should be able to take time to recover like all other workers.

Thank you.

⁴ Tara Siegel Bernard, Here's What the Relief Packages Give Self-Employed Workers, The New York Times (April 16, 2020), <https://www.nytimes.com/article/self-employed-workers-unemployment-coronavirus-stimulus-package.html>

**Testimony before New York City Council Committee on Civil Service and
Labor on the “Just Cause” Bill for Essential Workers**

**by Diana Florence, former Attorney in Charge of the Construction Fraud
Task Force at the Manhattan District Attorney’s Office
May 5, 2020**

Thank you for the opportunity to speak today about the proposed “Just Cause” legislation aimed at protecting essential workers from retaliation for speaking out against unsafe conditions at their place of work.

For too long, because they rarely face criminal consequences for their actions, unscrupulous companies have operated with impunity.

I know this firsthand. As a prosecutor in Manhattan for nearly 25 years, I ran the Construction Fraud Task Force, and investigated each time a worker died or was seriously injured at a construction site in Manhattan.

I want to tell you the story of a construction worker named Carlos Moncayo. Five years and one month ago, Carlos awakened at his sister’s house in Queens, kissed his 2-year old nephew goodbye and headed to work as a carpenter at a construction site in the heart of the Meatpacking District. Carlos had much to look forward to that morning. His 23rd birthday was just four days away and his mother was planning a visit soon. But Carlos never got to celebrate his birthday. Instead, he died before lunch, less than two miles away from City Hall. Carlos died an utterly preventable death when the 14-foot trench he was working in collapsed without warning, raining 3,000 pounds of dirt upon him, and crushing him to death.

Making matters not only criminal but profoundly tragic, his employer and the onsite construction manager had been warned repeatedly that morning by an engineer about the extremely dangerous conditions at the site, and that no worker should be working in or around the site. But the superintendent and foreman in charge of the project disregarded the engineers’ warnings, and Carlos paid with his life. Why? Because the supervisors and the companies they worked for were more interested in completing the project on budget than protecting their workers.

As I investigated Carlos’ case, I learned that he and his coworkers knew that the conditions they were working in were unsafe. And that he and hundreds of his

coworkers were also the victims of wage theft, which is when an employer intentionally doesn't pay its workers all the money they are owed. But none of the workers felt they could speak up because it was made clear that if they did, they would be fired or retaliated against in some way.

I am proud that I was able to obtain justice for Carlos's family and his coworkers by obtaining manslaughter convictions against the supervisors and companies responsible for his death, and obtaining almost \$500,000 in back wages. But sadly, the plight of Carlos and his coworkers' is neither unique nor isolated to the construction industry.

In all the criminal investigations I led into workplace injuries and deaths, one common theme emerged. Workers were scared to speak up. Worker after worker told me that they knew they were laboring in unsafe conditions, but management made it clear explicitly or implicitly that if they raised health or safety concerns, they would be disciplined or fired. Workers only felt safe to cooperate with the criminal investigations because they knew if their employers fired them, it could be viewed as obstruction of justice.

Government needs to be just as vigilant against other industries that prioritize profit over workers. For example, while Amazon sells PPE on its website, the tech giant is firing employees for speaking out about the lack of safety gear at the Staten Island distribution center. And instead of simply providing employees with safety gear, it's tracking workers and their attempts to unionize. And New York hospitals, both private and public, are failing nurses. According to lawsuits filed by the New York State Nurses Association, sworn affidavits attest to not only the lack of PPE but also of leave policies that directed them to work even while exhibiting symptoms of COVID-19.

The bill before the committee will provide additional protections for workers, especially needed during COVID 19. It will empower essential workers, many of whom are low income and undocumented immigrants, to stand up to their employers. It will tell them that NYC will protect their safety and encourage workers to demand their rights, report abuses to civil and criminal authorities and save their lives.

As a former prosecutor, I have seen how criminal enforcement deters bad actors. But the devil is in the details. In addition to subjecting employers to fines of up to \$2,500 per violation, it must include certifications of compliance filed by businesses each quarter to the city Department of Finance or Human Rights or

whichever agency will preside over the new law. If the employer misrepresents its termination as “Just Cause,” the filed false statement could allow for criminal prosecution.

Every day, workers in health care, sanitation, construction, retail, delivery and other essential sectors leave their families to care for us, maintain our vital infrastructure and make sure we have enough supplies to weather the virus. Unscrupulous companies will only change their business model when silencing those who speak up becomes too costly to bear. The health and safety of New York City depends on how we protect all workers now and long after the pandemic is over.

Thank you.

Diana Florence
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May 5th, 2020

Hon. Corey Johnson
New York City Council
City Hall
New York, NY 10038

RE: Intro. 1918-2020 – In relation to premiums for essential workers.

Dear Speaker Johnson:

On behalf of the New York Disability Advocates (NYDA), which is made up of more than 300 not-for-profit organizations providing critical supports and services to the more than 140,000 New Yorkers with intellectual and developmental disabilities (I/DD), we wish to voice our significant concerns with Intro. 1918-2020, as it is currently drafted, which is in relation to premiums for essential workers, and the significant fiscal impacts that this legislation would have on the not-for-profit providers in our sector.

The not-for-profit providers of supports and services to individuals with I/DD are almost completely funded by the State Medicaid program, which over the past decade has resulted in these agencies facing significant fiscal pressures. The cause of the fiscal pressures have been due to many contributing factors including the increasing number of individuals that have entered the service delivery system, rate cuts enacted by the State and for the past ten years, the denial of the statutorily mandated cost of living increase, which was enacted to provide an annual increase to providers, intended to offset the increasing costs of doing business.

To highlight the dire fiscal situation of the I/DD service delivery system, NYDA conducted a survey of provider agencies in December, which in part found the following:

- In 2018, 43 out of 116 non-profit providers showed an overall loss in their OPWDD services (37%). This is an increase from 2017 – for some providers these are significant losses, that cannot be sustained.
- Provider agencies also reported the following:
 - 32% had a negative change in net assets from 2018 to 2019
 - 50% of providers statewide have less than 40-days of cash on hand.
 - 33% of providers statewide have less than 30-days of cash on hand.
 - 15% of providers statewide had outstanding balances on their line of credit of more than 75%.
 - 35% of providers statewide have reported that they have closed, reduced or otherwise modified a program, due to financial stress or hardship.

- Over 85% of providers responding to the survey had less than a 4% positive margin on OPWDD funded programs.
 - This means less than 15% of providers' programs are supported at the generally accepted standard (4%) margin needed for a business to maintain its physical plant, make other necessary investments, and keep pace with fixed costs related to running a quality operation.

The seriousness of the fiscal situation has been further compounded by the COVID-19 crisis, which has had a disproportionate impact on individuals with I/DD.

Currently, many provider agencies providing shift bonuses and enhanced rates to staff, without additional reimbursement from the state. In fact, the NYS Office for People with Developmental Disabilities (OPWDD) is currently in the process of recouping funds from providers as part of their rate reconciliation process and is still planning on implementing a 2% across the board rate cut on July 1, 2020 to all providers. Further, it is likely that additional cuts will be passed through due to the state's revenue shortfalls, without Federal funding. Additionally, provider agencies have been responsible for procuring and purchasing their own personal protective equipment (PPE), without reimbursement, which has added significant and unplanned expenses to providers agencies.

Regarding Intro. 1918-2020, NYDA whole heartily supports the underlying intent of the legislation, which would provide premium payments to essential workers. \

However, without significant State or Federal funding specifically to reimburse provider agencies, many of these essential providers would be insolvent within weeks.

To illustrate the potential fiscal impact on I/DD provider agencies, NYDA conducted a snapshot survey, which showed the following:

Not-for-profit Provider	Cost – Per Payroll
A	\$876,000
B	\$1,500,000 (which could be up to \$2,100,000, if staff are not furloughed)
C	\$1,400,000
D	\$470,000
E	\$496,000
F	\$900,000

Therefore, based on the significant and untenable fiscal impact to these crucial providers, NYDA respectfully requests that the Council provide an exception to not-for-profit providers in Intro. 1918-2020 to ensure the fiscal viability of these providers.

Honorable City Council Members,

My name is Dr. Jacob Douglas Franklin. I am a resident at The Brooklyn Hospital Center in Fort Greene and a union member of the Committee of Interns and Residents/SEIU which represents interns, residents, and fellows throughout New York City and nationally.

I wanted to thank you for assembling The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020). As a new physician in training, Covid-19 has reminded me in concrete ways how healthcare work is one of self-sacrifice for all, from transporters and the supply chain, to nurses, residents, and attending physicians. However, the bill as written disqualifies CIR members in a few ways, particularly in regards to Premium Pay: 1) The definition of "essential worker" excludes the public sector, so all city workers, including our residents at H+H are left out and 2) the provision excludes salaried workers, which impacts all of our members in the private sector.

I wish to testify regarding the essential role medical residents had and are still actively playing at Brooklyn Hospital, and the hazard pay we hope to receive. As one of the main centers for medical training in the country and the world, New York City has over 32 training hospitals, including Elmhurst and other hard hit safety net hospitals at the center of this crisis. At busy inner city hospitals with tight staffing and large populations, medical residents are the backbone of patient care. In the intensive care unit, the emergency department, and even sometimes on hospital floors, a patient's life hangs by the weakest link in the hospital system. The last line of defense relies on the vigilance of residents; a diverse workforce made up of people from all over the world, both immigrants and first or second generation Americans. As a struggling father of 6 children (two sets of twins) in my last two months of residency, New York City has been the most challenging experience of my and my families' life. In the best of times, residents work long hours and must survive on a salary that is typically lower than that of nurses, while carrying nearly half a million dollars of educational debt. On the verge of graduation from residency, I thought my trials and tribulations would soon be over, before Covid swept the city and mobilized us, demanding I give yet more of myself.

When Covid-19 arrived, our already overburdened staff was now facing increased patient load with high risk of exposure. I watched fellow residents step up and intervene on patients' behalf in ways that were nothing short of heroism. It is why when firefighters and first responders line up at 7pm daily to honour us, I've seen tears of recognition well up in my colleagues' eyes. On the hospital floors, residents stepped in when nurses, techs, and other staff could not possibly feed, dress, get labs, place IV lines, or do all of the procedures needed for the patients' wellbeing.. I watched over 80% of residents on the hospital floor contract Covid-19 symptoms during the first several weeks and thereafter where PPE was inadequate, each of them having to face life/death thoughts even as they transport their patients themselves after hearing of one of our transporters succumbing to Covid-19. To say residents performed out-of-scope of practice work on top of their normal duties would be an understatement, and many residents were put on call, receiving assignments at 10pm the night before to report to the emergency room, or the Covid screening tent, ICU, or other departments around the hospital with little information or instructions.

The toll and personal trauma I saw was both physical and psychological. As a member of the armed forces, I can testify that it is similar trauma seen in war time, and scary and unknown in its own way. With so much unknown about Covid/SARS2, I watched one colleague from Puerto Rico bravely work on hospital floors, in tears over worry for his wife, who was pregnant, knowing full well the previous SARS1 had up to a 40% pregnancy loss rate. I watched residents working the hospital floors all eventually catch Covid, be cut off from their family and extended family, fearful of spreading Covid to their parents, missing them and not knowing if they would be the unlucky few who would die.

In the ICU on nights where I chose to volunteer, I treated, among many others, a man just three years older than myself who was intubated, on a ventilator, and with a constant stream of medication to keep him alive. If that medication stopped, he could crash and code. Most nights, the Nurse:Patient ratio was far more than the recommended level for an arduous 12 hours, keeping drips and medication running. Several nights, there were only enough for an unheard of ratio. I remember long nights of residents, including myself, on our feet non-stop, keeping multiple drips going, getting labs, working until our bones were tired, and walking home in the morning weary and “shellshocked” from the sound of warning alarms going off throughout the unit requiring attention still ringing in our heads. The young man had been otherwise healthy. Each time I walked into his glass room to keep the drips going, adjust the ventilator, or draw labs, I asked myself: If he can get it this bad, what is keeping me from being in the same room next week? Would my children grow up without a father? But what hurt the most was the guilt I felt when I came back from a required day off to prevent complete burnout, and hearing he died. Questions we ask ourselves when it is time to take a day off after an 80 hour work-week: What if there is one less nurse or one less resident there to catch the drips running out or running to the pharmacy for nurses who have their hands full, what will happen to the patient?

Besides the obvious difficulties at the hospital and exposures, my community demanded more of me as well. In the few hours I was home, I fielded questions from frightened neighbors, landlords, and friends. After another long shift, my childrens’ Bangladeshi immigrant babysitter called, scared for her father who was desaturating at home on oxygen, but worried they could not afford an ambulance. Our babysitter begged me to take him to my hospital since they had been turned away from another the day before because he was less sick at the time. I put him in the same car my children had been in, with his oxygen tank, covering the seats in plastic, a can of lysol and disinfecting wipes ready to go, and promising myself not to put my children in the car for at least a week after, I brought him to the hospital wearing my respirator where he was admitted for a week but thankfully recovered.

On the hospital floor, over 80% of our program’s residents had Covid-19 symptoms, over half were bad enough to get tested and confirmed. One resident who tested positive continues to have lung problems despite returning to work says her lungs “don’t feel the same” after Covid. Another appears to have permanently lost her sense of smell. The detrimental effects of this serious disease will be felt by all of us for the rest of our lives in one way or another. The thanks we get from firemen and first responders every day outside the hospital is well-met, but I cannot think of a group of self-sacrificing individuals more deserving of hazard pay as a token of gratitude from the government and society. Please consider honoring the heroic deeds, which, if gone unrecognized, may allow a small fire inside us grow a little darker, a little colder, in a workforce who have time and again pushed through burnout and the limits of their ability to give of themselves for the betterment of others.

We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written. Please amend the legislation to include premium pay for residents at public sector and private hospitals.

My name is Dr. Alexa Blair Kahn, and I am a union member and elected delegate of the Committee of Interns and Residents/SEIU (CIR/SEIU) which represents interns, residents, and fellows throughout NYC and nationally. We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is currently written and request it be amended to include premium pay for residents at public sector and private hospitals. While the NYC Essential Bill of Rights bill is a step in the right direction by recognizing the extraordinary service provided by essential workers at this time, it fails to recognize the commitment, dedication and selfless hard work of a critical group of core providers in the health care community: the resident physicians and fellows. We certainly support our colleagues who are hourly workers in receiving premium pay, however, we also feel we should be included during the COVID-19 crisis. As the bill is currently written, CIR union members are automatically disqualified from receiving this recognition in a few ways. The definition of "essential worker" excludes the public sector, so all city workers, including our residents at H+H are left out and secondly, the provision excludes salaried workers, which ultimately impacts all of our members in the private sector.

CIR members are residents and fellows, doctors in training, who work at some of the hardest hit hospitals in New York City, including Elmhurst and my own hospital, Brookdale University Hospital Medical Center. During the peak of Covid we worked minimum 80 hour work weeks, including giving up our rare vacations, and took on tremendous risk while fighting to save the lives of our patients. As an Internal Medicine resident physician, my co-residents and I had to quickly adapt to changes in our schedules and scope of practice during this evolving crisis. Our general medical floors essentially became extended Intensive Care Units, with limited equipment and resources. We served as transporters, lab techs, aides, nurses, and doctors - taking on whatever task was necessary to serve our patients. Not only has our work environment affected us individually, but also threatened the lives of our families. For this reason, many of us chose to move out of our homes to alternate living arrangements during this crisis, so as not to expose and threaten our loved ones. Over 50% of residents at Brookdale contracted Covid. Most of us returned to work while still recovering, and watched our patients dying of the disease we were suffering from.

Please do not forget about residents now. We have given so much and know we will continue to work so hard. We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written. Please amend the legislation to include premium pay for residents at public sector and private hospitals.

My name is Dr. Manuel Mendez Santana and I am a resident physician and a member of the Committee of Interns and Residents/SEIU which represents interns, residents, and fellows throughout NYC and across the country.

We as members of CIR/SEIU are against the proposed legislation, the COVID-19 relief package - premiums for essential workers (INT 1918-2020) as it is written.

The NYC Essential Bill of Rights bill put forth by Speaker Corey Johnson, Councilmembers Laurie Cumbo, Ben Kallos, Brad Lander, James Van Bramer, and Margaret Chin disqualifies CIR members in a few ways, particularly in regards to Premium Pay: 1) The definition of "essential worker" excludes the public sector, so all city workers, including our residents at H+H are left out and 2) the provision excludes salaried workers, which impacts all of our members in the public sector. Members of our hospital system are oftentimes underpaid when compared to the private sector and work with far less resources and with less support.

In many of the institutions where we work, interns, residents, and fellows are the workhorse of their departments and vastly outnumber the attending physicians who oversee our work. We do not refuse to carry out our roles even when we are asked to care for more patients than our training may permit, or work with limited protective gear or asked to reuse masks for at least a week without changing them, as well as oversee the work of government funded providers who came from other states to assist us in this time of need - providers who are paid much more than even our attending physicians. We placed ourselves in the way of this disease and willingly walked into rooms to tend for the sickest of our city; and because many of us work in safety net hospitals, we care for the most needy New Yorkers who would not receive care otherwise. We risk becoming sick, just the same as all essential workers, and risk getting our families sick by continuing to come to work everyday to fulfill our duties. We became resourceful and found other avenues to obtain the protective equipment we needed, we started GoFundMe campaigns in order to raise funds to buy meals for our colleagues who didn't have time to cook or grab food, we supported each other thru the thickest and most devastating parts of this pandemic all the while putting our best foot forward, smiling underneath our masks, and living up to our oaths. We worked 16-18 hour days, 7 days a week, in order to ensure that those in our public who depended on our healthcare system received the adequate care they needed. That is how we proved to be essential. And that was our contribution in the efforts to combat this virus.

Despite the fact that many of our members have made conscious decisions to pursue careers in health, we are in many ways disproportionately affected by the disparities this pandemic has laid bare. We work with far less supplies than those in the private sector but we do so proudly and graciously, grateful for the opportunities offered to us to practice medicine in this great city. Many of us are not strangers to the necessities of an

underfunded health care system, and if this virus has proven something is that our nation is riddled with disparities that affect those of us who need the most support. While our peers in the private sector have also fought tirelessly, they have also been compensated in kind for their hard work.

We do not want to detract from the initiative to help all the essential workers in this city who risked their wellbeing and the wellbeing of their families throughout this crisis. We would just like to be included and recognized in a tangible way, just as council member Lander stated, beyond cheering. For these reasons, we as members of CIR/SEIU are against the proposed legislation, the COVID-19 relief package - premiums for essential workers, as it is written.

Through all this, we had to continue to fight for protective equipment; for testing; and now for recognition in the form of hazard pay. And this is not only about the residents, all hospital staff : EVS, LPN, RNs, attending physicians, transporters, are risking their lives every single day coming into work and returning home to their families; risking the health of their loved ones. Many became sick and had to suffer alone in their homes with little support. Some of our co-workers died. But we continue to push on, not for ourselves, but for all new Yorkers.

I am Dr. Shazia Sohrawardy and I am a union member of the Committee of Interns and Residents/SEIU (CIR/SEIU) which represents interns, residents, and fellows throughout NYC and nationally. We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written.

NYC Essential Bill of Rights bill is a step in the right direction by recognizing the extraordinary service provided by essential workers at this time. We support our colleagues who are hourly workers in receiving premium pay. However, the bill as written disqualifies CIR members in a few ways, particularly in regards to [Premium Pay](#): 1) The definition of "essential worker" excludes the public sector, so all city workers, including our residents at H+H are left out and 2) the provision excludes salaried workers, which impacts all of our members in the private sector.

CIR members are residents, doctors in training, who work at some of the hardest hit hospitals in New York City, including Elmhurst and my own institution, Brookdale University Hospital Medical Center. Throughout the peak of COVID, we worked minimum 80 hour work weeks and took on tremendous risk, while fighting to save the lives of our patients. Many of us are women, people of color, and immigrants who have come from around the world to work in our city's poorest and most underserved neighborhoods. I got COVID myself and recovered, and then returned to work soon after. Getting infected was an inevitable risk that I had prepared myself for, so I could keep working.

I remember a rather young patient, in his 40s, coming in with many days of fever and cough that improved and then worsened. I thought, "Okay, bad pneumonia for a young guy, but he's young and relatively healthy, should be fine." I remember laughing with him and talking to him. He was texting with his brother on his cellphone. A few hours later, he was intubated and in critical condition. And that was the moment that it became surreal and I realized that our nightmares were about to become a reality. He died a week later.

I was living in Queens with my 79 year old father and 75 year old mother at the time. I asked around in my resident chat if anyone had a spare room. My co-resident's brother was stuck overseas because of the pandemic, so she had a room. I packed my bags after that shift when the young man became critically ill and just stood at the front door, telling my parents I was moving out. I felt like I was some sort of unintended soldier and my name was called. They couldn't fight it; I had to go and my parents knew this was why I went into medicine. I haven't been home in over two months now. My life was completely uprooted. All the while, I had to keep working, keep trying to save lives. My work to serve others came first and I dedicated myself to it. The first person who was intubated with COVID and discharged from my hospital was my patient, under my care. I saved her life and countless others. Without my work, more people would have died. Despite the anxiety and fear, knowing that is how I fall asleep at night.

Please help to recognize the valuable role we as residents and fellows serve, and the many sacrifices we have and will continue to make. We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written. Please amend the legislation to include premium pay for residents at public sector and private hospitals.

Good morning, thank you for hearing from me today. My name is Dr. Pramma Elayaperumal, I'm a 2nd-year resident physician at Woodhull Hospital in NYC and a delegate representative of the Committee for Interns and Residents--a professional advocacy group for resident physicians across the country. My comments here today are my own, not that of my hospital or HHC.

Our appeal for hazard pay during this pandemic is multi-faceted, involving a change in safety standard, increased demands of work (hours worked, scope of work, increased physical and emotional demands of work), and upheaval of our normal scope of work.

You all know that NYC is the **global** epicenter of the COVID19 crisis. To me, the lack of PPE is an important issue to mention in the context of hazard pay for healthcare workers like us because to me, it illustrates a real failure of the institution, the city, and the broader society to protect frontline healthcare workers. We were being asked to wear an n95 for up to five days, staff at virtually every facility in the city have been sick, some even passed away. Aside from the obviously devastating emotional toll that takes on healthcare workers, know that this has contributed to many areas being further short handed and further stretched thin during a very difficult time. We're surviving off donated n95s, we spent a large period of time using different make/models, that we were never actually fit-tested for, per OSHA policy. We are definitely not getting new n95s for each patient encounter as was the standard of safety afforded us before this pandemic. So it's a stark example of actual harm inflicted on residents and healthcare workers in general and why we deserve hazard pay.

In addition, we've had our educational processes completely up-ended, electives canceled, conferences cancelled, even vacations deferred, now there's less training and education in our chosen fields--our attendings at my institution were specifically told to not spend time on teaching during this crisis. We've had more-out-of-scope tasks, more intense work. Meanwhile we're grasping at everything we can to cram crash-courses on COVID19, ventilator management and management of critically ill patients on our few days off because it's the only time we have to "catch up".

This whole episode also revealed just how much out-of-scope work the medical residents in the city hospital programs have been burdened with--1. During the crisis because there's such an influx of patients there's simply a lot to do and not that many hands to do it. Resident physicians all across HHC hospitals have been doing venous and arterial blood draws, placing IV lines, placing orogastric/nasogastric tubes, for years, even though these are more within the scope of phlebotomist, nursing, respiratory therapy, or other disciplines. It always came down to resident physicians always having the strongest sense of duty to our patients of anyone in the hospital.

This has injected a lot of stress/anxiety into our daily lives because of the uncertainty and lack of reassurance we've been able to get around things that are important to us given the circumstance. Our soon-to-be-graduates, the PGY3s, have a fast-approaching board exam they aren't being given the opportunity to be adequately prepared for, our PGY2s, like myself, trying to prepare for the fellowship match and having the landscape dramatically changed for us.

A **lot** of new money was activated to bring in outside people, including nurses, physicians, respiratory therapists, and mid-level providers for healthy wages well above their average pay to account for the dangers and unique challenges posed by delivering care in this kind of setting. It seems reasonable to me that if funds exist for that, funds should exist to account for the change in **our** roles and general upheaval given the pandemic.

Remember, we were here before FEMA, the volunteers, the support from the military medical system, and before the healthcare agency contract personnel, we facilitated the incorporation of these groups into our care teams; we taught them the bulk of what they know of navigating our EMR, our hospital policies/procedures. We're also going to be here long after them, as our community is still healing from this and god-forbid has to deal with persistent waves of infections.

You may have heard about an email from the administration of a hospital in NYC I that caused some up-roar among resident physicians in NYC, because it included the phrase "Not becoming a compassionate and caring physician." But consider the hours, the sacrifices made, medical school debt, physical and emotional toll taken on residents under *normal* circumstances. Now consider the additional burden this crisis has added; experiencing the death of patients under your care at a rate never before experienced and the subsequent heart-breaking conversations with families, all in the context of significant holes in our personal protection efforts during a very dangerous time and place to be a healthcare worker, and a side-lining of our actual career path. No generation of resident physicians have gone through this before. That hospital did in fact reverse course and grant additional pay to their residents.

That's why Northwell workers were given significant bonuses and additional vacation time. Yale, Maimonides, Mt. Sinai and other institutions have implemented additional compensation as well. These institutions weren't hit harder than us, and yet their leadership found room to recognize their workers in a way that was much more meaningful to those of us doing some of the hardest work during this pandemic.

We had a conference call on April 22nd with the CEO of Health and Hospitals, Dr. Mitchell Katz, and he spoke with the NY post on April 13th, both times Dr. Katz expressed support for providing resident physicians with hazard pay to address these things I've spoken about here today. There's not just a moral imperative for hazard pay for city healthcare workers, there is precedent and a willingness at the head of HHC administration for it as well. Thank you.

Good afternoon, thank you for hearing from me today. My name is Dr. Pramma Elayaperumal, I'm a 2nd-year resident physician at Woodhull Hospital in NYC and a delegate representative of the Committee for Interns and Residents, an affiliate of the service employees' int'l union--a professional advocacy group for fellows and resident physicians here in NYC and across the country. My comments here today are my own, not that of my hospital nor HHC.

I wanted to briefly talk about the COVID19 Relief Package INT 1918-2020. We support the efforts of the bill, **but urge the council to expand the language to include essential healthcare workers like myself and the professionals I work with. It appears to specifically exclude us as 1. City workers, and 2. Salaried workers.**

Our appeal to be included for relief/hazard pay during this pandemic is multi-faceted, involving a change in working conditions, increased demands of work (hours worked, scope of work, increased physical and emotional demands of work), and upheaval of our normal scope of work. You all know that NYC is the global epicenter of the COVID19 crisis. To me, the lack of PPE is an important issue to mention in the context of hazard pay for healthcare workers like us **not because we're comfortable trading our health/safety for additional compensation, but because it illustrates a real failure of the institution, the city, and the broader society to protect frontline healthcare workers, and the extremely** hazardous conditions that we have had to work through and the enormous personal costs that we had to incur in order to protect ourselves, when the city and our facilities failed to adequately protect us. We were being asked to wear an n95 for up to five days, staff at virtually every facility in the city have been sick, some even passed away. **Aside from the obviously devastating emotional toll that takes on healthcare workers, know that this has contributed to many areas being further shortanded and further stretched thin during a very difficult time.** We're surviving off donated n95s, we spent a large period of time using different make/models, that we were never actually fit-tested for, per OSHA policy. We are definitely not getting new n95s for each patient encounter as was the standard of safety afforded us before this pandemic. **In many cases many of us have been spending our own limited resources to purchase PPE in order to protect ourselves.** So it's a stark example of actual harm inflicted on residents and healthcare workers in general.

In addition, we've had our educational/professional processes completely up-ended, elective time and conferences cancelled, even vacations deferred, now there's less training and education in our chosen fields--our attendings at my institution were specifically told to not spend time on teaching during this crisis. We've had more-out-of-scope tasks, more intense work. Meanwhile we're grasping at everything we can to cram crash-courses on COVID19, ventilator management and management of critically ill patients on our few days off because it's the only time we have to "catch up".

This whole episode also revealed just how much out-of-scope work the medical residents in the city hospital programs have been burdened with, especially during this crisis because there's such an influx of patients there's simply a lot to do and not that many hands to do it. Resident physicians all across HHC hospitals have been doing venous and arterial blood draws, placing

IV lines, placing orogastric/nasogastric tubes, for years, even though these are more within the scope of phlebotomist, nursing, respiratory therapy, or other disciplines. It always came down to the incredible sense of duty to our patients that healthcare workers take with us to the job everyday.

This has injected a lot of stress/anxiety into our daily lives because of the uncertainty and lack of reassurance we've been able to get around things that are important to us given the circumstance. Our soon-to-be-graduates, the PGY3s, have a fast-approaching board exam they aren't being given the opportunity to be adequately prepared for, our PGY2s, like myself, trying to prepare for the fellowship match and having the landscape dramatically changed for us.

A lot of new money was activated to bring in outside people, including nurses, physicians, respiratory therapists, and mid-level providers for higher than normal rates of compensation to account for the dangers and unique challenges posed by delivering care in this kind of setting. For me this is a recognition of the hazardous and dangerous conditions in which we too have had to work.

Remember, we were here before FEMA, the volunteers, the support from the military medical system, and before the healthcare agency contract personnel, we facilitated the incorporation of these groups into our care teams; we taught them the bulk of what they know of navigating our EMR, our hospital policies/procedures. We're also going to be here long after them, as our community is still healing from this and god-forbid has to deal with persistent waves of infections.

You may have heard about an email from the administration of a hospital in NYC I that caused some up-roar among resident physicians in NYC, because it included the phrase "Not becoming a compassionate and caring physician." But consider the hours, the sacrifices made, medical school debt, physical and emotional toll taken on residents under *normal* circumstances. Now **consider the additional burden this crisis has added; experiencing the death of patients under your care at a rate never before experienced and the subsequent heart-breaking conversations with families, all in the context of significant holes in our personal protection efforts during a very dangerous time and place to be a healthcare worker**, and a side-lining of our actual career path. No generation of resident physicians have gone through this before. That hospital did in fact reverse course and grant additional pay to their residents.

That's why Northwell workers were given significant bonuses and additional vacation time. Yale, Maimonides, Mt. Sinai and other institutions have implemented additional compensation as well. These institutions weren't hit harder than us, and yet their leadership found room to recognize their workers in a way that was much more meaningful to those of us doing some of the hardest work during this pandemic.

We had a conference call on April 22nd with the CEO of Health and Hospitals, Dr. Mitchell Katz, and he spoke with the NY post on April 13th, both times Dr. Katz expressed support for

providing resident physicians with hazard pay to address these things I've spoken about here today. There's not just a moral imperative for hazard pay for city healthcare workers, there is precedent and a willingness at the head of HHC administration for it as well. Therefore, I urge you all to reword the language of the COVID19 Relief Package as it's written to include resident physicians in NYC hospitals. Thank you.

The below comments are offered on behalf of FedEx Corporation and its operating companies ("FedEx") providing never-more-essential transportation services in New York City. We appreciate the opportunity to offer our thoughts to this committee concerning the proposed Essential Workers Bill of Rights.

FedEx Commitment to Safety and Service

FedEx is extremely proud of our New York City team members' outstanding efforts serving the critical needs of our customers and this community through an unprecedented period. FedEx is an essential business, and we take seriously our responsibility to continue delivering critically needed supplies as the country and New York City responds to the COVID-19 pandemic.

Throughout this global crisis, FedEx's top priority is the health and safety of our team members and our customers. There is simply nothing more important. We are closely following public health officials' and other pandemic experts' guidance, including the CDC and WHO; providing PPE to team members; modifying operational procedures to enhance social distancing in the workplace; promoting personal hygiene; and implementing symptom screening.

These actions are just a few examples demonstrating FedEx's fundamental and tireless commitment to safety while at the same time ensuring that critical commerce continues to seamlessly flow throughout the United States and New York City in the face of this pandemic which has already impacted this community greatly.

FedEx Support of Essential Workers and Legislative Comments

FedEx applauds the exceptional work of essential workers across the United States and particularly in New York City and understands the committee's desire to consider legislation intended to recognize these individuals. At the same time, we believe the current version of these bills, as written, could be counter-productive by increasing the complexity and administrative burden of New York City employers' payroll and wage and hour compliance. With that mind, FedEx does not currently support this bill and encourages the committee to seek additional employer feedback and to carefully reconsider how to most effectively implement any potential pay changes in a way that balances the interest of workers and employers in the face of this pandemic.

We ask the committee to consider the following comments with respect to Int.1918-2020:

- The premium pay considered under this bill may not be easily configurable using automated time keeping systems, especially when combined with the concurrent calculation of a daily rate and an hourly rate. This could result in costly manual processes and greater possibility of pay errors.
- The proposed requirement to pay premium pay will directly affect and complicate employers' compliance with state and federal wage and hour law, particularly relating to the obligation, and likely reliance on manual processes, to calculate and correctly pay overtime. This will expose all employers to more risk of unintentional miscalculations of the regular rate and overtime pay.
- The premium pay in the proposed legislation does not take into account increased wages already instituted by many employers during the pandemic. The committee should consider (1) an offset

based on recent COVID-related wage increases and (2) excluding individuals from eligibility who already earn more than a certain dollar per hour.

- The coverage of this bill should be carefully defined and limited to individuals who have regular interaction with customers and the general public.
- This bill should be time bound.

We ask the committee to consider the following comments with respect to Int.1923-2020:

- A 15% reduction of work may be common for essential employees who work in industries with seasonal and fluctuating business.
- The definition of discharge should be limited to termination of employment and constructive discharge.
- This bill should also be time bound.

Respectfully submitted,

/s/ A.J. Sain

A.J. Sain

Vice President

FedEx Government Affairs



FOOD INDUSTRY ALLIANCE OF NEW YORK, INC.

111 Washington Avenue - Suite 200, Albany, NY 12210 (518) 434-1900

Testimony
by the Food Industry Alliance of New York State, Inc.
in Opposition to
Intros. No. 1918-2020, 1923-2020 and 1926-2020

Thank you for the opportunity to testify on behalf of the Food Industry Alliance of New York State, Inc. (FIA) regarding Intros. No. 1918-2020, 1923-2020 and 1926-2020. FIA is a nonprofit trade association that advocates on behalf of grocery, drug and convenience stores throughout the state. We represent a broad spectrum of NYC food retail, from independent, neighborhood grocers to large chains, including many unionized stores. Our members account for a significant share of the city's retail food market.

The NYC Essential Workers' Bill of Rights - Intros. 1918, 1923 and 1926 - were among the bills recently introduced to address the impacts of the COVID-19 pandemic. The pandemic has devastated the US economy, with projections continuing to deteriorate. For example, US gross domestic product fell at a 4.8% annualized rate in the first quarter, according to Commerce Department figures released last week. Economists had expected a 3.8% drop, according to Bloomberg data. In an April 24, 2020 report, the Congressional Budget Office predicted that "Inflation-adjusted gross domestic product...is expected to decline by about 12 percent during the second quarter, *equivalent to a decline at an annual rate of 40 percent for that quarter* (emphasis added)." In addition, an April 27, 2020 New York Post editorial noted that "Jobless numbers released Thursday hint that the nation is heading into Depression-era territory: *With 26 million out of work*, the US unemployment rate has now likely passed 20 percent; the 1930s peak was 25 percent. *New York has been especially hard hit, with 1.4 million now without jobs* (emphasis added)."

This grim reality leaves no room for job threatening legislation. Intros. No. 1918, 1923 and 1926, while intended to help essential grocery workers, will harm them by causing, among other things, job losses.

Int. No. 1918-2020: By mandating premium pay of \$75 for a shift longer than eight hours, the city will add \$9.37 an hour to the cost of that shift, *without any increase in productivity*. Assuming a worker is paid the minimum wage of \$15.00 an hour, and adding another \$6.00 an hour in health and pension benefits as well as payroll taxes, workers compensation and unemployment/disability insurance payments (all of which increase as base pay rises), total compensation *will exceed \$30 an hour for a minimum wage worker*. This will not only price the most vulnerable workers out of the job market but will also threaten the viability of neighborhood grocers, as many will not be able to afford the labor necessary to keep their stores open.

There is a perception that sales at every NYC grocery store have surged due to the pandemic. This is not true. Sales vary widely by neighborhood. Grocery stores in affluent neighborhoods that residents have

left for second homes have experienced a *decline* in sales. Supermarket sales are also soft in neighborhoods that have experienced sharp increases in unemployment.

In addition, in recognition of city grocery workers' efforts during the COVID-19 pandemic, our members, in the aggregate, have already spent millions of dollars on premium pay by raising hourly rates, authorizing more overtime and paying bonuses. Grocers have also incurred significant, unbudgeted costs due to the purchase of large quantities of personal protective equipment and the routine, deep cleaning of stores. As a result, while sales are higher in many grocery stores, operating expenses have surged.

The pandemic - and the resulting panic buying - will end, causing sales to normalize. When that happens, the city's grocers need to be positioned to preserve jobs and meet significant obligations under collective bargaining agreements. Unfortunately, the pay premiums mandated under Int. 1918 will undermine the ability of the city's food retailers to meet their obligations.

Finally, in less than two months, the federal government has authorized trillions of dollars of new spending to assist stakeholders impacted by the COVID-19 pandemic. Additional assistance is likely to be enacted. For example, an April 25, 2020 Newsweek article stated that "House Speaker Nancy Pelosi...intends to make a proposal by Senate Minority Leader Chuck Schumer...the 'centerpiece' of an additional measure they're eyeing to complete by Congress' tentative May 4 return date. Known as the Heroes Fund, the legislation would provide *up to \$25,000* in hazard pay for employees like health care workers, *grocery store clerks* and truck drivers (emphasis added)."

Given the economic devastation caused by the crisis, an additional federal relief bill is likely to be quickly signed into law. Accordingly, we urge the Council to wait for Congress to pass the Heroes Fund legislation, thus obviating the need for this legislation and avoiding the job losses that will result from it being signed into law.

Int. No. 1923-2020: The owners of the city's independent grocers invest substantial personal savings in their neighborhood stores on top of personally guaranteeing significant obligations, including bank debt, leases and trade payables. If an owner defaults on those personally guaranteed debts, personal financial ruin is likely.

In addition, our members, chain and independent, provide substantial community benefits by employing, in the aggregate, thousands of neighborhood residents, many of whom are first time, second chance and immigrant workers. Their viability is paramount in a city with food deserts. Moreover, many of our members operate stores that are covered under collective bargaining agreements, which commit neighborhood grocers to substantial financial obligations. The last thing that councilmembers should be considering during the COVID-19 pandemic is legislation that would not only undermine the ability of grocers to make those payments but is also grossly unfair to food retailers.

Int. 1923 is hostile to business. From beginning to end, the bill contains provisions that are one sided and create an unlevel playing field between employers and workers. "Essential employer" is defined as "...any employer that employs a person *or permits a person to work at or for* an essential business (emphasis added)." Accordingly, independent contractors are deemed employees for purposes of this legislation, further restricting grocers' ability to efficiently manage their businesses. Unlike the premium

pay bill, there is no distinction between employers based on size, so there is no exemption for small, independent neighborhood grocers.

In addition, to establish “just cause,” an employer must establish that the “...employee misconduct...is *demonstrably and materially* harmful to the essential employer’s business interests (emphasis added),” yet no definition of “demonstrably” or “materially” is provided. How can a vague, undefined standard ever be met?

“Progressive discipline” requires “...a *graduated range of reasonable responses* to an essential employee’s failure to satisfactorily perform such employee’s job duties, with the disciplinary measures ranging from mild to severe...(emphasis added).” “Graduated” presumably means that the initial disciplinary measures must be mild, even if the employee’s job performance is severely deficient. Apparently, employee misconduct cannot provide just cause for discharging an employee, since it is not mentioned in the definition of “progressive discipline.” “Reasonable responses” are also not defined, making it difficult for an employer to satisfy this requirement as well.

Under the legislation, “progressive discipline” is effectively forced on businesses, since a discharge will “...not be considered based on just cause unless the essential employer has utilized progressive discipline.” This will undermine neighborhood grocers’ ability to manage their employees in a manner that allows it to make payroll and pay bills.

Moreover, the deck is stacked against businesses since, under the bill, an “...essential employer may not rely on discipline issued more than one year before the purported just cause termination.” Accordingly, long term patterns of unsatisfactory job performance (or employee misconduct) cannot provide a basis for “just cause.” As a matter of common sense, equity and productivity, the opposite should be the case.

The proposed local law, which does not contain an express sunset provision, also authorizes administrative enforcement, a private right of action *and* arbitration. Punitive damages can be awarded in arbitration. Administrative enforcement and a private right of action can occur simultaneously. Given the floodgate of lawsuits and enormous insurance costs that businesses already face, it is both counterintuitive and counterproductive to authorize even more litigation against NYC businesses, including the establishments that provide city residents with food and medicine.

New York is an at will state for a reason. At will employment provides employers with the flexibility they need to manage employees in a way that allows them to make payroll and pay bills. This proposed local law not only involves regulatory overreach during a crisis but also creates a conflict with state law while eliminating that flexibility.

Int. No. 1926 -2020: In recent years, the Council has extensively regulated the city’s businesses, from enacting the Earned Safe and Sick Time Act (ESSA) to requiring buyers of grocery stores to retain the seller’s workers for at least 90 days to banning the sale of tobacco products at pharmacies. When aggregated, the compliance cost of these laws – essentially hidden taxes – are substantial. This is one of the major reasons that food deserts remain in communities across the city and many neighborhood grocers continue to struggle.

This legislation continues that trend by expanding the ESSA by deeming independent contractors to be “employees” for purposes of that law. ESSA is already a very burdensome and costly law for employers.

Adding to that cost during the COVID-19 pandemic is ill-advised and grossly unfair to employers. The unreasonableness is compounded by making accruals for the added workers retroactive to January 1, 2020. In addition, signing this legislation into law would set a damaging precedent, as independent contractors could be deemed “employees” for purposes of other city laws. Over time, this would significantly add to employers’ cost of doing business in the city, which is already very high.

For the foregoing reasons, FIA opposes adoption of Intros. 1918, 1923 and 1926. We respectfully request that all three bills be withdrawn and be replaced with a collaborative effort to manage the challenges presented by the COVID-19 pandemic. Rather than continuing to debate harmful bills, FIA urges the Council to pass Int. 1145-2018, sponsored by Councilmember Rafael Espinal, providing long overdue item pricing relief to the city’s neighborhood grocers, as well as to introduce and pass legislation exempting grocery stores from the commercial rent tax, which adds to the sky high rent that the city’s grocers already pay.

Respectfully submitted,

Food Industry Alliance of New York State, Inc.

Jay M. Peltz

General Counsel and Senior Vice President of Government Relations

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May 5, 2020

Testimony of Teamsters Local 237
before the New York City Council Committee on Civil Service and Labor
May 5, 2020

Good morning Chair Miller and honorable Council Members on the Council's Committee on Civil Service and Labor. My name is Gregory Floyd and I am the President of Teamster Local 237, and Vice President-at Large of the General Board of the International Brotherhood of Teamsters. I am here to testify today regarding the Council's COVID-19 recovery bills. Local 237 supports the Council's efforts and wants to ensure that no municipal worker is forgotten as we fight COVID-19.

Local 237 represents over 24,000 members who work in all of the city's municipal agencies, including the city's public housing facilities, public hospitals, schools and colleges, homeless shelters, ACS facilities, and almost all other municipal agencies. We are the largest local union in the International Brotherhood of Teamsters, and our members serve the City of New York and on Long Island every day. In NYC DOE schools, thousands of our members work to create a safe environment in which students learn while others make sure students receive nutritious meals. In NYCHA, our members fight to guarantee that our city's public housing operates safely and effectively. In HRA/DHS and H+H facilities, our members maintain security for staff and visitors alike. In the COVID-19 pandemic, our members have been categorized as essential workers and have continued to report to their jobs serving the most vulnerable populations of a city in need.

Every day during this crisis, Local 237 members go into harm's way to serve the city, often without the very basic level of protection they need. At the start of this crisis, many of our members, including NYCHA, NYPD, H+H, and HRA employees, were left without PPE or sufficient training even though they were on the front line of the city's response. Still, they reported to work for the good of the city. In some workplaces, PPE access has improved, but this is not universal. Our workers still need PPE, hand sanitizers, and training, to protect themselves and their families.

Local 237 commends the City Council for its efforts to protect essential workers and want to highlight the need to guarantee all municipal worker titles are included in legislation in the city and in the state level. These bills are a great start but we cannot stop here. Our members have served the city and many died due to COVID-19. They should be praised for their efforts, not penalized, jeopardized and left out of the City's plans to combat this deadly virus. Their sacrifices cannot be forgotten.

I thank you for giving Local 237 the opportunity to testify today, and we are happy to work with the City Council on these bills and any others.



PSK Supermarkets

May 1, 2020

The Honorable Corey Johnson
Speaker of the New York City Council
City Hall
New York, New York 10007

Re: Opposition Testimony to Int. No. 1918.

Dear Speaker Johnson,

Thank you for this opportunity to provide testimony on Int. No. 1918.

As Chairman and CEO of Foodtown and The Allegiance Cooperative, representing approximately 70 member supermarkets in the 5 boroughs, I strongly believe this proposed law will have devastating unintended consequences for New York City workers, families and local businesses

The Corona Virus crisis continues to be an unprecedented challenge impacting the families we serve at our full-service supermarkets throughout the city, our staff and our industry. I am incredibly proud of how our team members have stepped up and pushed forward selflessly and bravely to take care of our customers and make sure that New York City families continue to get the food and supplies they need safely and securely.

Our workers truly are “Essential.”

Besides being Chairman of my Cooperative, my company directly owns 8 Foodtown and Pathmark stores in the NYC Boroughs. As a family owned and operated company started by my father and serving New York for nearly 65 years, I am very proud of what we have been able to achieve together working tirelessly to keep stores open, operating and safe for workers and customers.

New York’s grocery stores have taken immediate and decisive action to protect workers including implementing social distancing guidelines, and many other new policies and procedures that extend well beyond mandated and suggested best practices. Keeping workers and customers safe while continuing to service the vital needs of our customers has been our top priority from the beginning. We have been able to innovate and adapt to provide dedicated physician services, additional time off, bonuses, specialized training, personal protective equipment, store modifications and much more all while adding staff to keep stores stocked and serving families safely.

New York’s grocers have stepped up and are working hard to protect customers and staff but the proposed “Essential Worker Bill”, while well-intentioned, will have dire unintended consequences for workers, consumers and local businesses.



PSK Supermarkets

This unfunded City mandate would have devastating operational impacts for local grocers. The impact on our company, for example, would exceed **\$40,000 PER DAY** in added costs to fund these bonuses. That is an additional cost of over **\$1.2 million each month**.

This proposal, as presented, is unworkable and will have immediate and severe negative consequences for workers, consumers and local grocers. It will result in a loss of jobs, reduced safety for existing workers, closed neighborhood grocery stores and higher prices for families at a time when they can least afford it.

Our workers are essential, and we have already taken dramatic steps to increase compensation and bonuses and keep them protected but this proposal to impose a City mandated bonus program on top of all of the other things we are doing will cripple our ability to operate.

There will be store closings. I can assure you that there are operators with stores in traditionally underserved communities who struggle in the best of times. This added burden along with all of the other added costs, restrictions, modifications and operating challenges we are experiencing during this crisis will force supermarket closures in the communities that can least afford to lose access to a community grocery store. I personally have stores that will no longer be viable and will have to close if the bill is passed.

There will be significant layoffs at a time when staff is desperately needed to maintain safe full-service operation to serve customers.

There will be increased prices on basic grocery items to accommodate increased costs at a time when families can least afford to bear this additional burden.

In conclusion, I would add that the logistics of rolling out this proposed change into the payroll systems would take 3-4 months for even the larger and more sophisticated operators to program, test and implement. This is actually much more problematic and complicated than you may believe and will be a daunting challenge for small to midsized grocers who are already struggling.

I commend the Council for its recognition of our essential workers and I am honored to be working side by side with them every day. Please do not allow the unintended consequences of this proposal to impact them and the families who count on access to a local supermarket.

I urge the Council to reject this proposal.

Sincerely,

Daniel Katz

Daniel Katz

CEO, PSK Supermarkets



**TESTIMONY OF
THE FORTUNE SOCIETY**

**THE COMMITTEE ON CIVIL SERVICE AND LABOR
OF THE NEW YORK CITY COUNCIL**
250 Broadway, New York, NY

Tuesday, May 5th, 2020

SUBJECT: The Fortune Society's opposition to Intro Nos. 1918, 1926, and 123

PURPOSE: To discuss the problem of unfunded mandates for nonprofits and human services providers during this time, and to suggest that the bills become both funded and adjusted by the New York City Council

Presented by

JoAnne Page, Esq.
President and CEO

The Fortune Society
29-76 Northern Blvd.
LIC, NY 11101
212-691-7554 (phone)

Testimony by The Fortune Society, 5/5/20

The Fortune Society is submitting testimony today in order to express its opposition to legislation that clearly comes out of a well-meaning place. Indeed, it is obvious that The New York City Council proposed Intro Nos. 1918, 1926, and 123, out of concern for the New York City's workers during a time of economic crisis both in the city and in the nation. However, these bills, while trying to protect our city's workers, simply do too much and not enough at the same time.

The Fortune Society is an organization that is nationally known for helping thousands of formerly incarcerated people successfully rebuild their lives and reenter the New York City community. Soon after the COVID-19 virus hit New York, The Fortune Society was able to continue to provide its full array of wraparound services to people with criminal justice histories, with a temporary shift to providing many of our services remotely. In doing this kind of work, our business is currently an "essential" one under Executive Order 202.6, as we are "[p]roviders of basic necessities to economically disadvantaged populations."

Our services include everything from licensed substance abuse and mental health treatment to providing supportive and affordable housing to offering our clients a full range of employment services. Our commitment to New York City's workers is strong, as we strive to provide one of the groups most discriminated against in the workplace with the skills necessary to obtain employment and thrive in the workplace. For example, we applauded City Council when it took the essential step of passing the "Ban the Box" law several years ago, and we look forward to seeing it take further protective acts of our city's workers in the future.

The problem with Intro Nos. 1918, 1926, and 1923, however, is that the nonprofit world was already struggling financially even before the COVID-19 virus hit. According to a 2016 report, 18% of nonprofits in New York City are insolvent, 40% have virtually no cash reserves, and over 40% have lost money over the last three years. In addition, government contracts are not being paid on time and do not pay the full amount that it costs to run programs. Nationally, research has shown that nearly one in eight social services nonprofits is technically insolvent. For shelter and housing providers, who generally have high fixed costs, the number jumps to one in three.

In other words, given this economic fragility, in trying to protect our city's essential workers, these bills may actually contribute to the breakdown of some of the very places where some of the most critical ones actually work.

Intro No. 1918

First, there is Intro No. 1918, which would provide "pay premiums" for hourly employees at any "essential business" of 100 people or more. By its definition, this would include many nonprofit and human service organizations, including the Fortune Society, which currently has approximately 300 staff members. By adding these additional sums to their salaries, this bill seems to come from a desire to reimburse our city's most vital workers, during a time of great economic need. The problem, however, is that the bill seems aimed at businesses, rather than nonprofit organizations. In defining terms such as "chain business" and "essential business" (as well as its focus on hourly employees at "large essential businesses"), this bill seems to be primarily aimed at the private sector. However, the fact of the matter is that there are also numerous nonprofits like The Fortune Society, who are also "essential businesses" under the bill's definition—and they are the ones who are providing some of the most critical services to our city's residents during this time.

Given the incredibly hard work of all of its staff during this time period, The Fortune Society would, of course, welcome payment premiums at the levels proposed in Intro No. 1918. However, the truth of the matter is that while The Fortune Society is trying its hardest to try to hold on to its entire staff if its budget allows for it, a pay premium like that required by Intro No. 1918 would endanger that budget in serious ways. In order for it be possible for The Fortune Society to put this ideal into action, this mandate needs to be actually *funded* by the City.

In short, the time is simply not right for unfunded mandates on the already-struggling nonprofit field in New York City, and especially those organizations who are providing “essential services.” Over 70% of recently surveyed New York City human services providers believe that they will soon need to lay off staff, due to budget cuts on both the state and local level, as well as lost governmental contracts. If City Council did indeed fund this bill, The Fortune Society would be strongly in favor of it, as long as it had one more adjustment. The pay premiums should apply not just to hourly workers, but also to all staff doing high-risk work, such as maintenance and front-desk staff. As in line with The Fortune Society’s history of trying to protect workers’ rights, we cannot discriminate between hourly workers and staff who are front-facing, and take serious health risks by doing their work.

Intro No. 1926

Next, there is Intro No. 1926, which focuses on expanding paid sick leave rights to independent contractors and freelancers. Again, this bill seems to be primarily focused on the private sector, which utilizes the work of these individuals extensively. However, the nonprofit field also utilizes the services of these workers. For example, a 2020 survey of 61 human services providers performed by the Human Services Council found that over 20% of reported staff would potentially be covered by this bill. At The Fortune Society, we pride ourselves on offering a solid benefits package including generous paid sick leave to our staff, but our budget does not allow for expanding this to independent contractors and freelancers who do periodic work for us without cutting personnel expenses in other ways, which would be a result opposite to that desired by City Council.

Not only is Intro No. 1926 another unfunded mandate, it also makes paid sick leave rights retroactive in addition to proactive: if passed, the bill would reach all the way back to January 1, 2020. Again, the time of the coronavirus is simply not the time for unfunded, retroactive mandates. Given the health care dangers that are currently consuming the city, The Fortune Society agrees that a bill such as this one should indeed be a priority for the Council. However, once more, the bill either needs to be extensively funded, or at the very least, it should provide an exception for nonprofit organizations. If it does not, then the fiscal weight that would be placed on the nonprofit field, including on The Fortune Society, could prove to be enormous.

Intro No. 1923

Finally, there is Intro No. 1923, a bill which is progressive in its spirit, but simply not in touch with the nonprofit world’s current reality. In a true workers’ rights mentality, the bill would not allow essential employers to discharge its employees without what it calls “just cause.” Unfortunately, however, this bill fails to address how the staffing levels at nonprofits like The Fortune Society are directly connected not to cause, but to City and State funding. And in recent weeks, the field has received clear indications that budget cuts, as well as cancelled or reduced

contracts, will be coming from the city and state for the 2021 fiscal year. In fact, The New York City Council has already held that discretionary spending, which is an enormous bedrock of stability for almost every nonprofit in the City, may be cut for many organizations, for the services that they have provided after March 22nd, 2020. In addition, the way in which discretionary contracts have been handled in the face of the pandemic so far represents a profound breach of the trust that has for many years let nonprofits deliver services before contracts were executed. Providers are currently having to rely on funding promises, without absolute certainty that they will be met.

Unless alternate funding streams are made available to replace these sorts of budget cuts or funding “promises,” or the City is planning on setting aside money to hold providers harmless in terms of the quantities of the services produced, then the nonprofit field is going to be almost financially helpless on essential staffing matters under the proposed rules and regulations of Intro No. 126. Indeed, the bill also defines “essential employees” to mean everyone at an “essential business,” rather than just frontline workers. This would mean that all nonprofits would be unable to cut back on hours or layoff any staff for any economic reason whatsoever, even if they lose governmental contracts or discretionary funding due to budget cuts. This is once again an example of City Council trying to do much and too little at the same time.

In short, The Fortune Society believes that the needs of the nonprofit field’s essential workers must indeed be addressed, but that this cannot be achieved through unfunded mandates imposed on organizations that are already fragile and that are the front line in delivering services to the most vulnerable New Yorkers. In order for these sorts of mandates to be truly effective, the City must fund them, as well as re-pay their costs quickly. This is an economically vulnerable time for all people and organizations in New York City. Organizations such as The Fortune Society need to be able to both protect their staff *and* provide their essential services to those who need it most not alone, but with the government by their side.



Fulfilling the promise of opportunity

TESTIMONY of FPWA

Presented to:

New York City Council Committee on Civil Service and Labor

Hearing on COVID-19 Relief Package

Hon. Chair I. Daneek Miller

Tuesday, May 5th, 2020

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My name is Osman Ahmed and I am a Senior Policy Analyst at FPWA. I wanted to thank Chairperson Miller and the members of the Committee on Civil Service and Labor for allowing testimony on a package of bills that aim to protect and support frontline 'essential' workers.

FPWA is an anti-poverty, policy, and advocacy nonprofit with a membership network of 160 human service and faith-based organizations. FPWA has been a prominent force in New York City's social services system for nearly 100 years, advocating for fair public policies, collaborating with partner agencies, and growing its community-based membership network to meet the needs of New Yorkers. Each year, through its network of member agencies, FPWA reaches close to 1.5 million New Yorkers.

We applaud the council's commitment to New Yorkers who are risking their own safety to stymie the progress of this pandemic, making sure that our city remains open, and that essential services are still being provided to those who need them. These essential workers, employed across many sectors like health and human services, food services, and construction, are heroes and FPWA commends all efforts to compensate them for the heightened risks to their health and safety. However, I want to highlight the challenges facing nonprofit human service providers and the impossible choices and risks being faced by workers who are often not included in or protected by policies targeting essential workers – day laborers and undocumented workers.

Early research has already shown that the COVID-19 pandemic is going to have devastating impacts on NYC's economy and labor force, disproportionately impacting immigrant and undocumented workers. Research from the New School's Center for New York City Affairs and the Center for Migration Studies have begun to paint a picture of catastrophic conditions for undocumented workers in NYC. While every sector of the workforce is impacted by the pandemic, 54% of immigrant workers have lost their jobs in the last few weeks.¹ In addition, 70% of the undocumented labor force are essential workers² – cleaning and disinfecting our city, delivering our food and supplies, and acting as 'secondary responders' in this crisis. These workers have little to no access to any form of relief currently being provided by federal, state, and local governments.

We want to acknowledge and commend the City Council and Mayor's efforts in providing some direct economic support, in partnership with the Open Society Foundation, to immigrant workers. However, the \$20 million fund does not come close to addressing the scale of the problem.

As the council considers 'hazard' pay for frontline essential workers, an important question must be asked and answered first – how will 'essential' undocumented workers and day laborers be able to access these increased hourly wages, paid sick leave, re-classification as employees, and what mechanisms will New York City put in place to ensure that employers are complying with these laws without punitive actions against day laborers? If such mechanisms are not in place, day laborers will, once again, be unable to access this form of relief. We also urge the city council to consider direct economic relief for undocumented workers – while many day laborers are still working as 'essential' employees, there are many who have lost jobs and

¹ <http://www.centrernyc.org/reports-briefs/2020/4/11/new-report-on-the-jobs-impact-of-covid-19-and-unemployment-insurance>

² <https://cmsny.org/new-york-essential-workers/>

income due to this crisis and are facing hunger, housing insecurity and the inability to pay their bills. We applaud the Committee on Civil Service and Labor on considering this package of bills to support essential workers and urge councilmembers to not forget day laborers and undocumented workers in your efforts.

In addition to the issues raised above, we want to highlight a major concern about Intro. 1918 that is being raised by FPWA's member organizations. While FPWA strongly supports premium pay for essential workers, the bill as written, does not include provisions for a proportional increase in city contracts for non-profit health and human services providers delivering essential contracted services.

The nonprofit sector is already facing austerity budgets at the state and federal level, cuts in city council discretionary funding, and the near certainty that private funding will be severely impacted by the oncoming economic downturn. Many nonprofits are struggling to maintain their staff and will be unable to provide an increase in their pay. As furloughs and lay-offs are looming, many frontline and essential nonprofit workers will be most impacted. These workers are overwhelmingly women, people of color, and immigrants that live in parts of the city most impacted by COVID-19. These workers deserve premium pay and more, as they are serving the most vulnerable communities in NYC in perilous conditions. However, we urge the council to consider how nonprofits with already dwindling revenues will be able to afford premium pay without support from our partners in city government.

In short, this bill would create an unfunded mandate for the nonprofit sector, which is already struggling to assist of New Yorkers in desperate need of services and support. Years of under-funding and delayed reimbursement for work already performed by the human services sector have left many organizations in a precarious financial position with limited cash flows. This bill, without funding to increase wages, would be devastating for many nonprofits whose services are needed now more than ever.

We applaud city council and the Committee on Civil Service and Labor's efforts today and want to make clear that FPWA fully supports the intent of this package of bills. However, before the Council votes on passing these intros into laws, the questions and concerns raised above must be answered and further clarification provided. FPWA has been, and continues to be, a partner with City Council in advancing policies that address economic and social inequities in New York City. We hope to continue this partnership and urge the council to consider the unintended consequences of these bills and to work with us to address these issues. Now, more than ever, we need the City Council to protect the most vulnerable New Yorkers and provide the visionary leadership that is needed to recover from this pandemic.

Testimony – Essential Worker Bill of Rights – May 5, 2020

Frank Kearl, Make the Road New York, Staff Attorney

My name is Frank Kearl. I am a staff attorney at Make the Road New York based out of our Staten Island office. Make the Road New York represents over 25,000 members - the vast majority of them black and Latinx - throughout downstate New York. The majority of our members hail from the five boroughs, with the largest group from the epicenter of the epicenter of the COVID-19 crisis: Corona, Jackson Heights, and surrounding areas of Queens.

Our members are also on the frontlines of the pandemic. They are either facing horrific levels of unemployment, many of them with zero access to unemployment insurance and pandemic unemployment assistance, often ineligible even for food stamps. OR they are working increased hours and forced overtime in frontline jobs - cleaning office buildings vacated because of positive cases, washing hospital laundry, delivering food for 12 hour shifts on bicycles, with only bandanas across their faces and plastic bags on their hands to serve as protection. These workers return home to close-quarters living, risking every day that they are carrying COVID-19 on their clothes and in their lungs, to their multi-generational families living in small apartments.

The need is acute for PPE, for wages that can help families survive, for replacement income to fill the gaps left by the racist unemployment system that excludes undocumented immigrants. And on the most basic level, they need their right to speak out and tell the truth, blowing the whistle on dangerous conditions. And they need that right to be protected. For the sake of ALL OF US,

I am here to testify today on behalf of our 25,000 members and in full support of the full package of Essential Worker protections being proposed today.

For over a year now I have been meeting with workers from Amazon's JFK8 fulfillment center and hearing about the backbreaking work that goes into fulfilling orders for the e-commerce giant.

Before the pandemic, workers in Amazon's facilities already faced staggering injury rates¹ while putting their bodies on the line to help build the most valuable company in the world. Amazon's workers are subjected to dangerously fast work rates, achingly long shifts, and perilously high temperatures every day they come into the facility. Injuries are treated by an undertrained health care team, with band-aids, pills and pain creams, before being swept under the rug.²

COVID-19 has only brought Amazon's mistreatment of its workforce into sharper relief. For the last two months Amazon has failed to implement sufficient worker protections in its facilities. They have tried to cover-up the number of workers who have tested positive. They have failed to

¹ Bryan Menegus, *Exclusive: Amazon's Own Numbers Reveal Staggering Injury Rates at Staten Island Warehouse*, Gizmodo, Nov. 25, 2019 (<https://gizmodo.com/exclusive-amazons-own-numbers-reveal-staggering-injury-1840025032>).

² Tonya Riley, *She Injured Herself Working at Amazon. Then the Real Nightmare Began.*, Mother Jones, March 19, 2019 (<https://www.motherjones.com/politics/2019/03/amazon-workers-compensation-amcare-clinic-warehouse/>).

implement policies that will allow sick workers to stay home. They have failed to provide sufficient PPE. They have continued, business as usual, allowing their facilities to become vectors for the spread of COVID-19, risking the lives of their employees and the safety of our communities.

The proposed bills will not resolve all these problems, but they are a necessary first step.

Int. No. 1923, in particular, will put a stop to the retaliation against Amazon employees who dare to stand up and demand better. When workers like my clients, Christian Smalls, Derrick Palmer, and Gerald Bryson asked their employer to follow CDC guidelines and shut down JFK8 for a deep cleaning, they were ignored. When they began to organize their fellow workers to demand safer conditions, they were given final disciplinary write-ups, fired, and smeared in the press.³ Int. No. 1923 will release these essential workers from imminent threat of a vindictive employer and allow them to protect themselves and their families.

Our concern with the legislation is that it may need amendment to ensure that employers can't simply "wait out" the pandemic, and then summarily fire whistleblowers at that point. No employer should EVER be able to silence whistleblowers through retaliation.

Make the Road New York represents many of New York City's most vital and vulnerable workers. This city's essential workforce has fallen through the cracks for too long. Our delivery drivers, misclassified as independent contractors, deserve access to paid safe and sick leave. Our restaurant workers deserve hazard pay for risking their wellbeing to keep us fed. Our warehouse workers deserve the stability of knowing that they will not be fired for some fabricated transgression, just because they spoke up about unsafe conditions on the job.

This past Friday, Tim Bray, a Vice President at Amazon, resigned in protest over the horrific way that his company was treating whistleblowers like my clients. He got to the core of the problem in his public letter of resignation.⁴ He wrote:

“[A]t the end of the day, the big problem isn't the specifics of [the] Covid-19 response. It's that Amazon treats the humans in the warehouses as fungible units of pick-and-pack potential. Only that's not just Amazon, it's how 21st-century capitalism is done.”

This is New York City and we are in a crisis. We should demand better of our employers. We should stand up for our workers. I implore you to pass the Essential Worker Bill of Rights.

³ Bill Hutchinson, *'It's Retaliation': Amazon Warehouse Worker Fired Following Coronavirus Employee Walkout*, ABC News, March 31, 2020 (<https://abcnews.go.com/Business/retaliation-amazon-warehouse-worker-fired-staging-walkout/story>); Ben Fox Rubin, *Fired Amazon Worker Says Termination Was Retaliation for Speaking Out*, CNET, April 23, 2020 (<https://www.cnet.com/news/fired-amazon-worker-says-termination-was-retaliation-for-speaking-out/>); Paul Blest, *Leaked Amazon Memo Details Plan to Smear Fired Warehouse Organizer: 'He's Not Smart or Articulate'*, Vice News, April 2, 2020 (https://www.vice.com/en_us/article/5dm8bx/leaked-amazon-memo-details-plan-to-smear-fired-warehouse-organizer-hes-not-smart-or-articulate).

⁴ Tim Bray, *Bye Amazon*, May 4, 2020 (<https://www.tbray.org/ongoing/When/202x/2020/04/29/Leaving-Amazon>).



Testimony of Felice Farber
Senior Director Policy & External Affairs
General Contractors Association of New York
City Council Committee on Civil Service and Labor
May 5, 2020, 10:00am

The General Contractors Association of New York represents the unionized heavy civil construction industry in New York City. Our members build New York's infrastructure: from the roads, bridges, transit and water & sewer systems; to the parks, schools and building foundations that support New York City. Some of these projects were deemed essential by Governor Cuomo and accordingly our members were permitted to continue working.

Ensuring the health and safety of all workers is and has always been a top priority for the GCA. Our members follow best practices for protecting workers from COVID-19. The COVID-19 mitigation measures have been detailed in safety checklists or guidelines that follow CDC recommendations, and guidance issued by the MTA, Port Authority, New York City Department of Buildings and New York State Department of Transportation. To protect our workers from exposure to COVID-19, GCA members have re-structured their operations to separate workers and ensure social distancing, resulting, in some cases, in decreased productivity.

Additional costs are being incurred to purchase personal protective equipment or PPE to keep workers safe. This includes a combination of respirators, face masks, and face shields to allow employees to work safely. Where necessary new tools are being purchased to ensure that workers do not have to share tools. Job sites are being cleaned and sanitized regularly. At some sites, temperature checks are being conducted at job entrances before a worker is permitted to enter the worksite. All of these items are adding considerable and unanticipated costs to public works projects.

We are proud of the work our members and the union construction trades do every day to keep New York moving and to support New York's economy. We work closely with our union brothers and sisters and the message we have received is clear. Everyone wants to continue working - and to do so safely.

While no doubt well-intentioned, Intro 1918 and Intro 1923, will have a negative impact on the heavy civil construction industry which has continued to operate during these times and kept thousands of individuals dutifully employed rather than out of work. Aside from increasing the

cost of construction, these bills will risk changing the very foundation of the time-honored collective bargaining process.

Intro 1918: Premium Pay for Essential Workers

Requiring premium pay for workers defined as Essential in Executive Order 202.6, as amended, would change the prevailing rate for certain construction workers in New York City and increase the cost of construction at time when New York City can ill-afford those increases. The New York City Independent Budget Office estimates that New York City could be facing the worst fiscal crisis since the 1970's. New York City has responded by slowing payments to some vendors, stopping design work, and placing many projects on hold. Now is not the time to be increasing the cost of construction for public works projects.

While supposedly applying premium pay to large employers only, the actual impact of the bill is quite expansive across the spectrum of construction companies, large and small. In effect, the bill creates a two-tiered prevailing wage system for contracts currently in effect depending on the size of the contractor. Two companies working a block apart could have different prevailing wage rates applied to what could be identical work. This bill also would wreak havoc on projects to be bid, as different size employers would be required to address in their bids, different prevailing wage rates for the Work in the Contract (Bid).

Where business size fluctuates weekly, as is common in the construction industry, business size would be based on the average weekly total employment from the previous year. The bill would therefore take employment numbers from a robust construction market and compare it to a time when many projects are on hold. Moreover, the term large employer is so broadly defined it would include employment numbers for subcontractors working on a jobsite thereby inflating the size of a particular employer and increasing their costs.

Finally, the carve out for workers subject to a collective bargaining agreement is meaningless as it would require all existing agreements to be renegotiated to include a specific waiver that provides "comparable or superior" benefits. This would be a lengthy process continuing beyond the current shutdown and would include adding premium pay for only some signatories to the agreements and only when their business size exceeds 100 employees.

Intro 1923: Just Cause

The proposed "just cause" legislation directly conflicts with the National Labor Relations Act as the bill impinges on the ability to bargain in good faith over the conditions of employment. Collective bargaining agreements set forth the rules for hiring and terminating workers, including a dispute resolution process for addressing grievances. The provisions of Intro 1923 interfere with the rights and responsibilities fairly negotiated in those agreements and would set employment standards and grievance procedures different from those established in the CBAs.

Intro 1923 would impact the ability to layoff trades workers when a project or task is complete and the trades are no longer needed. It would also impact the ability of an employer to right-size overhead in the event of a declining market and ensure the firm's ability to stay in business. Moreover, trades workers regularly move from employer to employer to meet the specific task demands of each construction project. This bill would prohibit employee termination for reasons other than "just cause" and could therefore interfere with project workflow, forcing employers to retain workers no longer needed for a project and engage in lengthy and costly arbitration outside of the process set forth in the CBAs.

There are other concerns with Intro 1923 as well. The term, "essential employee" is overly broad and would encompass subcontractors and potentially suppliers as well in both determining business size as well as broadening the scope of the "just cause" requirements. This could create a situation where subcontractors and suppliers might refuse to work for an essential business in order to avoid being subject to this new employment standard.

The overly broad definition of essential employee also could be construed to cover all workers in the same trade regardless of whether only some worked for an essential business.

Finally, there is no expiration date in the proposed legislation leaving the "just cause" standards in place long after the COVID-19 crisis ends.

As they collectively face incredibly difficult financial times, GCA members want to continue to deliver projects for the City, as well as keep our workforce doing what they do best – and doing so safely. For these reasons, the General Contractors Association is opposed to Intro 1918 and Intro 1923.



**Testimony Regarding Intros. 1918, 1923 and 1926
Karen Pearl, President and CEO, God's Love We Deliver
May 5, 2020**

God's Love We Deliver provides nutrition therapy, and cooks and home-delivers medically tailored meals for people living with severe illness in the New York City metropolitan area. Last year, we delivered 2 million meals to 8,200 clients, children and caregivers. This year, we will cook and deliver many more than 2 million meals for approximately 10,000 clients.

God's Love has been open and operating as an essential service provider throughout the pandemic. Cooking and home delivering medically tailored meals to some of the people in NYC most susceptible to contracting – and dying from – COVID-19 is more important than ever during this unprecedented crisis. As many of our clients are elderly and all are living with pre-existing severe medical conditions, our home delivered meals are critical to their ability to stay at home and out of the hospital.

As senior centers and care facilities across the City shuttered, we experienced a huge uptick in referrals – 4-5 times the usual number each week. Since the beginning of March, we have welcomed more than 1,000 new clients onto our program and are cooking and delivering 22% more meals each day, and there are more and more referrals to process. We have endeavored to work closely with the City, our coalitions and other healthcare partners to ensure that those who truly need our service get it and to make sure that a warm handoff to other services happens for those who do not.

To support our workforce during this time of extraordinary response, we have implemented many new policies. In advance of new state and federal guidance, God's Love made our leave policies more flexible and added extra sick days should people need them. We have implemented bonuses for all operations staff who have continued to work on site and added bonuses for additional work. And, at eight weeks into our response, we pre-delivered 3 additional weeks' worth of shelf-stable food to clients to allow our building to close for a week and staff to rest for the road ahead.

During this fraught time, as we endeavor to keep our ovens hot, our vans on the road and our staff, clients and volunteers safe, we are concerned that we simply cannot absorb the additional cost and regulatory burdens proposed through Intros. 1918, 1923 and 1926. Below, we detail the specific impact this legislation, if passed, would have on our essential nonprofit operations.

Int 1918 Premiums for Essential Workers

Given the number of non-exempt staff who would be working shifts of 4+ hours per day (and many working 8+ hours a day), the proposed premium would cost us \$13,500 – \$20,000 per week just for our staff. Including our temp workers (since the temp agency would pass this cost on to us), we would likely add another \$7,500 – 12,000 per week. **A weekly additional personnel expense of \$20,000 – 30,000 would pose an impossible burden on us as a not-for-profit organization.**

Int 1923 Just Cause Discharge

God's Love has a commitment to, and a practice of, treating all employees and all others in our workspace with dignity, professionalism and respect.

God's Love never terminates the employment of any employee without solid business rationale. However, this bill represents a troubling erosion of the employment-at-will doctrine. The bill significantly interferes with an employer's ability to manage termination decisions, for example, requiring progressive discipline even in the face of gross misconduct. It also creates an employment relationship with non-employees, adding to our burden during a critical time when we are more reliant on temporary staff. Finally, **it severely compromises an employer's ability to protect its business, staff and assets** by requiring all information to be shared in writing with the terminated employee and prohibiting the introduction of other evidence in an enforcement action.

Int 1926 Earned Sick and Safe Time

During this crisis, God's Love has ramped up services and hired many temporary staff to enable us to meet the fast rate of growth required. We do so through relationships with temp agencies, who traditionally manage the temporary employee relationship. This introduction would fundamentally change that relationship and impose a huge financial and administrative burden on God's Love to both track and pay for time off for individuals we do not employ. Requiring retroactive payment of sick time to non-employees creates an additional administrative burden to coordinate payment with any other payment the non-employee may have received.

Conclusion

We believe these bills would introduce significant financial and operational burdens on our critical business of preparing and delivering nutritious meals to vulnerable New Yorkers and would compromise our ability to ensure that we are adequately staffed with the right staff to get the job done.

We respectfully ask that the proposals be withdrawn and replaced with a collaborative effort between the City, for-profit businesses and non-profit organizations to create the best environment we can during this unprecedented crisis.

Testimony of
Greater New York Automobile Dealers Association

May 5, 2020

**City Council Committee on Civil Service and Labor
City of New York**

Presented by: Mark Schienberg, President
Greater New York Automobile Dealers Association
18-10 Whitestone Expressway
Whitestone, NY 11357

Testimony on introductions 1918 and 1923

My name is Mark Schienberg and I am President of the Greater New York
Automobile Dealers Association. (GNYADA).

Thank you for the opportunity to appear today to provide the perspective of the retail automobile industry with regard to two items on today's agenda relating to the "NYC Essential Workers' Bill of Rights: Int. 1918 regarding premium payments to certain essential workers and Int. 1923 regarding just cause terminations.

The Greater New York Automobile Dealers Association (GNYADA) is a not-for-profit trade association, headquartered in Whitestone, Queens. We represent 400 franchised new vehicle dealers in the twelve downstate counties of New York, including nearly 100 in the City of New York alone. GNYADA members are engaged in the retail sale and leasing of new and used vehicles, the servicing, repairing, and supplying parts for new and used vehicles.

Automobile dealerships have a huge positive impact on the New York City economy; GNYADA dealers in New York City alone, directly employ more than

10,500 people representing an annual payroll of \$811 million. These dealers also spend \$1.1 million annually on advertising. Our members in this region collect and pay more than \$626 million dollars in taxes annually for state and local governments. GNYADA and its members produce and promote the New York International Automobile Show at the Javits Convention Center every spring, which generates more than a quarter of a billion dollars in economic activity for New York City, each year.

Int. 1918 Would Have Serious Negative Impacts on the Market

On behalf of the members of our Association, we vehemently oppose this legislation as it comes at a time when small businesses, like retail automobile dealers, are struggling to survive during the worst health and economic disaster of our lifetime. Like many sectors, the retail automobile industry has been hit very hard resulting in an extreme reduction in sales and service resulting in severe layoffs.

We surveyed our members and can report that business is off by 81% percent.

Dealers responded that their business could not last more than one to three months without successfully resuming full operations. Adding premium payments will penalize businesses looking to return to pre-pandemic status and continue operating within New York City. Premium pay requirements could result in thousands of lost dealership jobs throughout the City.

The Association understands and appreciates the intention to reward essential workers through premium payments, however, that premium pay must come from the Federal government, not struggling New York City small businesses. Intro 1918 is basically an untenable tax on small businesses that are trying to stay afloat while dealing with dramatic increases in expenses due to enhanced PPE requirements, cleaning, disinfecting, maintenance and sanitizing procedures while maintaining social distancing rules to ensure the safety of the public and employees..

Common sense dictates that this is not the time to impose additional financial, notice-posting and recordkeeping burdens on businesses, like ours trying to return their businesses to pre-pandemic levels.

Int. 1923 Would Have Negative Impacts on New York City Small Business

As for Intro. 1923, automobile dealers provide good paying jobs, with benefits that lead to life-long careers in the industry. The retail automobile sector has been successful at managing employment by following New York's employment-at-will laws. Economics have changed due to the pandemic which has forced dealers to

determine whether workers, essential or otherwise are laid off or furloughed. With absentee rates higher than ever due to the coronavirus, employers need to have the freedom to determine which employees can be retained or recalled following layoff. Maintaining business operations is critical during this pandemic and businesses should determine staffing needs while complying with existing law.

GNYADA members are provided with communications relating to relevant employment laws and regulations for properly operating in New York City.

Existing law provides for severe penalties for violating some of the strongest employment laws in the country. GNYADA believes workers have a myriad of existing employment laws which were enacted by City Council to ensure protections for City workers.

The Greater New York Automobile Dealers Association urges the Council to reconsider Intro. 1923 as unnecessary.

For the reasons stated above, GNYADA opposes these two bills and requests that the Council consider the viability of the franchised new car dealer small business market operating within the City.

That concludes my comments today.

May 5, 2020
Committee on Civil Service and Labor
Testimony by Handy on Intro No. 1926

Handy Testimony for New York City Council

Thank you for the opportunity to share our testimony. I'm Brian Miller, General Counsel of Handy Technologies.

Handy is the country's leading online platform for connecting individuals who are looking for household services, such as home cleaning or furniture assembly, with independent service professionals who provide those services.

Handy was developed to help solve a problem for both consumers who had trouble finding reliable, quality professionals for household projects, and professionals who sought a way to find flexible, convenient work through a reliable platform.

Professionals have flocked to our platform to access a wealth of new customers—and the significant income opportunities that follow. Professionals are attracted to the platform for various reasons, including increased flexibility and independence that they can't find elsewhere.

Since we started in 2012, it's clear Handy is working for both professionals and for consumers. So far, over millions of customers and professionals have used the platform to complete millions and millions of bookings.

We care about the professionals who use our platform. And like many in the labor community, want to see statutory changes that would enable individual workers to accrue benefits, while preventing income theft, underpayment and discrimination.

In New York State, we have been on the front lines of this fight for almost five years, having vigorously supported legislation at the state level by Sen. Savino in 2016 that would have created a system of portable benefits for contractors across every on-demand platform. Most recently, Handy stood up to offer a comprehensive 5-point worker protection plan¹ that would bring much needed changes for gig workers throughout the state. The plan would guarantee a minimum wage, enact stronger wage theft and anti-discrimination protections, create a portable benefits fund and give workers direct access to company leadership.

The Covid-19 pandemic has made the work of our great Pros all the more urgent. Amid stay at home orders, Pros who use Handy, such as plumbers and electricians, were deemed essential. These skilled workers provide crucial services to New Yorkers to help keep the lights on and plumbing working during our city's greatest time of need.

¹ <https://www.nydailynews.com/opinion/ny-oped-some-gig-workers-are-full-employees-20191203-lyvy5tmbwrdujoufheqlfw5fci-story.html>

As soon as the crisis hit, we put protections in place to safeguard both Pros and customers. We also took steps to contribute to public relief efforts and help first responders in their fight to defeat the virus. To that end, Handy:

- Provided paid sick leave to any Pro infected with Coronavirus or placed under quarantine.
- Distributed protective gear, including masks and gloves to all New York Handy Pros working during the pandemic.
- Updated guidance to professionals and customers regarding safety precautions, including asking customers to remain in a separate room from the Pro during a service.
- Donated PPE to local hospitals, including thousands of masks and gloves, to do our part to help keep healthcare workers safe.

I) Avoiding Pitfalls in a Paid Sick Leave Policy for the Gig Economy

We believe that in these extraordinary times, it is important for all companies to step up and care for those who use their platforms. But we also believe that rushing through major, lasting public policy change in the throes of an epidemic is fraught with risk to both workers and businesses.

Let me first be clear: Handy supports the intent behind Intro. No. 1926. We believe gig workers *should* have access to benefits and protections through a portable benefits fund.

Such a fund ensures a level playing field for all on-demand platforms and requires each company to contribute a percentage of the contractor's pay for each job into the fund. This fund can include whatever benefits stakeholders and lawmakers deem appropriate, such as paid sick leave, family leave, and healthcare. A third-party administrator would be in charge of administering the fund in order to hold companies accountable and ensure workers retain the access and information they need to effectively use their benefits.

Unlike the legislation before you today, a portable benefits fund does not tie a worker to one particular platform. Instead, it requires *all* platforms to pay into the *same* benefits fund every time that worker books a job, gives a ride, or makes a delivery. In contrast, Council Member Lander's legislation limits workers to a single platform in order to accrue meaningful sick leave.

Since many on demand workers use multiple platforms in any given week, the portable benefit fund thus provides substantially better benefits to workers in the short term and long term.

Ideally, a portable benefits fund would be done at the state, rather than city level, to avoid a piecemeal approach. Ensuring uniformity across the state would protect the thousands of workers who currently take gigs both within and beyond the city's boundaries, and ensure they accrue equal benefits everywhere within the state.

I) Specific Suggestions to Intro. 1926

In the event the City Council does look to pass a version of this bill, Handy strongly suggests the following amendments that would be crucial for compliance with the law and the realization of true protections for workers:

First, the bill as written also imposes an unrealistic operational hurdle on gig platforms that would be nearly impossible to meet. Handy does not and cannot track how many minutes any given Pro performs. Instead, we provide a time estimate at the outset of a gig based on the customer requirement, but this estimate does not and cannot account for the additional time and supplemental payment Pros and customers frequently negotiate once a job is in progress, nor does it account for situations where the Pro finishes a job before the estimated time is up. This existing system exclusively benefits workers, as Handy reaps no benefit of the supplemental payment made to the Pro, and pays Pros for the full estimated time even where they finish early. But under the legislation before you today, that benefit would be substantially reduced as the worker, customer, and company would be required to go through multiple rounds of verification to accurately report the total number of minutes worked per job. **To accommodate this fact, the legislation should at the very least be amended so that a best estimate or standard estimate be applied to accruals, rather than an exact minute-by-minute counts.**

Second, we fundamentally disagree with the use of an ABC test to identify and define this category of workers. Applying the problematic ABC standard to this legislation is unnecessary to achieving the policy's objectives and threatens to mire the city in litigation, much as it has consumed the workers, companies, and the State of California. **Instead, we suggest the City Council use clearer and less controversial language to define an internet marketplace.**

Third, there must be a qualifying threshold. Every gig company is different, and the ways workers use the various platforms are different. Due to the nature of the on-demand economy, workers can come on and off platforms whenever they want. Many—including the vast majority of Handy Pros—do not choose gig work as their full-time job and instead use it as a means to generate supplemental income. Many others use the platform only a few times before dropping off the platform completely. Tracking all of these short-term users would be an administrative nightmare and would serve neither the City's nor the industry's goals. **Therefore, we believe there must be a minimum hours threshold for each worker to meet before qualifying for the paid sick leave benefit. Without a qualifying threshold, the law would impose too high a burden on companies where workers come and go every day.**

Finally, we share the concerns of many others about passing legislation with a long-term impact such as this during a national public health crisis. Clearly, paid sick leave is critically important during a public health crisis. We accept that doing so may be best accomplished through a blunt instrument such as Intro. No. 1926 at this time. But as I have outlined above, there are better alternatives that the City Council should consider as long-term policy before adopting a permanent benefits system for the gig economy. Therefore, we ask that Intro. No. 1926 be amended as to apply only **in times of a declared state of emergency related to public health.** We recognize the tremendous effort essential workers have contributed toward society during this

public health crisis and, as demonstrated by our voluntary efforts above, we ensure they are provided the emergency protections they deserve.

We understand—and support—the need to create a system that provide individuals with requisite protections and rights. And we understand the need to foster New York’s economic growth in a way that will ensure the entire state enjoys the benefits of job creation and a strong working and middle class. Gig platforms have been a vital way to keep the economy going through this crisis and will be a major resource for how the city, state and country rebound once it is over.

So, as a company proudly headquartered in the Empire State, we share your desire to uplift workers.

We’ve heard from professionals time and again how our platform has brought many service-oriented jobs out of the shadows and into a more regulated system of work. Handy ensures individuals know how much they will be paid, and that they will be paid on time. No longer do service laborers lack remedies against customers or bosses that take advantage of a cash-based under-the-table system of compensation.

As a company, we have long been committed to protecting the working people who come to our platform to help provide for their families. And, now is no different. Given the severity of the Covid-19 crisis and all it has revealed about the inadequacies of our current system, we look forward to working with Speaker Johnson and members of the City Council to ensure the best way forward for essential workers.

Memorandum of **Opposition**

With Recommendations



Al Cardillo
President & CEO

Alyssa Lovelace
*Director for Policy
& Advocacy*

Patrick Conole
*Vice President, Finance
& Management*

Andrew Koski
*Vice President, Program
Services & Policy*

Lauren Ford
*Director of Program
Research, Development
and Policy*

*HCA, New York State's
home care association,
represents nearly 400
providers, organizations
and individuals who
collectively provide
health care to hundreds
of thousands of New
Yorkers.*

*HCA members include
Certified Home Health
Agencies, Licensed
Home Care Services
Agencies, Long Term
Home Health Care
Programs, Hospices,
Managed Long Term
Care Plans, waiver
programs, allied health
and health management
organizations, and
others.*

*Home care provides and
integrates care
management and an
array of clinical and
supportive services for
the care of individuals at
home and in community.
Home care provides
primary, preventive,
post-acute, long-term,
and palliative care for
individuals from
newborns and children,
to adults and seniors.
Home care providers
work with physicians,
hospitals, clinics, health
plans, and other health
care partners to provide
and manage care.*

*"Helping New
Yorkers **Feel Right**
at Home"*

**To: Members of the New York City Council
Committee on Civil Service and Labor**

**Re: 1918-2020
COVID-19 Relief Package - Premiums for essential workers**

Date: April 26, 2020

On April 22, the New York City Council introduced a package of bills known as the "Essential Worker Bill of Rights." This legislative package contains language that would require employers to provide "premium pay" for essential, non-salaried workers, applicable to home care personnel.

The Council should withdraw this legislation that is a statutory mandate that the City has no way to finance, and that will only adversely affect the workers it intends to support and recognize.

Instead, HCA urges the Council advance its laudable intention as an adopted Resolution requesting state and federal supplemental funding for this explicit purpose of frontline worker wage enhancement.

Well before this legislation, HCA and HCA provider members have independently raised the idea of enhanced funding for home care agencies, hospices and managed long term care plans (MLTCs) compensation for all frontline workers in COVID-19. This work has been of heroic proportions.

Accordingly, HCA has asked the state Health Department to consider funding increases for home care, hospice and MLTCs for worker compensation, and recently affirmed the same enhanced funding echo the Governor's call for enhanced pay for these workers.

New York City's home care agencies, hospices and MLTCs are already facing major financial shortfalls addressing the innumerable, daily factors involved in providing care in the COVID-19 pandemic, including the exorbitant costs of personal protective equipment (which is still in great unmet need for home care and hospice in NYC), worker illness, and other severe aberrations in operations and service delivery patterns resulting from COVID. Additionally, MLTCs and providers are facing exorbitant rate reductions due to the recently enacted state budget.

This financial spiral is all the more reason why the goal of enhanced worker compensation should in no way be approached through the blanket statutory mandate as proposed by the NYC Council, instead be pursued through supplementation to provider and MLTC funding.

The proposed mandate is an unsupportable and unsustainable approach for home care as well as for the fulfillment of its own legislative goals. Beyond the COVID-19 payment

mandate, the NYC bill goes on to mandate further unsupported and unfunded pay provisions.

Specifically, once the current state of emergency is lifted, this legislation would require MLTCs, home care agencies and hospices with more than 100 employees to pay hourly workers \$30 for a shift under four hours, \$60 for a shift of four to eight hours and \$75 dollars for any shift over eight hours. As the NYC legislation has no way to fund these new obligations, these are added reasons why NYC should shift its approach from this mandate to a resolution calling for supplemental state and federal financing for wage support.

In many instances, providers are already paying above the mandatory threshold just to retain the workforce. Many New York City providers also report that they are already paying workers “premium pay” in recognition of heroic work. This best practice should be supported through supplemental state and federal funds.

Home care workers are providing quality care to the state’s most vulnerable populations, made more vulnerable in the COVID-19 pandemic. HCA supports increased state and federal funding to providers and health plans enhance compensation to these heroic staff. We urge the NYC Council to reconsider its legislation, and instead direct its efforts to convincing state and federal government officials to provide the supplemental financing that can best realize this goal of wage support in this urgent time.

TESTIMONY

New York City Council
Committee on Civil Service and Labor
Tuesday May 5, 2020

Submitted by:
MJ Okma
Policy and Campaign Strategist
Human Services Council of New York

Introduction

Good morning Chairperson Miller and members of the New York City Committee on Civil Service and Labor. My name is MJ Okma and I am the Policy and Campaign Strategist at the Human Services Council (HSC), a membership organization representing over 170 human services providers in New York City.

HSC serves our membership as a coordinating body, advocate, and an intermediary between the human services sector and government. We take on this work so that our members can focus on running their organizations and providing direct support to New Yorkers. These are the nonprofits that support our City's children, seniors, those experiencing homelessness, people with disabilities, individuals who are incarcerated or otherwise involved in the justice system, immigrants, and individuals coping with substance abuse and other mental health and behavioral challenges.

Human services nonprofits across the City are directly working with New Yorkers who are most impacted by COVID-19—ensuring that seniors have food and support, providing childcare for the families of first responders, running drop-in centers and shelters for homeless New Yorkers and more. They are already on the frontlines and will continue to play an essential role in our City's pandemic response and economic recovery, but they need your support and partnership.

Unfortunately, I am here today to express grave reservations regarding Intro. 1918 (pay premiums for essential workers), Intro. 1926 (expansion of worker coverage under the Earned Safe and Sick Time Act), and Intro. 1923 (just cause employment protections for essential workers). These bills would all have immense unintended consequences on the human services sector.

In the wake of COVID-19, a strong human services sector is vital to help provide health care, childcare, affordable housing and so many other critical services. **So, while we strongly support increased pay and robust paid-time-off policies for all human services workers, including independent contractors, we are deeply concerned that Intro. 1918 and Intro. 1926 would impose additional crushing unfunded mandates on human services organizations which would set back our City's recovery.**

Intro. 1923 also creates an untenable situation for human services providers by preventing organizations from cutting the hours or laying off workers except for performance-based reasons or misconduct without being subject to large fines. Nonprofit providers are being forced to lay off staff due to reduced and lost government contracts in response to the City and State budget deficits and this bill would further damage their ability to provide services even in a limited capacity. **Over**

70% of recently surveyed New York City human services providers believe they will need to lay off staff due to these lost and reduced government contracts combined with the fact they were underfunded going into this crisis, have been left out of COVID-19 relief efforts, and have increased spending due to this pandemic.

Testifying against these bills is painful because year after year you hear countless voices from the human services sector talking about how underpaid and undervalued our workforce is. The Human Services Council and our members fought hard for the \$15 minimum wage and we are currently fighting to save COLA past FY20, for comprehensive pay parity for our workforce, and for incentive pay for our frontline workers during this pandemic. However, human services nonprofits simply cannot absorb the costs these bills would mandate. This is not a matter of moving money around or selling a product at a higher price; that is now how the sector works.

Prior to this crisis providers across all subsectors reported that underfunded contracts and unfunded mandates are the main driver of their financial struggles. City contracts pay roughly 80 cents on the dollar of the cost of implementing their programs. This results in over 50% of New York City human services nonprofits having less than two months of cash on hand and in operating reserves leading into this pandemic. **This crisis of compounding underfunding has led 68% of New York City providers to anticipate not being able to meet pre-COVID-19 demands for their services.**

Last year's investment to cover the true indirect cost of city contracted providers was an important step forward in covering some of the real costs providers incur, but it was not enough to address the gravity of the fiscal issues experienced by the sector due to decades of underfunding. **This established pattern of chronic underfunding has resulted in inadequate resources for many communities, particularly those that are also being hit hardest by COVID-19. Adding more unfunded mandates now will only compound this crisis and bring the sector to a breaking point a time of increased need.**

Key Concerns with Intro. 1918

While this bill to provide pay premiums for hourly workers may be aimed at the private sector, it neither exempts nonprofits nor provides the necessary funding to City contracts which they need to comply. Nonprofits are greatly impacted by employment and labor law changes, and historically, government has not enacted these changes with corresponding increases to contracts it has with nonprofit human services providers. This leaves unfunded mandates for providers to tackle and an ever-increasing gap between what it costs to provide quality services and what government pays for those services.

In the wake of COVID-19, human services providers have been rightly classified as essential, but they have not received the funding or priority that other essential services receive. The sector has incurred substantial costs in the last months in response to COVID-19, exposing the ramifications of existing budget shortfalls. Already, without necessary systemic change, recovery from this pandemic will take much longer. The large unfunded mandate imposed by Intro. 1918 will only set providers further back.

Incentive pay for the frontline human services workers is a core priority of the sector, but even if

Intro. 1918 is fully funded it would implement a confusing and piece meal solution that excludes many staff members and would lead to further pay inequity. The City is currently implementing incentive pay for front-line staff in residential settings (e.g., shelters, congregate care settings, and supportive housing). This is applied on a program by program basis, looking at functional assessments of who has direct contact with clients daily. This process is long and cumbersome, and nonprofits have yet to see approved plans or funding. Adding Intro. 1918 on top would further muddy who sees an increase in pay and by how much. For example, hourly workers would receive pay increases from this bill, but some workers who meet the current requirements of having daily interactions with clients in residential programs are currently in the process of receiving a different pay increase from City agencies regardless of being hourly or salaried. That means this system would simultaneously exclude many workers while providing double incentives for others.

Providers need the City to coordinate the best way to provide funded incentive pay for all frontline program staff in essential programs, not partial applications to only hourly workers, or applying it on such a granular level that it requires slogging through an unnecessarily complicated administrative process. If the City Council, City agencies, and human services sector do not work together to achieve comprehensive and funded incentive pay for frontline workers, many essential human services workers risk being left behind by these initiatives.

Key Concerns with Intro. 1926

Intro. 1926's intent to grant paid sick leave rights to independent contractors and freelancers previously excluded from the Safe and Sick Time Act is targeted at the private sector, but it will also deeply impact human service providers. Many human services providers rely on contracted workers for seasonal programs and to provide clients at senior centers and other services sites with wellness courses and specialized classes under City contracts.

A March/April 2020 survey of 61 human services providers by the Human Services Council found that over 20% of reported staff fall outside of being classified as full-time or part-time workers and could be impacted by this bill. It is also unclear if New York City's home health care workers who are paid through Medicaid dollars will also be included under the scope of this bill. If this language is not clarified to explicitly exclude this workforce or backed with the needed funding to cover these potential additional costs in full, it could create a huge fiscal burden.

In order to fix Intro. 1926, it must include funding for human services nonprofits to fulfill the requirements of providing paid sick leave to any worker who meets the imposed standard of working for at least 80 hours for pay during one calendar year. Without funding, this bill pits the needs of providing human services workers with the benefits they deserve against ensuring that human services institutions are financially stable enough to provide immediate and long-term critical services.

Key Concerns with Intro. 1923

Protecting workers from termination during a pandemic is a good cause. However, this bill fails to address how the staffing levels of government contracted nonprofits are directly connected to City and State funding. These contracts were drastically underfunded going into this crisis, paying only 80 cents on the dollar of programs' true costs and, as we have already seen, are being put on the

chopping block to bridge current budget deficits.

Already, 64% of New York nonprofit human services organizations believe they will have to start scaling back services, and over 70% will need to lay off staff as a result of COVID-19 related budget shortfalls. Intro. 1923 will only add to this crisis by imposing large fines and administrative burdens. In order to hold nonprofits harmless from staff cuts due to losses or reductions of City contracts, the Council must legislate that the City will continue to fund 100% of budgeted personnel costs for cancelled or reduced contracts for all current and new City contracts moving forward, until agencies can shift effected staff to new positions within other programs or funding streams.

Intro. 1923 also defines “essential employees” to include everyone at an essential business, not only frontline workers. This is vastly different from other City and State guidance. Not only would this differing definition of “essential employee” create massive confusion, it would also mean, within the context of this bill, that all human services nonprofits would be unable to cut back hours or layoff any staff indefinitely.

For example, recent cuts to the City’s Summer Youth Employment Program—with less than 24-hours’ notice—directly led to sudden layoffs of staff members at multiple nonprofits. If Intro. 1923 had been in effect then, it would have imposed fines of \$2,500 per worker on the affected nonprofits despite the loss of that funding being totally outside of their control. It would also require them to reinstate terminated employees with full back pay with funding that is no longer being provided for a program that is no longer happening.

This bill would create a massive fiscal and administrative burden that would redirect resources from vital programs. In order to address these concerns, Intro. 1923 must include funding for 100% of budgeted personnel costs for cancelled or reduced contracts and amend the creation of a new definition of “essential employee.”

Conclusion:

A strong human services sector is vital to ensure those hit the hardest by this pandemic have access to the services they need to survive and recover; but the sector is at a breaking point. Continuing the status quo of imposing unfunded mandates on human services contracts will only push providers who were already on the brink of insolvency into failure at a time of increased need.

We believe that all essential workers have pay, benefit and worker protection needs that are important to address, especially in the wake of COVID-19. But Intro. 1918, Intro. 1926 and Intro. 1923 are not constructive first steps to solve these issues if they fail to address their impact on the sector. HSC and nonprofit human services providers across the City stand ready to work with you in a thoughtful way to meet the needs of essential workers and ensure our City can provide the quality and quantity of services needed to respond and recover from this pandemic.

Thank you for providing me with this opportunity to testify, we look forward to working with you to address these concerns.

MJ
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Homeless Services United Testimony before the NYC Council Committee on Civil Service and Labor

Oversight Hearing: COVID-19 Relief Package, Intros. 1918, 1926, and 1923

May 5th, 2020

My name is Eric Lee and I'm the director of policy and planning at Homeless Services United. Homeless Services United (HSU) is a coalition representing the mission-driven, homeless service providers in New York City. HSU advocates for expansion of affordable housing and prevention services and for immediate access to safe, decent, emergency and transitional housing, outreach and drop-in services for homeless New Yorkers. Thank you Chair Miller and Members of the Civil Service and Labor Committee for allowing us to testify before you today.

HSU is gravely concerned that Int. 1918, 1923 and 1926 as currently drafted will negatively impact homeless services non-profits' abilities to continue to serve vulnerable New Yorkers. While we appreciate the Council's intent to aid and protect essential workers, **any possible relief must be done in coordination with the City and State to ensure that pockets of essential workers are not excluded, must allocate sufficient emergency funding and create a clear, streamlined process to get funding out to door quickly to essential staff.**

Non-profit providers have incurred substantial costs in response to COVID-19, and while recognized as "essential services" by the City and State, they have largely not received corresponding emergency funding relief. **We appreciate and strongly agree with CM Rosenthal's recommendations that these bills not unduly burden nonprofits. We urge the Council to fully explore the financial impact of Intros. 1918 and 1926 on non-profit providers, and ensure that accompanying funding streams are added to the bills before moving forward. We also recommend that the language for Int. 1923 explicitly hold non-profits harmless when staff must be let go or have their hours reduced due to budgetary concerns like contract reductions and eliminations.**

HSU advocated for our members' "essential" program staff to receive incentive pay since March, and we whole heartedly continue to advocate for this. But as currently written, **Intro 1918 does not include additional funding which we fear would create an unfunded mandate for the entire homeless services safety net.** Furthermore, while the intent of **Intro 1923** is to protect jobs of essential workers, "just cause" reasons for dismissal must be amended to explicitly include budgetary constraints as non-profits are already being forced to lay off staff due to reduced and eliminated City Contracts. Otherwise, non-profits unable to retain staff due to City contract eliminations and reductions, like those laid off with the elimination of the summer youth employment program, would result in substantial fines for the non-profit provider. Homeless Service providers are doing everything they can to retain their dedicated staff and services, and we need the City Council's help to gain timely access to funding and resources to continue to serve New Yorkers.

Any efforts to provide relief must prioritize fully funding non-profit organizations to support their essential workers in as efficient a manner as possible.

Despite the best intentions that City and State and Federal partners have taken in response to COVID-19, the lack of coordination between each initiative has led to an administrative quagmire hampering



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efforts for non-profits to easily access aid to support their workforce and continue to provide services. The term of “essential employees” is not even consistently defined within this bill package, belies that challenge that providers struggle with, determining who and how to qualify for emergency relief.

Intro 1918 would further complicate an already tedious process the City laid out for non-profits to offer incentive pay to front-line staff. OMB’s guidance for residential settings, like shelters, congregate care settings, and supportive housing, applies funding on a program by program basis, looking at functional assessments of individual staff to determine who has direct contact with clients on a daily basis. This cumbersome process strangles providers’ ability to quickly calculate their workforce’s needs and get the money in their staff’s hands. We have serious concerns how Int. 1918 would overlap with these efforts, possibly still excluding staff not covered by OMB’s initiative, while possibly qualifying other staff for both. Providers have very real concerns that implementing incentive pay inequitably will result in overall demoralizing and destabilizing of essential staff.

Where **Intro 1926’s** intent is to extend paid sick leave to independent contractors and freelancers in the private sector, **we caution the Council to carefully consider the impact to City-contracted human services nonprofits who rely on contracted workers for seasonal programs and specialized classes, whose budgets do not have adequate funding to absorb the additional cost.** The City’s RFP process for public contracts literally has non-profits arguing against themselves to submit a lower competitive BID to secure the contract, leaving little wiggle room for additional expenses after the fact. The bill must also explicitly exclude home healthcare workers funded through Medicaid or possibly risk creating a huge financial burden for the over 900 Licensed Home Health Care Services Agencies.

We are grateful to the Council for your leadership and recognizing the profound challenges that non-profits and their heroic front-line staff face. Through timely and robust aid to non-profits and their heroic front-line staff, they can continue to protect the health and safety of families and individuals experiencing homelessness during this unprecedented crisis in New York City. Thank you for the opportunity to testify.



New York City Council Committee on Civil Service and Labor

I. Daneek Miller, Chair

May 5, 2020

Thank you Council Member Miller and members of the Committee on Civil Service and Labor for hosting today's hearing.

JASA's mission is to sustain and enrich the lives of aging New Yorkers in their communities, enabling them to live safely at home and connect with the people, places and experiences that provide meaning. JASA promotes independence, safety, wellness, community participation, and an enhanced quality of life for New York City's older adults. Our varied programs provide a continuum of care to over 40,000 clients annually.

Over the past 52 years, JASA has developed a comprehensive, integrated network of services including case management, NORC supportive services, housing, licensed mental health, legal services, Adult Protective Services, advocacy, home care, senior centers, and special services for caregivers and victims of elder abuse.

During the COVID-19 public health crisis, services for older adults are essential. JASA staff are responding to increasing numbers of requests for help as elderly throughout New York City face uncertainty and major challenges in remaining safe and getting food and other essentials.

Citywide, more than 300 JASA staff continue to assist vulnerable individuals in-person or to report to program sites for some part of their work week. This work involves significant risk. Unfortunately, two JASACare home health aides have died, many staff have lost family members to the virus and many other staff have become ill or needed to self-quarantine after exposure. Staff who have continued to work in the community during this pandemic deserve meaningful recognition.

JASA strongly supports increased pay and robust paid-time-off policies for frontline human services workers, but we are deeply concerned that Intro. 1918 and Intro. 1926 would impose another unfunded mandate on human services nonprofit organizations.

Currently, City contracts pay roughly 80 cents on the dollar of the program's cost, causing 68% of New York City providers to anticipate not being able to meet pre-COVID-19 demands for services. This existing funding gap has made it difficult for the human services sector to nimbly respond to the already enormous needs across New York related to COVID-19.

JASA delivers vital services beyond those funded through city contracts. Medicaid-funded home health care plays an essential role in enabling frail older adults to receive care at home and to avoid adding to the demands facing overstressed hospitals and nursing homes. This proposed legislation would impose additional costs on JASA's home care agency at the very time we are facing increased costs for personal protective equipment and technology and seeing Medicaid home health payment rates cut by New York State. While JASA is paying a modest differential to home health aides despite these rate cuts - and seeking philanthropic support for these costs - we could not sustain the added compensation being proposed and continue to deliver these essential services.

It is essential that Intro. 1918 and Intro. 1926 include funding for human services nonprofit institutions to fulfill the requirements. Without funding, these agencies will not be able to remain financially stable enough to provide vital services now and in the coming months. Every year, over many years, you have heard the human services sector report that underfunded contracts and unfunded mandates result in an underpaid and undervalued workforce. This is the workforce that is keeping vulnerable individuals safe.

We fought for the \$15 minimum wage. We are fighting to save COLA past FY20, for comprehensive pay parity, and for incentive pay for our frontline workers. These two bills are not the answer. Without designated funding, Intro. 1918 and Intro. 1926 will lead to layoffs and reduction of vital services.

We appreciate your continued advocacy and leadership on behalf of the providers that create the safety net of essential services across New York City. We look forward to working with you to address these urgent concerns.

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Testimony for NYC City Council Hearing on Intro. 1918 and Intro. 1926

May 5, 2020

By: Bridget McBrien, Government Relations Manager

While we strongly support increased pay and robust paid-time-off policies for frontline human services workers, we are deeply concerned that Intro. 1918 and Intro. 1926 would impose another unfunded mandate on human services nonprofit organizations. Currently, City contracts pay roughly 80 cents on the dollar of the program's cost, causing 68% of New York City providers to anticipate not being able to meet pre-COVID-19 demands for services. This already existing funding gap has made it difficult for our sector to be nimble and respond to growing mental health needs across New York City in the wake of COVID-19. Not including funding for these bills for city-contracted human services workers will bring providers across New York to a breaking point. It is essential that Intro. 1918 and Intro. 1926 include funding for human services nonprofits to fulfill the requirements.

The human toll from coronavirus has been staggering as the pandemic has touched all of us. Approximately 45 Jewish Board clients have passed away after contracting the virus, and many more are struggling to recover. Among Jewish Board staff, there are over 100 cases of coronavirus, with several people requiring hospitalization. One temporary worker, a psychiatrist who had been delivering telehealth to Jewish Board clients over the past two months, also tragically passed away.

The financial impact from coronavirus has also been significant. To date, we have spent over \$1 million on personal protective equipment such as masks and gloves for clients and staff, an amount that is sure to grow. **We are spending \$175,000 per week to provide a \$40 daily appreciation bonus to 625 staff members who interact directly with clients.** These expenses are coupled with almost \$2 million in revenue losses through June 30th from programs which cannot operate at full capacity.

We cannot pit providing human services workers with the support and benefits they deserve against ensuring that human services institutions are financially stable enough to provide vital services now and in the coming months. **We estimate the costs of Intro 1918 and Intro 1926, even with the exemption for collectively bargained employees, would impose a monthly cost of \$1,500,000 and annually over \$18 million dollars.** The Jewish Board employs a total of

2,500 staff members annually and even before coronavirus, our mostly state- and city- contracted programs had an annual deficit of \$18 million dollars.

Year after year you hear countless voices from the human services sector talking about how underpaid and undervalued our workforce is due to underfunded contracts and unfunded mandates. We fought for the \$15 minimum wage, we are fighting to save COLA past FY20, for comprehensive pay parity, and for incentive pay for our frontline workers - but these bills are not the answer.

Without funding, Intro. 1918 and Intro. 1926 would only compound already rising expenses as a result of COVID-19 and will lead to the collapse of even large nonprofits like The Jewish Board. Thank you so much for fighting for workers across New York City, we look forward to working with you to address these urgent concerns.

City Council Testimony May 5, 2020

Good Morning,

I am Dr. Kazi Ahmed and I am a member of the Committee of Interns and Residents/SEIU (CIR/SEIU), an affiliate of the Service Employees International Union (SEIU). CIR represents interns, residents, and fellows throughout NYC and nationally.

We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written because it excludes essential workers in NYC's public hospitals, which also happen to be hit the hardest.

The NYC Essential Bill of Rights bill put forth by Speaker Corey Johnson, Councilmembers Laurie Cumbo, Ben Kallos, Brad Lander, James Van Bramer, and Margaret Chin disqualifies CIR members in a few ways, particularly in regards to Premium Pay: 1) The definition of "essential worker" excludes the public sector, so all city workers, including our residents at H+H are left out and 2) the provision excludes salaried workers, which impacts all of our members in the private sector.

We are equally as exposed as everyone else and as residents, we are just as disadvantaged, if not more so. We are working more hours, in a more strenuous environment, with fewer rights, more responsibilities, and diminishing drive to continue moving forward.

We then have to see our colleagues, our mentors, and our friends dying, and yet this bill as it is written ignores our sacrifices and the dangers that we endure day in and day out.

We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written and are urging you to amend provisions of the bill to include us and other frontline healthcare workers who have and continue to show dedication to and to make enormous sacrifices in the fight against the COVID-19 pandemic.

Thank you to the committee for your time and I hope that my testimony today and those of my colleagues and other healthcare workers have given you a better picture of why we and other frontline healthcare providers should be included in this bill's provisions for premium pay and other benefits. Not doing so will only expose us to further hardship but more than that will be a big slap in the face.

Best,

Kazi

Kazi Ahmed <kazi.ahmed@downstate.edu>



May 4, 2020

Hon. Corey Johnson
Hon. Jimmy Van Bramer
New York City Council
City Hall
New York, NY 10038

Dear Speaker Johnson and Council Member Van Bramer:

As the local development corporation for Long Island City, home to Mount Sinai Queens and one of the largest concentrations of all business, of manufacturers, and of social service nonprofits in the state, we urge you to re-think the approach to the COVID-19 pandemic that is reflected in Intros. 1918, 1923 and 1926. This legislative package threatens to undermine the very safety net that these and other companies are creating for our city, and for the employees that they are managing to still support, even as their customer base drastically declines. We have heard from a number of employers that if these proposals become law, they will have to shut their doors for the duration because the cost and complexity of doing business will simply be beyond their abilities to sustain. Yet both now and as we try to recover, we need to create more jobs and economic activities for all New Yorkers, not increase unemployment.

There is no question that everyone is suffering right now, and that it is important that we value our essential workers, but that requires valuing our essential businesses as well. This is perhaps self-evident for our hospitals and social service providers, which we represent as well, but it is also true although less understood for our manufacturers. Many of the businesses and organizations targeted by this legislation are in very low margin sectors to begin with, and the current crisis has lowered that even further.

For example, we have food and beverage manufacturers that in ordinary times supply the hospitality industry – restaurants, catering halls and hotels – almost none of whom are ordering now. So they have pivoted to participating in programs that feed front line workers and public housing residents, either as a donation or at or below cost. This is essential service, but it is not profitable. It enables them to keep the doors open and keep some of their staff on payroll. But they are barely able to do so.

Others are in the apparel industries, a sector that is witnessing catastrophic losses and bankruptcies as well, so their regular business does not exist. They have pivoted to making PPEs, but again, not at a profit. Others have transformed advanced manufacturing facilities to making more complex essential equipment. All of this retooling requires extra costs, and working round the clock to accomplish.

These businesses hope to be able to return to full and profitable operation in the future, but right now, they are stepping up to serve our city, and do as best as possible to keep their employees on payroll, so that they are there for each other when they can resume more ordinary operations. The cumulative effect of these proposals – not just the bonus pay but also the expanded definition of employee and more - is far reaching and collectively untenable for these businesses, with the result that many more will simply shut their doors for now, and maybe for good.

While well intentioned, the consequences these bills may create are simply not sustainable by a city that is depending more than ever on its vital manufacturing safety net, as well as its essential nonprofits. We are also attaching a sign on letter from a cross section of institutions that highlights key points affecting all. We urge you and the council to reconsider and look for a different way to show our collective appreciation to essential workers and companies alike.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elizabeth Lusskin".

Elizabeth Lusskin
President

Attachment

April 30, 2020

Hon. Corey Johnson
New York City Council
City Hall
New York, NY 10038

Speaker Johnson:

As representatives of New York City's employers, large and small, we urge you to re-think the approach to the COVID-19 pandemic that is reflected in Intros. 1918, 1923 and 1926. This legislative package sends a terrible message to the business community, which is doing everything in its power to maintain jobs and to keep the city viable during this crisis.

All New Yorkers are experiencing the impact of the pandemic, not just workers identified in this legislation. The vast majority of employers are doing everything possible to protect and support their employees and to continue to serve their customers. The proposed legislation suggests that business owners and employers are willfully failing to meet their responsibilities, which is neither fair nor accurate.

Business owners, managers and workers in essential categories are collectively providing goods and services to keep the city going during the crisis, often at great personal risk and with uncertain prospects for resumption of "normal" business activity in the foreseeable future. For example, catering companies, restaurants, nonprofit organizations and for-hire vehicle and delivery firms have teamed up to ensure the most vulnerable populations have access to food and critical supplies. Large grocery stores are running long hours and already paying bonuses to workers as well as premium wholesale prices in order to meet local demand. Hospitals are suffering lost revenue due to deferring non-COVID-19 procedures, all while incurring added expenses for personnel and critical supplies. These and many other essential businesses simply cannot absorb additional cost and regulatory burdens.

Despite loss of revenues and uncertainty about the future, employers are striving to voluntarily maintain wages and benefits for as many employees as possible. cursory research by the Council would reveal that these businesses cannot remain viable if they must comply with additional mandates. Moreover, larger businesses, especially those that have adjusted to working remotely during the pandemic, will take note of anti-employer actions by the Council when making their decisions about the desirability of continuing to locate in such an unsympathetic environment.

There is certainly a need for New Yorkers to come together to heal our city, protect its most vulnerable residents and workers, and rebuild our economy and tax base. Employers are your allies in these efforts, not the enemy. We ask that the proposed legislation be withdrawn and replaced with a collaborative effort to tackle the enormous challenges before us.

Sincerely,

American Beverage Association
American Car Rental Association
American Council of Engineering Companies of New York
Association for a Better New York
Bronx Chamber of Commerce
Brooklyn Chamber of Commerce
Building Owners and Managers Association of Greater New York
Building Trades Employers' Association
Construction Safety Advisory Committee of New York
Energy Coalition of New York
Food Industry Alliance of New York State, Inc.
Greater New York Hospital Association
International Franchise Association
Internet Association
Manhattan Chamber of Commerce
Metropolitan Parking Association
Metropolitan Taxicab Board of Trade
National Restaurant Association
National Supermarket Association
National Waste and Recycling Association NYC
New York Building Congress
New York City BID Association
New York City Hospitality Alliance
New York City Special Riggers Association
New York State Association of Grocery Stores
New York State Energy Coalition, Inc.
New York State Latino Restaurant, Bar & Lounge Association
New York State Restaurant Association
Partnership for New York City
Queens Chamber of Commerce
Real Estate Board of New York
Retail Council of New York State
Staten Island Chamber of Commerce
Tech:NYC
Trucking Association of New York
Yemeni American Merchants Association

CC: Members of the New York City Council
Mayor de Blasio
Governor Cuomo



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May 5, 2020

Hon. Corey Johnson
New York City Council
City Hall
New York, NY 10038

Re: Testimony concerning Intros. 1918, 1923 and 1926

Dear Speaker Johnson:

We are submitting this testimony in response to the proposed “Essential Workers’ Bill of Rights,” as codified within Intros. 1918, 1923 and 1926, on behalf of a client that is considered an essential employer pursuant to Executive Order 202.6. As discussed in more detail below these bills are short sighted and counter-productive. Passage of these bills will undoubtedly result in the closure of essential business who cannot afford the premiums required in Intro. 1918-2020 and the administrative costs that would be have to be built in to any decision to furlough or layoff existing employees in response to declines in revenue or reductions in business that may arise because of the Covid-19 economic downturn as a result of Intro. 1923-2020. As a result, our client urges the City Council to reject all of these bills.

In submitting these comments, our client certainly understands and is sympathetic to the public policy behind the proposed legislation. However, good intentions does not make good law, and in this case the impact of these bills would be catastrophic to the New York City economy. We sincerely hope that this letter will serve to highlight some of those concerns in the hopes that we can engage in a collaborative effort to adopt common sense rules to protect essential workers while at the same time returning New York City to the vibrant economic landscape that existed prior to the Covid-19 pandemic.

Intro. 1918-2020

My client, like most New York City employers, has experienced a staggering loss of revenue in the last two months as a result of the Covid-19 pandemic. Nevertheless, in an attempt to protect its workforce this client made the decision to voluntarily provide certain extra benefits such as: (i) paying for employees’ meals, (ii) paying for employees’ transportation to and from work so that

employees can avoid public transportation, (iii) enhancing their already robust paid time off policies to provide extra paid leave for Covid-19 issues, (iv) maintain full healthcare coverage and (v) maintain employees' salaries despite the reduction in work hours. These extra benefits, which according to many news reports have been extended by countless other New York City employers, have themselves been costly. Should New York City pass Intro. 1918-2020, the required additional wages that are mandated by this bill will add more costs on top of the benefits my client is currently offering its employees.

The proposed legislation suggests that business owners and employers are willfully failing to meet their responsibilities, which is neither fair nor accurate. Many employers, like my client, are doing everything in their power to maintain jobs and to keep the city viable during this crisis. Should the City Council pass Intro. 1918-2020, the financial burden on essential employers may simply become too great to bear and a likely consequence of this bill would be the inevitable closure of the few businesses that remain open. In turn, this would likely force many laid off employees to apply for unemployment benefits. Accordingly, we respectfully ask this Committee and the entire City Council to refrain from voting on this bill until it has had the opportunity to conduct additional research to determine whether the passage of this bill would result in the closure of businesses that cannot remain viable if they must comply with additional wage mandates.

Intro. 1923-2020

This bill, which would abolish at-will employment in New York City, seems to be creating a solution to a problem that never existed. There is simply no need for this legislation, especially at a time when businesses are reeling from the effect of the Covid-19 caused economic downturn.

One of the most glaring problems with this bill, should it be passed, is that it prohibits economic driven layoffs. Because there is no exception for economic-driven layoffs or other business-necessitated position eliminations an essential employer which has done its best to survive in harsh economic conditions will be subject to administrative and judicial claims by laid-off employees for termination without just cause. Layoffs are regrettable but sometimes necessary steps to allow a business to survive so that it can continue to employ others, and in the context of these bills, continue to serve the public with essential services. This bill punishes such employers by subjecting them to what is essentially strict liability, because as a matter of law, a cost-driven layoff cannot be a just cause termination under this bill.

The bill also contains no sunset provision. Since this legislation was designed to protect essential workers who are continuing to work during the public health crisis, this bill should expire at the conclusion of the state of emergency. Inexplicably, the bill does not automatically expire which means that it will remain in effect long after the pandemic is over. My client urges the City Council to add an automatic expiration date to this bill.

Another problem with the bill is that, when read in conjunction with Intro. 1918-2020, it is impossible to offset the higher wage costs required by that bill by reducing work hours. . My client urges the City Council to amend the bill to add a provision to Intro. 1923-2020 that allows essential employers to maintain current payroll levels (while including premiums owed pursuant to Intro. 1918-2020) by reducing workforce or reducing employees' hours in order to account for the premiums owed to essential employees.

Furthermore, the bill operates at cross purposes with New York State guidance that is encouraging employers to reduce employees' hours in order to avoid layoffs. For example, the New York State Department of Labor encourages employers to reduce hours across its entire workforce in order to keep employees employed through its Shared Work program. This bill directly conflicts with the Shared Work program and would effectively prohibit use of that tool.

It is also important to note that the bill would result in employers being forced to maintain the employment of dangerous, unqualified, or unethical employees. Specifically, the current version of the bill provides that just cause exists only when an employee unsatisfactorily performs job duties or when he/she engages in demonstrably or materially harmful misconduct regarding the employer's business interests, and the employer utilized progressive discipline within the last year before termination. However, very often an employer will develop a reasonable basis to conclude that its employee assaulted someone, sexually or racially harassed someone, committed theft, or engaged in other unethical, dangerous or reprehensible conduct that violates a company's code of conduct in a way that often warrants immediate termination. Under this bill, the employer may be precluded from discharging that employee because if the conduct was the first time the employee violated the employer's code of conduct. The bill should be amended to allow employers to terminate employees who flagrantly violate norms of conduct without second guessing the employer's termination decision.

Finally, under the current version of the bill, an employer can only win a just cause termination claim based on "non-hearsay evidence," which means employers must now be lawyers, or incur the cost of one, on every termination decision. Hearsay evidentiary interpretations are the sources of disputes among lawyers and of reversals by appellate courts. Employers should not be burdened with making evidentiary determinations in the context of maintaining a productive, efficient and safe workforce.

In sum, all New Yorkers are experiencing the impact of the pandemic. The vast majority of employers in New York City are, like our client, doing everything possible to protect and support their employees and to continue to serve their customers. Adding further unfunded mandates by requiring employers to bear the financial burden of paying additional wages and adding administrative obstacles to employers who need to reduce staff to meet reduced demand or who need to terminate the employment of an employee who has committed sexual harassment simply does not make any economic sense and would serve to close businesses that are barely hanging on

Hon. Corey Johnson
May 5, 2020
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as it is. Accordingly, there is no compelling need or reason to pass the so-called “Essential Worker Bill of Rights” and the bills should be roundly rejected.

At the very least, the City Council should pause and take time to consider the profound impact, both obvious and unintended, that this legislative package would have on businesses within New York City. Indeed, the City Council has provided New Yorkers with a little less than a week to digest and consider the proposed legislation and to prepare testimony in response to these bills. This expedited timeframe is far less time than necessary concerning the scope and ambition of these bills. This accelerated timing is particularly troublesome in light of the fact that many of the businesses and employers that operate in New York City are solely focused on figuring out ways to survive in light of the mandated business shutdown or cessation of commerce as a result of the Covid-19 pandemic. These preoccupied businesses either may not be aware of this proposed legislation, or may not have the resources at present to participate in the legislative process. Accordingly, our client respectfully requests that the Committee on Civil Service and Labor, and the entire City Council, reconvene this hearing to some time later in the Spring or early Summer in order to provide all stakeholders with a sufficient amount of time to consider the impact of these proposed laws and to make their voices heard.

There is certainly a need for New Yorkers to come together to heal our city, protect its most vulnerable residents and workers, and rebuild our economy and tax base. Employers are your allies in these efforts. We ask that the proposed legislation be withdrawn and replaced with a collaborative effort to tackle the enormous challenges before us.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Eli Z. Freedberg', with a long horizontal flourish extending to the right.

Eli Z. Freedberg
Shareholder

cc: Members of the New York City Council

Littler Mendelson, P.C.
One Newark Center
8th Floor
Newark, NJ 07102

Peter B. Ajalat
973.848.4737 direct
973.848.4700 main
973.741.2312 fax
pajalat@littler.com

May 8, 2020

Hon. Corey Johnson
New York City Council
City Hall
New York, NY 10038

Re: Testimony Concerning Intros. 1918, 1923 and 1926

Dear Speaker Johnson:

I submit this testimony in response to the proposed “Essential Workers’ Bill of Rights,” as codified within Intros. 1918, 1923 and 1926, on behalf of four New York companies that are all considered essential employers pursuant to Executive Order 202.6. These companies, which manufacture and deliver concrete to construction sites in all five boroughs, collectively employ over 400 individuals in New York City.

As discussed in more detail below, these bills are short sighted and counter-productive. The proposed legislation suggests that business owners and employers are willfully failing to meet their responsibilities, which is neither fair nor accurate. Passage of these bills will undoubtedly result in the closure of essential business. Essential businesses simply cannot afford the premiums required in Intro. 1918-2020. Similarly, and as it relates to Intro. 1923-2020, essential businesses cannot afford the administrative costs that would have to be built in to any decision to furlough or layoff existing employees in response to declines in revenue or reductions in business that may arise because of the Covid-19 economic downturn. As a result, my clients urge the City Council to reject all of these bills.

In submitting these comments, my clients certainly understand and are sympathetic to the public policy behind the proposed legislation. However, good intentions do not make good law, and in this case the impact of these bills would be catastrophic to the New York City economy. I sincerely hope that this letter will serve to highlight some of those concerns in the hopes that we can engage in a collaborative effort to adopt common sense rules to protect essential workers while at the same time returning New York City to the vibrant economic landscape that existed prior to the Covid-19 pandemic.

Intro. 1918-2020

My clients, like most New York City employers, have experienced a staggering loss of revenue in the last two months as a result of the Covid-19 pandemic. This came at a time when the concrete industry already was in an extremely challenging environment. Capital expenditures, including real estate, concrete plants, trucks and other equipment, are exorbitant in New York Metropolitan area, and continue to be incurred notwithstanding the pandemic.

Moreover, unlike many of my clients' non-union competitors, the four concrete producers I represent are bound to collective bargaining agreements with Teamsters, Laborers and Machinists unions. Their New York hourly workforce, which is 100% union, currently receives prevailing wages, free medical benefits, and employer-funded pension and annuity benefits. The hundreds of drivers employed by my clients reportedly are the highest paid concrete mixer drivers in the nation. Indeed, even during the pandemic, my clients have continued to compensate employees for a full day's work even though they routinely are tasked with only a few hours of work each day. This is not to suggest that these employees are undeserving of their wage and benefit package. To the contrary, my clients willingly provide the negotiated and generous employment package in recognition of their hard work and dedication. However, together with the other fixed capital expenditures, the reality is that my clients, as union companies, operate on very thin profit margins.

The bottom line: should New York City pass Intro. 1918-2020, the required additional wages that are mandated by this bill will add more costs on top of the competitive wages and benefits my clients currently provide their employees. Many employers, like my clients, are doing everything in their power to maintain jobs and to keep the city viable during this crisis. Should the City Council pass Intro. 1918-2020, the financial burden on essential employers may simply become too great to bear and a likely consequence of this bill would be the inevitable closure of the few businesses that remain open. In turn, this would likely force many laid off employees to apply for unemployment benefits.

Moreover, under Intro. 1918-202, unionized companies like my clients, would be left with a futile option of trying to bargain away the mandated additional wages. This is something that no union realistically would do without facing the wrath of its membership and, therefore, it is an illusory provision in the legislation. Thus, as an alternative, the bill should be drafted in a manner that expressly **excludes employers with a collective bargaining agreement from coverage** but leaves open the option of employers and unions voluntarily bargaining such.

Furthermore, the bill operates at cross purposes with Federal legislation such as the CARES Act that encourages employers to reduce employees' hours in order to avoid layoffs. CARES, as well as the New York State Department of Labor's Shared Work program, incentivize employers to keep as many employees on the payroll as possible and even reduce hours across its entire workforce in order to keep employees employed. This bill directly conflicts with those Federal and State programs and would effectively prohibit use of that tool.

Lastly, while my clients' workforce is considered "essential" under Executive Order 202.6, to group these employees with the likes of health care workers who are treating scores of Covid-19 patients in the strained hospitals of New York, demonstrates how unnecessarily overbroad the proposed legislation is. My client does not dispute that front-line employees such as the health care workers are literally in the trenches each and every day of this pandemic, and should be compensated accordingly. And while anyone who works during the pandemic potentially can contract Covid-19, concrete employees are in a much different situation than those on the front lines of the hospitals. My clients' employees, many of whom work by themselves while driving a concrete mixer, are able to continue social distancing while they perform their work. They routinely work outside, and are all provided with the necessary personal protective equipment to ensure their health and safety. In sum, their circumstances, as it relates to the potential to contract the disease, are much different than those of the nurses, health care workers, grocery employees, police, paramedics, firefighters and other similarly situated front-line workers¹.

Accordingly, based on the foregoing reasons, we respectfully ask this Committee and the entire City Council to refrain from voting on this bill until it has had the opportunity to conduct additional research to determine whether the passage of this bill would result in the closure of businesses that cannot remain viable if they must comply with additional wage mandates.

Intro. 1923-2020

One of the most glaring problems with this bill, should it be passed, is that it prohibits economic driven layoffs. Because there is no exception for economic-driven layoffs or other business necessitated position eliminations an essential employer which has done its best to survive in harsh economic conditions will be subject to administrative and judicial claims by laid-off employees for termination without just cause. Layoffs are regrettable but sometimes necessary steps to allow

¹ Notably, as reported by numerous media reports, a recent survey cited by Governor Andrew Cuomo found that only 17% of the recently hospitalized COVID-19 patients are even employed; 37% are retirees and 46% are unemployed. Indeed, a "shocking" two-thirds of patients recently hospitalized were staying home.

a business to survive so that it can continue to employ others, and in the context of these bills, continue to serve the public with essential services. This bill punishes such employers by subjecting them to what is essentially strict liability, because as a matter of law, a cost-driven layoff cannot be a just cause termination under this bill. Moreover, the language does not recognize that while virtually every employer in the nation is presently considering layoffs, it inexplicably aims to restrict only those essential businesses from doing so. This makes no sense at a time when essential business, like others, are struggling to survive.

The bill also contains no sunset provision. Since this legislation was designed to protect essential workers who are continuing to work during the public health crisis, this bill should expire at the conclusion of the state of emergency. Inexplicably, the bill does not automatically expire which means that it will remain in effect long after the pandemic is over.

Another problem with the bill is that, when read in conjunction with Intro. 1918-2020, it is impermissible to offset the higher wage costs required by that bill by reducing the workforce or work hours. How are employers expected to pay the premiums owed pursuant to Intro. 1918-2020 if they are restricted from reducing workforce or reducing employees' hours?

It is also important to note that the bill would result in employers being forced to maintain the employment of employees who even engage in gross misconduct. Specifically, the current version of the bill provides that just cause exists only when an employee unsatisfactorily performs job duties or when he/she engages in demonstrably or materially harmful misconduct regarding the employer's business interests, and the employer utilized progressive discipline within the last year before termination. However, even with a union contract containing just cause protection, there are many instances when employees are rightfully not entitled to prior progressive discipline. For instance, fighting, theft, gross insubordination, and gross violations of safety rules are examples of infractions that often warrant immediate termination. Under this bill, the employer may be precluded from discharging that employee if the conduct was the first time the employee violated the employer's rules or policies. As with Intro. 1918-2020, the bill should be amended to exempt unionized employers from coverage where their collective agreement already provides for just cause protection against terminations.

In sum, all New Yorkers are experiencing the impact of the pandemic. The vast majority of employers in New York City are, like my clients, doing everything possible to protect and support their employees and to continue to serve their customers. Adding further unfunded mandates by requiring employers to bear the financial burden of paying additional wages and adding administrative obstacles to employers who need to reduce staff to meet reduced demand or who

Hon. Corey Johnson
May 8, 2020
Page 5

need to terminate the employment of an employee who has engaged in gross misconduct simply does not make any economic sense and would serve to close businesses that are barely hanging on as it is. Accordingly, there is no compelling need or reason to pass the so-called “Essential Worker Bill of Rights” and the bills should be roundly rejected.

At the very least, the City Council should pause and take time to consider the profound impact, both obvious and unintended, that this legislative package would have on businesses within New York City. Indeed, the City Council has provided New Yorkers with a little less than a week to digest and consider the proposed legislation and to prepare testimony in response to these bills. This expedited timeframe is far less time than necessary concerning the scope and ambition of these bills. This accelerated timing is particularly troublesome in light of the fact that many of the businesses and employers that operate in New York City are solely focused on figuring out ways to survive in light of the mandated business shutdown or cessation of commerce as a result of the Covid-19 pandemic. These preoccupied businesses either may not be aware of this proposed legislation, or may not have the resources at present to participate in the legislative process.

There is certainly a need for New Yorkers to come together to heal our city, protect its most vulnerable residents and workers, and rebuild our economy and tax base. Employers are your allies in these efforts. We ask that the proposed legislation be withdrawn and replaced with a collaborative effort to tackle the enormous challenges before us.

Respectfully submitted,

s/Peter B. Ajalat
Peter B. Ajalat

cc: Members of the New York City Council



**New York City Council
Chair I. Daneek Miller
Committee on Civil Service and Labor
May 5th, 2020
Remote Hearing**

Thank you to Chair Miller and the full Civil Service and Labor Committee for holding this important hearing amidst these challenging times.

With a base of more than 100 community-based organizations, LiveOn NY's members provide core services that allow older adults to thrive in their communities, including senior centers, congregate and home-delivered meals, affordable senior housing, elder abuse prevention services, caregiver supports, transportation, NORCs and case management. DFTA's network provides services to over 50,000 older adults daily.

While LiveOn NY strongly supports increased pay and robust paid-time-off policies for frontline human services workers, we are deeply concerned that Intro. 1918 and Intro. 1926 would impose another unfunded mandate on human services nonprofit organizations. Currently, New York City contracts pay roughly 80 cents on the dollar of the program's cost, causing 68% of New York City providers to anticipate not being able to meet pre-COVID-19 demands for services.

This already-existing funding gap has made it exceptionally difficult for our members to be nimble in responding to the profound need that many older adults are facing across New York City in the wake of COVID-19. **Failing to back these bills with the necessary funding for city-contracted human services workers will bring providers across the City to a breaking point. It is essential that Intro. 1918 and Intro. 1926 include funding for human services nonprofits to fulfill the requirements.** We cannot pit providing human services workers with the support and benefits they deserve against ensuring that human services institutions are financially stable enough to provide vital services now and in the coming months.

The challenge plaguing our City's non-profits is not new — each year, the human services sector expresses how underpaid and undervalued our workforce is due to underfunded contracts and unfunded mandates. To be clear, providers *want* to give their competitive pay and adequate support; we recognize that these individuals are more than just our employees: they are our community members, friends, and future (or current) older adults themselves. Evidence of this aim, each year, LiveOn NY and providers alike have joined the fight for COLAs on the state and city level to ensure workers receive the salary increases they deserve. Providers must, however, push back on proposals that come without full funding or clear protections for the non-profit organizations that would be impacted; without such support, the bills will inevitably lead to insolvency among the organization's that are most critical to our communities during this time. Again, **without the necessary funding, Intro. 1918 and Intro. 1926 would only compound already rising expenses as a result of COVID-19 and lead to potential layoffs and decreased access to vital services.**

LiveOn NY is deeply appreciative to the Council for fighting for workers across New York City, and we look forward to working with you to address these urgent concerns. Thank you for the opportunity to



testify.

Please contact Katelyn Andrews, Director of Public Policy at LiveOn NY with any questions (Kandrews@liveon-ny.org).

LiveOn NY's members provide the core, community-based services that allow older adults to thrive in their communities. With a base of more than 100 community-based organizations serving at least 300,000 older New Yorkers annually. Our members provide services ranging from senior centers, congregate and home-delivered meals, affordable senior housing with services, elder abuse prevention services, caregiver supports, case management, transportation, and NORCs. LiveOn NY advocates for increased funding for these vital services to improve both the solvency of the system and the overall capacity of community-based service providers.

LiveOn NY also administers a citywide outreach program and staffs a hotline that educates, screens and helps with benefit enrollment including SNAP, SCRIE and others, and also administers the Rights and Information for Senior Empowerment (RISE) program to bring critical information directly to seniors on important topics to help them age well in their communities.

Lucy Sexton
Executive Director
New Yorkers for Culture & Arts
lucy@NY4CA.org
NY4CA.org

May 5, 2020

Thank you Chair Miller and members of the City Council for allowing me to testify. My name is Lucy Sexton with New Yorkers for Culture & Arts, a citywide coalition of cultural groups. I speak for the many hundreds of cultural groups who are struggling to continue to offer services to NY's families and communities and to survive the current crisis.

I am here to speak about the impact that Intro 1926 would have on the city's cultural groups, many of them small non profits and even smaller dance and theater companies run by one or two individuals.

This bill's intent to grant paid sick leave rights to independent contractors and freelancers who were previously excluded from the Safe and Sick Time Act is targeted at the private sector but will also deeply impact cultural non profits. It rightly aims to protect freelance workers, which is absolutely needed. But the bill as written neither exempt nonprofits nor provides the necessary funding to enable non profits surviving on a shoestring which is fraying daily to comply.

Performing arts centers operate with a core staff, and hire hundreds of freelance performers, directors, designers, and tech staff over the course of their seasons. Small dance and theater companies often hire their entire cast and crew for one show. We are talking about organizations and arts groups whose paid staff ranges from 1 to several hundred, but whose employment of freelancers ranges from 10 to thousands.

Culture was the first to be shuttered, and the Governor's just released plan states that we will be the last to reopen.

During this time we have sustained and will continue to experience catastrophic loss of income. It is expected that without major stimulus, more than half of the city's cultural groups may not survive. The great majority of these groups are small and serve NY's communities, from ARTs East NY to Flushing Town Hall. If they are forced to consider the many freelancers they hire over the course of the year as full employees, the cost will bankrupt them quickly. The Intro does not take into account the business model that arts presenters and small dance and theater companies are forced to use---a lean core staff and many hundreds of artists and cultural workers hired per show. This is a sector that is already underfunded and cannot sustain another unfunded mandate. And if cultural centers close, the communities surrounding them will suffer, economically and by every measure of community recovery.

We want to state that we unequivocally support the rights of freelance artists and cultural workers to be covered and to be supported. But if the city cannot expand financial support to arts and culture non profits to cover this new

expense, it is counterproductive to force cultural non profits to close due to this overwhelming expense.

To whom it may concern:

On behalf of myself and other resident physicians who share the same views about COVID-19 and do not see this pandemic as an act of heroism but rather as act of human sacrifice with no choice. The Hippocratic oath did not prepare us for this crisis nor for the unpreparedness of a weak health care system.

I represent one of the thousands of resident physicians that have experienced the fear of a hazardous work environment, inadequate protective equipment, and the lack of a reasonable compensation despite being the ones who take care of COVID -19 patients 24/7. When it comes to caring for these patients, resident physicians are the front line of the front line. When patients are crashing, we are the ones running into their rooms --sometimes even without protection— to make sure patients are breathing, we make sure those bluish lips gain color again and those flat lines on the heart rate monitor come back to life. We give cardiopulmonary resuscitation (CPR), run codes and sometimes with sadness we even help them to say the last goodbye to their loved ones. If we don't do it, no one will. The attending physicians and hospital administration, the ones making 6 figures a year, are not the ones jumping on the bed to help a crashing patient. Even during normal times, our hospital, and many hospitals around the city, are run by resident physicians. Hospitals aren't run by attending physicians because hospitals can't afford to hire the number of attendings it would take to keep things running. So, they rely on residents. Without residents, my hospital would not have been able to increase its capacity as required by the Governor and open the additional 80 ICU beds that they opened during the surge. The truth is, not even 25 ICU beds can function without residents!

It is unfortunate that being the ones who work over 80 hours a week in this devastating battlefield, the NYC Essential Bill of Rights excludes those of us on the front lines in the private sector who are salaried workers. I, as a PGY-3 resident physician and as union member of the Committee of Interns and Residents/SEIU (CIR/SEIU) which represents interns, residents, and fellows throughout NYC and nationally. We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written. The NYC Essential Bill of Rights is a step in the right direction, and I stand in solidarity with the other essential workers who have been facing increased risk at this time. However, as it is written, this bill excludes us, the resident physicians. CIR members are residents, doctors in training, who work at some of the hardest hit hospitals in New York City, including St. Barnabas Hospital, where I work.

Residents continue to be the unsung protagonists of the COVID-19 crisis. Although we are in training, we keep our hospitals running smoothly while overwork for a low pay. We need recognition for the work we have done. It is time to restructure the way healthcare workers are viewed and treated, specially, resident doctors who are the most vulnerable professional population in the field. For these reasons, we as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written. Please amend the legislation to include premium pay for residents at public sector and private hospitals.

Maria Isabel Villegas

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Testimony of Anthony Saporito, Executive Vice President
Mechanical Contractors Association of New York, Inc.

Re: Intro. 1918-2020 & Intro. 1923-2020

New York City Council Committee on Civil Service and Labor
May 5, 2020

The Mechanical Contractors Association of New York, Inc. (MCA) represents approximately 300 contractors performing mechanical and fire suppression work throughout the five boroughs and Nassau and Suffolk counties. These contractors are responsible for the installation, repair, and maintenance of critical and complex systems. From grocery stores to apartment buildings and hospitals to data centers, the city's buildings rely on heating, air conditioning, refrigeration, and fire suppression systems.

MCA members hire union tradespeople to perform this work. Our industry's workforce receives the appropriate and necessary training to safely install these systems. In turn, our collective bargaining agreements reflect the fact that workers earn wages and benefits that meet or exceed prevailing wages for the work performed.

Concerns with Intro. 1918-2020:

The bill exempts those "covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local law and provides comparable or superior benefits for essential employees." As the city council is likely aware, the average collective bargaining agreement (CBA) covers multiple years and would be unlikely to have an existing waiver pertaining to the recent pandemic. Additionally, though our CBAs consider compensation for several terms and working conditions, such as a premium for working a later shift, there is no existing benefit covering work during this pandemic.

Concerns with Intro. 1923-2020:

As with Intro. 1918, this bill exempts those "covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local law and provides comparable or superior benefits for essential employees." The abovementioned concerns regarding the practicality of a waiver also apply to Intro. 1923. Additionally, our CBA specifically states that "the employer shall be at liberty to employ and discharge whomsoever he sees fit; and the members of the unions shall be at liberty to work for whomsoever they shall see fit." This provision remains a cornerstone of our industry and is seen as a benefit to both employers and employees in our industry.

MCA's Position:

Even under normal circumstances, the construction industry relies on flexibility. As job conditions change, employers can regularly need to reduce or grow their workforces by more than 25% from one week to the next. Employees are able to earn significant overtime, shift premiums, and other benefits that allow them to prepare for this flexible scheduling. Additionally, many employees often change from one employer to the next based on where work is busiest.

The union workforce earns their benefits through contributions made on behalf of an employee's "hours worked" in the field. During this pandemic, many of our contractors have been forced to cut staff, institute temporary layoffs, or reduce the number of hours worked. Many employers in our industry, however, have voluntarily maintained contributions to benefit plans in order to ensure their workforce continues to qualify for healthcare and retirement benefits. If passed, these two pieces of legislation will undoubtedly have a negative impact on the number of tradespeople that remain employed during the pandemic, their ability to maintain benefit coverage, and the ability of employers to remain in business.

Intro.1918 & Intro. 1923 do not consider the typical practices that take place in an industry such as ours. These are practices our industry collectively considers when agreeing to terms of our CBAs. Imposing regulations that unduly restrict the industry will have a detrimental impact on our contractors, their workforce, and the public that relies on their services.

Thank you for your consideration of this testimony. Should you need any additional information, please contact me at 212-481-1490 or tony@nymca.org.



Morton Williams Supermarkets

R.B.G. Management Corp.
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May 1, 2020

The Honorable Corey Johnson
Speaker of the New York City Council
City Hall
New York, NY 10007

Re: Opposition testimony to Int. No. 1918 and Int. No. 1923

Dear Speaker Johnson:

We are writing in strong opposition to the above proposed laws. Our family-owned fully-unionized group of 16 supermarkets are primarily in Manhattan, where supermarkets have been closing precipitously and are under assault by Amazon and others. As well-intentioned as these laws may be, we will be forced to immediately close a number of our supermarkets if the laws pass as written.

Many supermarkets in Manhattan rely on business from residential, office/commuters, institutions, and tourism. As you well know, most offices and institutions in New York have been shut down. Tourism has also ground to a halt. Residential customers with means living in Manhattan have evacuated to their second homes resulting in many emptied residential buildings. While Manhattan has shut down, we have kept all of our stores open and have retained 100% of our staff, including those previously working in our kitchens and salad bars which are all closed.

We have provided our staff with PPE and weekly bonuses equivalent to \$2 an hour starting early in the crisis. We have kept store hours the same including our 24 hour a day stores, so that health care workers have access during the overnight hours. Our stores have been donating lunches and dinners to the local hospitals. We continue to pay our rents which amount to millions of dollars per store, and continue to pay the city the draconian and unfair commercial rent tax that is crippling us. Our supermarket business has never asked for nor taken a penny in aid from the City, State, or Federal Government.

Int. No. 1918's mandate of \$60 for an 8 hour shift equates to a \$7.50 an hour increase, raising the effective minimum wage to \$22.50 an hour. The additional increase mandated will raise our weekly hourly payroll by an additional \$347,000, or the equivalent of \$18,000,000 a year. We simply do not have this money available to us and will be forced to shut down stores and terminate many employees. Additionally, we would have to add a "New York City Council Grocery Surcharge" to the bottom of every supermarket receipt to survive, putting us at yet another disadvantage to Amazon and other Internet giants.

It is also unconscionable that the New York City Council puts a lower value on the life of someone working in a company with fewer than 100 employees. Every life is equal and every law designed to protect people should do so equally. Our store in the Bronx is surrounded by 20 individual supermarkets often paying off the books. Why should employees working at those stores, in tight and more vulnerable conditions, not be as valuable in the eyes of the New York City Council?

We also object to Int. No. 1923. We have carefully negotiated union contracts with the UFCW/RWDSU which include provisions for employee discharge. It is not the New York City Council's place to unilaterally rewrite union contracts.

The Federal Government has come up with ways to help affected citizens including those in New York City, and is paying for those programs. If New York City wants to enact legislation helping a specific class of employees, it should pay for it. Instead of forcing many of us into bankruptcy, the city should protect essential businesses like supermarkets to ensure they survive in the post-Corona world.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Avi Kaner', with a stylized, cursive script.

Avi Kaner
Co-owner

**Testimony of Vincent Petraro
Executive Director
Metropolitan Parking Association**

Before the

**New York City Council
Committee on Civil Service and Labor
May 5, 2020**

Concerning

**COVID-19 Relief Package: Premium Pay for Essential Workers (Int. 1918) and Just Cause
Discharge from Employment (Int. 1923)**

Good morning Chair Miller, and the rest of the committee members. I would like to thank you for the opportunity to testify before you today.

My name is Vincent Petraro, and I serve as Executive Director of the Metropolitan Parking Association, which represents the interests of nearly 800 parking garages and more than 6,000 employees throughout New York City.

Several bills are being heard today, but I would like to focus my testimony on Intros 1918 and 1923, which will have a significant impact on parking garages. Governor Cuomo's Executive Order, which directed that "non-essential" businesses remain closed, has resulted in a dramatic reduction in vehicular travel into New York City. Due to this action, the parking garage industry has suffered the loss of customers and revenues (more significant than 9/11 and the 2007-09 financial meltdown combined). Many operators are struggling to remain in business and to keep their unionized staff on its payroll (so they can continue to receive a paycheck and medical coverage). The following statistics paint a grim picture of how devastating the COVID-19 crisis, which began in March, has had on the members of our parking industry. Our members have seen an approximate 90-98% reduction in transient parking. This reduction has crippled a significant source of revenue for parking garages. Additionally, our members have reported a 50-80% reduction in the number of monthly customers, which has always been a consistent and reliable revenue source in our industry. Suffice it to say even with federal and state relief, our members' financial well-being is in jeopardy, and their very existence is threatened.

With the reductions in revenue we are facing, our garages are struggling to make payroll at this point. To make matters worse, parking garages are struggling to balance their payroll commitments while at the same time trying to pay their rent. It is not an understatement to say that the parking industry is in intensive care under "life support." As plans are being formulated regarding reopening the economy, we believe New York City will still take months, perhaps years, to return to what it was before COVID-19. Even if businesses begin to open up and workers are commuting to their offices, we do not believe large gatherings at event spaces such as Madison Square Garden or the Barclays Center will happen for an extended period of time. Many of our members have locations surrounding these facilities and rely on a full calendar of concerts and other events for transient parking revenue.

As I have stated above, parking garages cannot endure any additional financial hardships going forward if they can hope to survive. The premium pay that Intro 1918 seeks to mandate would add an onerous and burdensome obligation to our members who are laboring to keep their heads above water. If Intro 1918 were enacted as written, we have estimated that the industry would see a \$1.5 million increase in payroll

expenses per week. This figure does not include payroll taxes and other administrative costs as part of our payroll operation. Such an increase could potentially lead to individual garages laying off parking attendants or a reduction in hours. Our employees are the backbone of how members operate their garages safely and efficiently. We consider our employees to be members of our "family." They have families to care for and feed. The last thing we want to do at this time is to cut our workforce as we fear the negative impact this would have on the employees' ability to earn an income. This Bill will force our hands.

Regarding Intro 1923, the "just cause" and "arbitration" requirements imposed on "essential employers" is misguided, particularly as it would apply to our garage attendant employees who are members of Local 272, IBT, and have a collective bargaining agreement ("CBA"). This CBA has been carefully negotiated, balancing the interests of the workers, union and employer, and provides for "just cause" for not only termination but also all forms of lesser discipline, and, provide for "final and binding arbitration" of all disputes related to the "just cause" provision. We urge you to exempt all employees covered by a labor-management collective bargaining agreement. The Bill would exempt those in our situation only if the union acquiesces to including an exemption to the Bill into the already existing contract. Requiring that additional hurdle is not practical and is unnecessary where a CBA already addresses the concerns reflected in the proposed Bill. As for the few non-union office workers and other non-union staff, this Bill would prohibit the firing, furloughing, or reduction in hours for an employee unless they fail to perform the duties of their job.

While mass layoffs or reduction in hours is not something our industry seeks to do at this time, we have to be realistic that if the current financial situation continues, we may have little choice. The type of excessive documentation and time restrictions required under Intro 1923 to satisfy the legislation's "just cause" standard would result in a tremendous administrative and legal burden for the parking garage industry. We would note that the CDC has issued guidelines concerning employees having problems securing letters from doctors concerning their ability to return to work after a bout with COVID 19, justifying their loosening of guidelines because they recognize doctors are overburdened. Likewise, adding burdensome paperwork to the members of the parking industry when we are barely keeping our heads above water is misguided.

We support commonsense legislation and stand ready willing and able to work collaboratively to formulate creative solutions that offer common-sense protections to our essential workers. The proposed legislation, while well-intentioned, offers no viable solutions to a problem that doesn't exist (particularly in our highly unionized industry), and its unintended consequences will be crushing to our very existence and our employees well-being.

We look forward to working with the Council on this critical issue.

Thank you.



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Peter M. Mazer

General Counsel

METROPOLITAN TAXICAB BOARD OF TRADE

May 5, 2020

City Council Committee on Civil Service and Labor

Comments with Respect to the Essential Workers Bill of Rights

Intro. No. 1926/2020

Intro. No. 1918/2020

Intro. No. 1923/2020

Dear Chair Miller and Members of the Committee. These comments are submitted on behalf of the Metropolitan Taxicab Board of Trade (MTBOT), a not-for-profit association representing the owners of approximately 5,000 licensed New York City taxicabs and their ancillary businesses, including taxicab garages, taxi repair shops and taximeter businesses. New York City taxicabs are available to provide safe and reliable door-to-door, demand responsive service to our essential workers as well as other individuals in need of transportation during these challenging times, including during the overnight hours when the subway system is closed. Many of our cabs provide the additional protection of being equipped with a partition.

Our association also provides free services to drivers who lease taxicabs from our association members. These benefits range from assisting drivers with licensing matters, providing defensive driving and other training courses, advising drivers of TLC policies and procedures, and offering drivers legal representation in Criminal Court (for driving-related

offenses), traffic court, and before the Office of Administrative Trials and Hearings. To date, we have provided services to more than 3,000 individual drivers. The value of the completely free legal services we have provided to drivers now exceeds \$1.3 million.

It is no secret that the New York City taxicab industry has been devastated, first by the proliferation of rideshare providers over the last five years, and then by this pandemic. Only a few years ago New York City taxicabs transported on average a half million passengers per day. That number fell to little more than 200,000 this past winter. Now probably fewer than 20,000 passengers a day are riding taxicabs as the city is shut down. Revenue has fallen by similar percentages. Yet, this industry stands ready to move New Yorkers as the need arises: whether moving essential workers today while the subways are closed, or moving people to and from their places of business as this city reopens.

We are submitting these comments to address concerns the taxicab industry has with three Introductions which, if passed in their present form, may have unintended adverse consequences for the taxicab industry. Before considering the specifics of these pieces of legislation, it is necessary to understand that the taxicab industry is highly regulated. Unlike other demand-responsive transportation providers such as Uber and Lyft, rates of fare charged to the riding public are set by the City and cannot be raised by taxicab owners or drivers to offset increased expenses and changing circumstances. Our drivers lease taxicabs for set periods of time from owners or their agents. Maximum lease rates are also established by the TLC and cannot be exceeded. Therefore, unlike other industries, additional costs to the taxicab industry must be absorbed entirely by owners and drivers who are already in a financially perilous situation. The regulation of all sources of income makes the taxicab industry unlike other private transportation providers.

Intro. 1926 expands the classifications of individuals who are entitled to receive sick pay benefits under the Earned Safe and Sick Time Act. Virtually all persons working in New York City and classified as employees are already covered and are entitled to paid sick leave. Most of the mechanics, dispatchers and other staff working in various taxicab garages are presently covered by the Act. This Introduction would provide for an expansive definition of “employer” which would extend paid sick leave benefits to many individuals who are now classified as “independent contractors”, and arguably, could compel taxicab owners and agents to provide

paid sick leave benefits to taxicab drivers who lease cabs and are presently classified as independent contractors under New York State law. These independent contractors work the hours they choose, and are compensated solely from fares they pick up on the street. The taxicab garage simply provides an instrumentality, namely the TLC-licensed vehicle that they need to pursue their independent business.

Intro. 1926 creates a presumption that an individual is an employee for the purposes of paid sick leave benefits, unless all elements of a three-prong test are met. In general, the individual must be (a) free from the control of the hiring entity; (b) perform services outside the hiring entity's business; and (c) be customarily engaged in an independently established trade or business. If any one of these three prongs of this "A-B-C test" are not met, the individual is deemed to be an employee.

New York State Labor Law presently sets forth detailed standards for determining whether an individual is classified as an employee or an independent contractor for a variety of purposes, such as wage and hour protections, unemployment insurance, workers' compensation and disability benefits. Taxicab drivers are independent contractors under New York State law, applying the tests set forth in the State Labor Law and regulations. Under New York State law, many taxicab drivers are deemed to be statutory employees for the purpose of entitlement to Workers' Compensation benefits. This was done pursuant to New York State law solely for the singular purpose of providing Workers' Compensation benefits and no other, and applies to drivers throughout the state. Businesses operating anywhere throughout the state have uniform rules that are applicable to all businesses wherever they may operate.

This Introduction would apply create a new definition of "employee" that is at variance with state law. As such, the legislation may violate Article 9, Section 2 of the State Constitution which precludes localities from enacting ordinances that are inconsistent with state law. Although it may not be the intent of this Introduction to classify taxicab drivers as employees, an application of the proposed "A-B-C Test" may result in litigation and potential challenges by taxicab drivers claiming entitlement to paid sick leave benefits.

It is clear that the Introduction is intended to apply to drivers of Transportation Network Providers (TNC's) such as Uber and Lyft. Their business model is different from that of the taxicab industry since, unlike TNC's, taxicab owners and driver cannot pass additional costs onto

the riding public by increasing the fares charged. TNC's provide drivers with passengers and payment, which the TNC determines, while taxicab drivers find their own passengers by cruising the streets, and are paid based on a rate of fare set by the TLC. We urge that any consideration of an expansive definition of employee applicable to providers of demand-responsive transportation not apply to a business in which fares and/or charges are established by a regulatory body. This change would make clear that taxicab drivers, whose fares are set by the TLC, are not employees for the purpose of this or any other Act.

Intros 1918 and 1923 both provide additional benefits to "essential workers", as defined by the State in Governor's Executive Order. Intro. 1918 would provide mandatory premium pay for all essential workers, and Intro. 1923 would create new sections of the Administrative Code to curtail an employer's right to terminate the employment of many workers deemed "essential".

"Essential workers" are defined in these two pieces of legislation as workers in an "essential business", which includes a vast array of activities, as described in the Governor's Executive Order 202.6. The provision of for-hire transportation has been designated as essential by the Governor. Therefore, employees of taxicab garages and ancillary businesses necessary to the support of the taxicab industry are essential employees.

Intro. 1918, providing premium pay for essential workers, does not amend the Administrative Code and appears to be a temporary measure that will expire when the state of emergency is terminated. On the other hand, Intro. 1923 amends the Administrative Code, and does not contain a sunset provision. Employees now deemed "essential" might be permanently entitled to employment protection benefits which will continue to exist past the expiration date of the emergency. It is not clear from the language of the Introduction if the rights conferred under the Introduction will expire when the emergency is over.

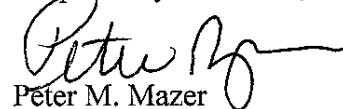
Again, these bills will create benefits for workers in New York City which do not exist elsewhere in the state. Before considering these measures, the Council should consider whether these bills would adversely affect New York City businesses, place them at a competitive disadvantage with other, non-city businesses, and adversely affect employment within the City. In particular, as businesses, particularly small businesses, continue to face economic pressure, and many will permanently close, the Council must consider whether these Introductions place unreasonable financial burdens on business already devastated.

Both of these Introductions apply only to large essential businesses, defined as businesses with 100 or more employees. Most taxicab operations have significantly fewer than 100 employees and would not be subject to the provision of these bills. However, the definition of “chain business,” which would combine businesses with a common principal or owner with more than 30 percent ownership in multiple businesses, all of which are essential, may unintentionally subject some taxicab businesses to be subject to these two pieces of legislation, and compel them to absorb substantial additional costs without any ability to pass these costs onto their customer through higher charges. For example, a taxicab agent may be owned by the same person who owns a taximeter repair business. These businesses are both essential but are unrelated, but yet, their employees would be combined to determine if the 100 employee threshold is met. These Bills should be amended to provide a different measurement for determining whether a business is a “large” essential business, such as income. The use of an employment headcount unfairly targets low margin, high labor intensive entities.

Additionally, it is already within the power of the TLC or the City to provide a premium pay system for taxicab drivers by increasing the metered rate of fare or enacting a surcharge applicable during certain times and for certain periods of the emergency.

We thank you for your consideration of these comments, and we would be willing to work with the Council on developing ways to protect our most vulnerable workers, including taxicab drivers who are essential to the survival of this city.

Respectfully submitted,


Peter M. Mazer
General Counsel



NATIONAL ELEVATOR INDUSTRY, INC.

SETTING STANDARDS IN MOTION

Statement of the National Elevator Industry, Inc.

Int. No. 1918 – A Local Law in relation to premiums for essential workers

Thank you for the opportunity to present the concerns of the National Elevator Industry, Inc. (NEII) on Int. No. 1918. NEII is the premier trade association representing the global leaders in the building transportation industry. Its members install, maintain, and/or manufacture elevators, escalators, moving walks, and other building transportation products. NEII's membership includes the six major international companies - Fujitec America, Inc., KONE, Inc., Mitsubishi Electric US, Inc., Otis Elevator Company, Schindler Elevator Corporation, thyssenkrupp Elevator Company and several other companies across the country. Collectively, the NEII members represent approximately eighty percent of the total hours worked within the elevator and escalator industry, employ more than 25,000 people in the U.S. and indirectly support hundreds of thousands of American jobs in affiliate industries. Our member companies operate in all 50 states, with New York City being one of our largest markets.

NEII commends the City Council for seeking to address workplace issues brought about by the COVID-19 pandemic. NEII would also like to thank all workers, in every industry, essential or not, who faced increased hardships and risks during this unprecedented crisis.

In March – even before all of the restrictions on business activities were imposed – NEII's member companies and our labor union (The International Union of Elevator Constructors – IUEC) recognized the potential impact on our operations and our union workers (who are providing essential services). The companies immediately worked together with the IUEC to negotiate an enhanced benefits plan, above traditional government relief plans, as well as a temporary addendum to the industry's collective bargaining agreement (CBA) that allows the flexibility needed to keep as many of our workers employed as they faced significant reductions in customer demand. This plan has been finalized, signed by the industry and the union, and has been successfully put in place. And while it might seem appropriate to outline additional compensation, this legislation is not the right approach. It would only create further challenges; encumber the recovery for many of New York's businesses; and could actually prompt the layoffs our companies worked so hard to avoid.

Int. No. 1918 Jeopardizes Financial Recovery

First and foremost, NEII believes that some see this bill as addressing a "deficiency," but instead it will be creating one. Many of NEII's member companies meet the bill's definition of large essential employers. But even large employers are facing financial hardships. Elevator contractors have seen a decline in work during the pandemic as many projects are delayed or stopped or the buildings we service are shuttered. Companies that have been especially hard-hit, such as hotels, resorts, certain retailers, shopping malls, transit centers, and arenas, have reduced or restructured their elevator service contracts. And elevator companies are also experiencing an increase of clients that cannot pay their bills for services performed due to the economic disruptions impacting all sectors of the

economy. In the face of these challenges, however, our industry worked out a temporary agreement with the union to allow for flexible scheduling and the ability to reduce hours below full-time in order to avoid layoffs. This bill would penalize employers that implemented these changes to save jobs and instead would incentivize employers to lay off more workers at a time when continued employment and benefits remain crucial to working families.

Int. No. 1918 Fails to Recognize Benefit of Collective Bargaining

NEII's members have been actively striving to avoid lay-offs. The approach taken through this bill runs counter to the ongoing collaborative efforts between our industry employers and the IUEC.

While the bill would exempt employees "covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local law and provides comparable or superior benefits for essential employees," our CBA negotiated in 2018 could not have foreseen the need for this specific waiver. In addition, negotiating a waiver of this type could take months or over a year – while this bill would take effect immediately. Also, it is unclear what "comparable or superior benefits for essential employees" would entail, as the specific scenarios at hand were not contemplated when these agreements were signed. Our union workers, unlike lower paid worker groups, have solid benefits and above average wage schedules. The industry has further enhanced those benefits with a special two-week COVID leave with pay for qualifying employees and also allows them, with conditions, to utilize a portion of their retirement savings. These are in addition to regular paid disability, employee assistance programs, and tele doctor appointments to assist during this pandemic. These were designed by the industry for the industry. The additional costs to comply with Int. No. 1918 are unwarranted for our industry.

Int. No. 1918 Fails to Target Low and Minimum Wage Front-line Workers

The construction industry, including elevator constructors and mechanics, are already well compensated, especially in comparison to other front-line workers such as grocery store workers, health aides, and truck drivers - many of whom work for small businesses and will not receive additional compensation under this bill. The current prevailing wage rate for elevator construction mechanics is \$69.56 per hour, with an additional supplemental benefit rate per hour of \$37.47. The prevailing rate for elevator service/modernization mechanics is \$54.56 per hour, plus an additional supplemental benefit rate of \$37.37 per hour.¹ This stands in stark contrast to the minimum wage earners who are cleaning our hospitals, stocking our grocery stores, and caring for our loved ones in nursing homes.

Moreover, this legislation would provide additional compensation to those essential workers who work remotely and do not encounter any additional risk or hardship, such as office accounting personnel.

¹ Office of the Comptroller, City of New York Construction Worker Prevailing Wage Schedule, effective 3/17/20 – 6/30/20.
<https://comptroller.nyc.gov/wp-content/uploads/documents/ConstructionWorkerSchedule-2019-2020.pdf>

Int. No. 1918 is Overly Broad and Vague

This legislation does not contain a date or any conditions that must be met for the premiums to come to an end. When would the additional pay terminate? Once a sector re-opens, will the premiums end? Is this only in effect during the State of Emergency?

Int. No. 1918 Should Include Additional Exemptions

NEII and its member companies respectfully ask the Council to refrain from supporting this bill until the concerns outlined above have been addressed or until further exemptions are included.

NEII believes that the entire construction and building transportation industry should be exempt, as well as any employer that is subject to a collective bargaining agreement. It is imperative that this bill is not allowed to further exacerbate the city's economic recovery by imposing new financial hardships on already struggling businesses and trigger additional layoffs.

Thank you for your consideration of the concerns of the elevator industry. Please do not hesitate to contact NEII at 703-966-0321 if you have any questions or need any additional information.

Testimony of Paul Sonn

National Employment Law Project

In Support of the New York City Essential Workers Bill of Rights: Int. No. 1918-2020, Int. No. 1923-2020, Int. No. 1926-2020, & Res. No. 1285-2020

Hearing before the New York City Council

Committee on Civil Service and Labor

By Zoom

New York, New York

May 5, 2020

Paul Sonn

State Policy Program Director

National Employment Law Project

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Good afternoon. I'm Paul Sonn, state policy program director with the National Employment Law Project. Thank you Chairperson Miller, Speaker Johnson, and Council Members Lander, Kallos, and Cumbo for the opportunity to testify in support of the important package of worker protections you are considering today: The New York City Essential Workers Bill of Rights. With this groundbreaking legislation, New York can lead the nation in responding to community needs during the COVID crisis—by not just applauding frontline workers as heroes, but by actually guaranteeing them the protections and extra pay they so urgently need and deserve.

New York's Essential Workers. The COVID crisis is laying bare our city's extreme racial and economic inequality. In what has been called the “color of COVID,” communities of color are bearing the brunt of illness and death from the pandemic. At the same time, workers of color, who make up 75% of the city's essential workforce, are providing the crucial services on which all New Yorkers rely—and are bearing the strain and serious risks associated with that work.

Most were already underpaid, performing work that was always essential, but until now, largely unappreciated. Today they're on the frontlines of the COVID crisis, doing work that all of us are relying on to get by. They staff our nursing homes and grocery stores. They work in Amazon warehouses and for app-based delivery services. Many fear that if they speak up about COVID risks or other mistreatment at work, they will lose their jobs on which they and their families depend.

Premium Pay. That's why the three new protections proposed in the Essential Workers Bill of Rights are so badly needed. First, as you have heard from workers at today's hearing, the city's essential workforce is facing tremendous economic strain and grave health risk. Many have been out sick with COVID or have family members who are sick. Many are struggling to pay their rent and bills because family members have lost their jobs. Many have had to pay out of their own

pockets for PPE equipment because their employers aren't providing it. And few have much savings to fall back on. By guaranteeing essential workers extra pay, the Essential Workers Bill of Rights will help workers and their families weather the crisis.

There has been appropriate discussion about the degree to which employers – especially city-funded non-profit human services agencies – can afford premium pay without additional government funding, But I don't think there's any serious doubt that many of the largest private corporations employing essential workers – companies like Amazon, Whole Foods, Trader Joes, Door Dash and Instacart –can surely afford and should be asked to pay their workers more during the crisis.

Paid Sick Days. Second, for essential employees like app-based delivery workers and rideshare drivers—whose employers label them “independent contractors” in an effort to avoid having to provide labor protections—the Essential Workers Bill of Rights will guarantee them the same paid sick days all other New York employers must provide. Paid sick coverage is essential at any time—but it is imperative during a pandemic. It protects all of us, by making sure workers don't have to choose between going to work sick and missing a paycheck.

Just Cause Employment Protection. And then third, and equally crucial, are the proposed just-cause employment protections. Shielding essential workers from unfair and arbitrary firing is crucial during the pandemic for ensuring worker and public safety.

Workplaces are some of the most significant vectors of COVID transmission. We've seen this across the country, from meatpacking plants to nursing homes. To flatten the curve and control the

crisis, we need workers to feel safe speaking up about COVID safety hazards without fearing for their jobs.

Unfortunately, however, **New York's unusually limited state whistleblower law does not protect most workers** who speak up about health risks at work. Nor is the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) likely to protect worker whistleblowers. The Trump administration has refused to issue any binding OSHA COVID standard for employers, and has **slashed OSHA enforcement, including protection of whistleblowers, to its lowest level in forty five years.**

During the crisis , employers from **major hospitals** to **Amazon** have threatened or fired workers who have sounded the alarm about inadequate COVID protections. During this hearing too we've heard from several workers who are too scared to use their real names or speak publicly about COVID risks in their workplaces, for fear of losing their jobs.

That all underscores why it's so important that the city council adopt just-cause safeguards so that essential workers whose employers are endangering them and the public will feel safe speaking up to protect their lives and ours.

Just cause is a well-established and balanced legal standard, that has been applied effectively for decades in unionized workplaces. It also exists broadly in the private sector in Montana and Puerto Rico. It protects workers against arbitrary or unfair firings, while allowing employers latitude to discharge workers for legitimate performance-based reasons. Generally it requires employers to give employees fair warning of performance problems, feedback, and an opportunity to address

them before workers are fired and left without a paycheck and bills to pay. It also allows employers latitude to make economic-based lay-offs where they can show they are necessary.

Asking employers to meet a just-cause standard before firing essential workers during the pandemic will provide the protection for COVID whistleblowers we all need. It will also provide a measure of fairness and job stability to the frontline workers who are carrying the city through this crisis.

New York City's frontline workers did not expect to have to put their lives on the line for a paycheck—nor should they have to. It is worth stopping to ask: Would we accept the risks these workers are taking if they were mostly white?

With the Essential Workers Bill of Rights, New York has the opportunity to lead the nation in moving beyond words and actually providing the protections and extra pay that essential workers need and deserve.

We thank Speaker Johnson, and you, Council Members Miller, Lander, Kallos, and Cumbo for your leadership on these crucial issues—and urge that the Council move forward quickly with this important package. Thank you.



National Supermarket Association

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Testimony of Nelson Eusebio
Director of Government Relations
National Supermarket Association

Before the
New York City Council
Committee on Civil Service and Labor

May 5, 2020
Concerning

COVID-19 Relief Package: Premium Pay for Essential Workers (Int. 1918) and Just Cause Discharge from Employment (Int. 1923)

I would like to thank Chairman Miller and the rest of the committee members for opportunity to testimony.

My name is Nelson Eusebio and I'm the Director of Government Relations for the National Supermarket Association (NSA). NSA is a trade association that represents the interest of independent supermarket owners in New York and other urban cities throughout the East coast, Mid-Atlantic region and Florida. In the five boroughs alone, we represent over 400 stores that employ over 15,000 New Yorkers. Our members work hard every day to run their businesses, support their families and provide jobs and healthy food options to their communities.

In the midst of this pandemic, the independent supermarket industry is playing a key role in maintaining a crucial supply chain so that people can continue to access fresh foods and much needed home supplies.

There are several bills being heard today but I would like to focus my testimony on Intros. 1918 and 1923, which will significantly impact independent supermarkets.

Intro. 1918, which seeks to mandate a "premium pay" for essential workers, will result in a tremendous financial burden for a majority of our members. Our employees are the backbone of what makes our stores cornerstones of their communities. We strongly support the federal government's initiative to provide our employees hazard pay but we feel that it is incumbent upon all tax payers to share in that effort as these workers are on the front lines, together with our owners, for the benefit of all New Yorkers. This is not a burden that should fall on small business and the simple truth is that many of our members cannot afford it. Since the beginning of this crisis we have seen a significant increase in payroll expenses with the number of employees out on sick leave and overtime as well as increases in cost of goods due to supply chain issues. Additionally, members have had to invest in cleaning companies, more supplies, security, and other preventive and protective measures.

We also take issue with the definition of a "large essential employer" as many of our members will employ 100 employees in one or two stores. All of our members are minorities and their stores are family-owned businesses that go back generations in their communities. They are neighborhood grocers, many of whom live within those communities. If you look at our stores, you will see employees who have worked there from a young age and have become part of our family. We consider these stores small businesses and are dismayed that this legislation would target minority and immigrant-owned businesses.

Regarding Int. 1923, which prohibits employers from terminating employees other than for just cause, puts independent supermarkets in a legally and administratively challenging position. I want to make it clear that employees are the backbone of our industry and we consider all of them part of our family. In fact, we have watched many of our employees start out at a young age and grow up in our stores in addition to many of their family members.



National Supermarket Association

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Our members are not large corporations with in-house human resources departments that have the resources to establish and implement these rigorous training and disciplinary guidelines. We are immigrant-owned small businesses that are struggling to keep up with consumer demands. The type of onerous documentation and time restrictions required under Int. 1923 to satisfy the legislation's just case standard would result in a tremendous administrative burden on our members. Lastly, we are concerned that the private right of action and arbitration clauses will result in **costly attorney fees and long drawn out court process**. All it would take is one disgruntled employee to put some of our members out of business.

Rather than drive a wedge between employers and employees, we should all be working together to ensure our employees have access to the resources they need.

I look forward to working with the Council on this issue.
Thank you.



**TESTIMONY OF THE NEW YORK ELECTRICAL CONTRACTORS ASSOCIATION
BEFORE
THE NEW YORK CITY COUNCIL COMMITTEE ON CIVIL SERVICE AND LABOR
COMMITTEE HEARING ON INTROS 1918 AND 1923
MAY 5, 2020, 10 AM
VIA ZOOM-WEBINAR**

Chairman Miller and Honorable Members of the Committee on Civil Service and Labor, my name is Peter Rescigno and I represent the New York Electrical Contractors Association, testifying on behalf of our 145 members employing over 9,000 Local Union #3, IBEW electricians. Thank you for the opportunity to testify “remotely” under difficult circumstances regarding Int. 1918, in relation to premiums for essential workers, and Int. 1923, in relation to just cause employment protections for essential workers. We share your concerns about the unexpected and dire circumstances that inspired the Council to introduce these bills, but are extremely troubled about the unintended consequences that could undermine the legislation’s goal of providing additional protections for “essential workers” during the Covid-19 crisis.

As an organization that collectively bargains with union labor (Local Union # 3, IBEW), NYECA members already provide extremely generous wage and benefit packages in accordance with the NYC Prevailing Wage Schedule. We have been paying top dollar to our workforce long

before the Covid-19 crisis hit. Make no mistake: we will continue to do so for our workers that are being employed during the current crisis, and long thereafter.

We are pleased that Int. 1918 seems to recognize this fact by attempting to provide a “carve-out” for collective bargaining agreements (CBA) that provide comparable or superior benefits under the definition of “essential employee” in Section 1 of the bill, but as drafted, the bill is deeply flawed. Given its immediate effective date, there will be no time for management and labor to negotiate and execute the necessary waiver to trigger the CBA carve-out. As a result, without the necessary waiver in place, the bill’s premium payments will immediately be imposed on all “large essential employers” operating under existing CBA’s. Not only is this unfair, it may be in conflict with the Contracts Clause of the Constitution by retroactively impairing the terms of a privately negotiated contract.

To avoid this, we suggest amending the bill to provide that currently bargained and valid CBAs in the construction industry be carved out in total from the bill, based on the widely recognized fact that the New York City unionized construction workforce already receives extremely generous wages or may be privately negotiating comparable Covid-19 related shift pay premiums within the context of their existing CBA’s.

Think of the possible, unintended outcome should you not amend the bill as we suggest. Int. 1918 is immediately enacted. There is no time to secure the necessary waiver. A large construction employer, already paying premium, CBA negotiated wages and benefits under extremely difficult economic circumstances, now expending extra sums to purchase personal protective equipment for their workers, is suddenly further obligated to pay this additional premium. Costs further increase, but cashflow remains severely diminished due to a crashing economy. Then (if passed) Int. 1923 kicks in, eliminating an employer’s ability to quickly reduce

his or her workforce to align with any negative changes in business circumstances. MWBE firms, which often don't have the financial cushion of larger, more established contractors, will take an even bigger hit. The highly possible result under such a scenario: employer bankruptcy resulting in all jobs lost. Amending Int. 1918 as suggested above, ideally by exempting the construction industry entirely, could avoid such a tragic and unintended outcome.

Further, with respect to Int. 1923, there is no sensible reason to re-address the issue of "just cause" within the context of unionized construction. CBAs for decades have adequately addressed the issue of what constitutes "just cause termination," which has been deemed reasonable and acceptable by the unions themselves. Why now overlaying a new process when we already have one that works? NYECA Member's CBA with Local Union #3, IBEW addresses the issue of just cause termination. If Int. 1923 passes, there would be massive confusion as to which standard now applies, not to mention, again, the potential Constitutional issue of impairment of private contract

Finally, NYECA notes that there is no clear end date in either Int. 1918 or Int. 1923. Assuming a contractor is obligated to pay the shift premium and afford extra worker protections, just when do those obligations end? Both bills are pegged to NYS Executive Orders and Department of Economic Development regulations, all of which are presently of indeterminate length. Further complicating this calculation is the Governor's plan to begin "reopening" areas of the state by region. If the Governor "re-opens" the New York City region, does that mean by implication formerly "essential" workers there now lose that designation? Both bills need further clarification on this point.

NYECA is presently doing all it can under extremely difficult and unprecedented circumstances to not only keep its member-contractors in business, but just as important to keep its workforce safe, healthy and employed. All of this is costing NYECA employers who already

pay a premium wage-- a tremendous amount of additional money. NYECA completely understands the Council's laudable desire to help essential workers during the Covid-19 pandemic. But in so doing, the Council must ask itself whether those noble efforts run the risk of potentially tipping essential NYC employers and businesses into bankruptcy. These bills, while well intended, need further refinement.

Founded in 1892, NYECA helped build New York City by working on the its most iconic structures, serving our communities in times of crisis, providing job opportunities and quality training for young people, minority and women-owned businesses, and promoting the highest standards of worker safety in the industry. We will continue to do so during this public health crisis.

Thank you for the opportunity to submit comments on behalf of the New York Electrical Contractors Association regarding Int. 1918 and Int. 1923. If you require any additional information or have further questions, please contact me at Rescigno@nyeca.org, or by cell/text at (914) 497-4896, and may everyone stay safe and healthy.



May 4, 2020

MEMORANDUM IN OPPOSITION TO INTRO.1918-2020: *a Local Law in relation to premiums for essential workers*

The New York Association of Grocery Stores, NYAGS, is a coalition of local New York City grocers fighting to stay alive as special interests and big chains continue to encroach on the businesses our families have maintained for decades <http://nyags.org/about/>. NYAGS submits this memo in strong opposition to Int. No. 1918, requiring hazard pay for essential employees, because it will completely devastate local New York grocery stores that are already grappling with high rent costs and competition from big national supermarket chains.

Sponsored by Council Member Laurie Cumbo, Int. No. 1918 would force essential businesses with more than 100 employees to pay hourly workers a \$30 bonus for a shift under four hours, \$60 for a shift of four to eight hours, and \$75 for any shift over eight hours, which is unsustainable for local and family-owned grocers.

Supermarkets in NYC are already in danger. The city cannot afford to lose more grocery store options, as it is at risk of becoming a food desert. Having a lack of available fresh meat and produce is a dangerous health risk. If this measure is enacted, not only will employees lose their jobs and health insurance, but neighborhoods will lose access to food. Many struggling grocers in the city, small and large, have succumbed to skyrocketing rent, narrow profit margins, high taxes, and increased competition from upscale supermarkets, illegal street vendors, and online stores. Local grocers are fighting to stay alive as special interests and big chains encroach on their businesses, although these chains could never fill the void of these neighborhood supermarkets. The extinction of the corner grocery store is a very real possibility, which would have adverse effects on the NYC community. The Council's proposal would be a calamitous blow to an already fragile industry.

This legislative proposal would be a step backward and a devastating example of the failure of good intentions. Yes, these employees are heroes whose brave work during this time deserves to be rewarded, but the hazard pay shouldn't be coming from the coffers of the grocery owners themselves. Their economic security is very delicate at this time and they are playing a fundamental role during this period of quarantine. Many are going above and beyond their responsibilities and are trying to provide extra services for their community, such as delivery to the most compromised members of the neighborhood and curbside pickup assistance. Many supermarkets are even donating

groceries to the neediest in our communities. Grocery stores are a lifeline right now, especially when most other places, including restaurants, are currently not open. Laying off workers and subsequently having understaffed supermarkets would be a crisis for NYC, as would the closing of these privately-owned businesses. The grocery stores are staying open long hours to serve the community, and at the same time dealing with the new rules of social distancing, sanitizing their stores, and restocking their shelves while products are in extremely high demand. Moreover, many have needed to investigate new suppliers and supply chains because many of their typical contacts are unavailable. They are also trying to prevent passing their costs onto their consumers by raising their prices, and want to continue providing affordable options for fresh food.

If enacted, Int. No. 1918 will surely eliminate countless supermarkets across NYC as well as the critical role that they play during this pandemic. While the provision of these funds would benefit essential workers, employers cannot possibly afford these bonuses. Forcing them to pay employees hazard pay is impossible because they do not have the revenues to support them, which the sponsor in the New York City Council has failed to consider. Employers will be forced into a position where they will at the very least need to reduce employment, in order to get under the threshold for the proposal. Like so many businesses during this tough time, firing staff is an extremely difficult decision to face.

Instead of hazard pay coming off the backs of private businesses that are already struggling, hazard pay should be funded at the federal level. Otherwise, essential local NYC supermarkets will not make any money and will be forced to close. During a state of emergency, the government should be supporting these businesses, not be putting supermarkets and the communities they serve at risk. The last thing New York City needs is more closed businesses and these supermarkets are vital to the neighborhoods of New York, especially during a pandemic.

**Testimony of
the New York City Hospitality Alliance
Before the Committee on Civil Service and Labor
May 5, 2020**

The New York City Hospitality Alliance (“The Alliance”) is a not-for-profit trade association representing restaurant and nightlife establishments throughout the five boroughs. We thank Chair I. Daneek Miller, and members of the Committee on Civil Service and Labor for the opportunity to submit our testimony on Int. 1918 and Int. 1923.

The New York City restaurant industry has been devastated by the COVID-19 pandemic, and while well-intended, if enacted into law, Int. 1918 and 1923 will create significant financial burdens and liability when the industry is trying desperately to just survive.

First, Int. 1918 does not apply just to big business, but also applies to mom and pop franchisees, et al, who can barely afford to remain open (if they are open at all) during this pandemic. If enacted, many of these businesses may decide to close, putting more people out of work, and reducing food options for New Yorkers. Other restaurants may decide not to even try and reopen if they have to pay employees an additional \$30 to \$75 for every shift they work. Further, by requiring larger employers to make such payments it will drive employees to those employers required to make such payments, making it harder for smaller employers to find and retain staff. Restaurants are having a very difficult time hiring (or rehiring) employees because they can sometimes earn more on unemployment than they can by working. This law will only make it more difficult to keep or find good employees.

Second, in Int. 1923, it is unclear whether an essential employer could even close their restaurant. This is because it is unclear if the termination of an essential employee related to a closure would be deemed “just cause.” As a result, businesses may be reluctant to reopen to avoid any concern that if they reopen and lose money, they would be forbidden from closing.

Also, requiring any party to go to mandatory arbitration is likely unconstitutional under both the New York State Constitution and Federal Constitution. In fact, the entire remedies portion of the bill likely violates the due process clause of both the State and Federal Constitutions.

Employees are already protected by federal law, and existing New York State and New York City anti-discrimination laws. We urge all employees to understand their rights and file complaints with the appropriate law enforcement and city agencies for further investigation when necessary. Bad actors should be held accountable. The State and City also mandate harassment training and providing employees with multiple avenues to report unlawful conduct.

Employers have the right to hire and let employees go to meet their business needs—just as employees have the right to quit without notice. The City, State and federal anti-discrimination laws more than control for this issue and for unlawful terminations. We don’t think we want employers to lose the right to terminate without notice for many circumstances, including sexual harassment, violence and theft. If a restaurant closes its doors, they cannot hire any employees.

We do, however, support more educational outreach from the City to our workers to better inform them of their rights, and what to do when they believe their rights have been violated. We appreciate the City Council and the Committee on Civil Service and Labor for your time and consideration. We ask that our recommendations be considered for Int. 1918 and Int. 1923. We look forward to continuing our work with the City Council. If you have any questions please contact our executive director Andrew Rigie at arigie@thenycalliance.org

Respectfully submitted,

NYC Hospitality Alliance



Northeast Region

Via Email and Fed-x Service

May 7, 2020

Hon. Laurie A. Cumbo
Majority Leader
NYC City Council
City Hall
New York, NY 10007

RE: Intro. No. 1918

Dear Ms. Cumbo:

We have reviewed Intro. No. 1918 entitled, A Local Law in Relation to Premiums for Essential Workers. We write today to express our great concerns with the legislation. We do not believe it should be passed out of the Civil Service and Labor Committee, nor should it be reviewed further by the Council as currently drafted.

The targeted 100 employee large employer threshold standard is arbitrary. In practice it will cause undue hardship in the marketplace for employers meeting the threshold and will give an unintended competitive advantage – solely by legislative fiat -- to employers with less than 100 employees. Also, we do not see any sustainable justification for the disparate impact on both employers and employees that would come about if Intro. No. 1918 becomes law. This is a fatal flaw of this legislation. We also believe the distinction in the legislation between an essential salaried employee versus a non-salaried worker is arbitrary and will cause the same kinds of hardships noted above.

The effective date of this legislation is also problematic as it is retroactive. Fees for waste collection and disposal service are based on a variety of known costs. Enactment of Intro. No. 1918 will add a new cost to providing these services, without recognizing that waste businesses are not able to absorb or pass along these new costs. Some will simply close their operations in the city if this legislation is passed into law. This is an impact which we know is contrary to the city's larger interest of maintaining and expanding the its taxpaying employed workforce.

continued....

We believe the definition of the term essential employee should be amended to exclude all workers who are covered by a collective bargaining agreement, period. The draft exemption from the requirements of Intro. 1918 based on coverage by a collective bargaining agreement is virtually meaningless. No existing agreement could have been negotiated to provide for an express waiver of a statutory requirement that did not exist at the time of negotiation. This proposed language defeats the whole concept of such collective bargaining agreements.

Our industry's legal advisors have also expressed great concern whether the city has the authority to change the terms and conditions regarding wages and general employment. These authorities belong to the state and have historically been acted upon at the state level from Albany. This includes minimum wage rates and periodic updates and wage orders that impact city employers and employees. Since the state has this authority and has exercised it over many years (example: by having issued different rates by area around the state), we question if the city can now claim ~~that~~ authority. And following, whether the state may legally stand-down and relinquish this authority to the city – even under the circumstance of the day.

Submitted with this letter is the April 29th statement that we issued in behalf of the city's trade waste industry regarding this legislation and related bills. We are among the hardest hit of all city businesses due to the Covid-19 pandemic. Accordingly based on the specifics of our situation and the largely unionized nature of our industry, we trust you will agree that all private trade waste and recycling companies should be exempt from any additional requirements that would be imposed by Intro. No. 1918, should it be enacted into law.

Regards,

Electronically Signed by Steve Changaris

Steve Changaris
NYC NWRA Chapter Director

cc: Hon. Corey Johnson
Hon. I. Daneek Miller
Hon. Antonio Reynoso
Hon. Kathryn Garcia
Hon. Noah Genel



Northeast Region

FOR IMMEDIATE RELEASE

April 29, 2020

NYC Chapter of the National Waste and Recycling Association (NWRA) calls on Speaker Johnson to withdraw trio of well-intended but unworkable Covid-19 hazard measures

Statement by Steve Changaris, NWRA NYC Chapter Director - Northeast Vice President

“Trade waste companies are among the hardest hit of all NYC private companies due to the COVID-19 pandemic since our business operations are dependent on other commercial businesses, most all of whom have had to shut down”. In other parts of the country and state, waste companies also collect residential and institutional garbage and recyclables. In the city the Department of Sanitation collects this material. This means that even while being deemed an “essential” industry, NYCs private trade waste companies are operating with a vastly reduced workforce. It also means they are making greatly reduced waste and recyclable collections at only the few remaining operating businesses. Nevertheless, trade waste companies, and their employees, are helping to keep the city clean and sanitary during this emergency.

Private trade waste operators have high fixed capital costs for trucks, other equipment and facilities that need to be paid. These costs, during the pandemic have not gone away, but remain without corresponding and needed fees paid by customers since collection, recycling and disposal services have been suspended. Our companies are stuck, like so many, with on-going and high fixed expenses with no incoming revenue to pay them. This is a recipe for financial disaster for private businesses.

We urge the Speaker and Council not to pass any legislation that causes further financial adversity for trade waste companies and our employees. We understand the desire to recognize all the people who have worked throughout this pandemic as employees of “essential” industries. The city’s trade waste

industry does so every day by providing good paying, often union jobs with excellent benefits. However, is not the right time during this pandemic to add new expenses and requirements on our companies like those from the trio of well-intended but misguided hazard pay and employment issue pandemic bills (Intros #1918, #1923 and #1926) now before Council's Committee on Civil Service and Labor. These measures will hurt our employees by forcing further job cuts.

ABOUT NWRA

The National Waste and Recycling Association represents the private sector waste and recycling services industry. Association members conduct business in New York City and all 50 states and include companies that manage waste collection, recycling and medical waste, equipment manufacturers and distributors, and a variety of other service providers. For more information about NWRA, please visit: www.wasterecycling.org.

Contact:

Steve Changaris
NYC Chapter Director
National Waste and Recycling Association
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202-364-3718 – landline
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**NYC READY-MIXED CONCRETE
INDUSTRY ADVANCEMENT FUND**

*120-05 31st Avenue
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JOSEPH J. FERRARA, CHAIRMAN
jferrara@FerraraConcrete.com
Mobile: (718) 344-4800

May 4, 2020

Hon. Corey Johnson
New York City Council
City Hall
New York, NY 10038

Re: Opposition to Intros. 1918 and 1923

Dear Speaker Johnson:

The NYC Ready-Mixed Concrete Industry Advancement Fund ("NYC RMC IAF") represents most of the unionized ready-mixed concrete producers in New York City. Because of the intrinsic unfairness of the proposed legislation referenced above, we write to oppose these well meaning, but misguided bills.

The members of the NYC RMC IAF operate concrete plants located in all boroughs except Manhattan, and our industry is one of the few manufacturing industries left in New York City. The employees of our member companies are members of the Teamsters, Laborers and Machinists unions.

We write to urge you to re-think the approach to the COVID-19 pandemic that is reflected in Intros. 1918 and 1923. While we understand the good intentions of this proposed legislation, it will undoubtedly and dramatically increase the costs of concrete and thus, construction costs – when the industry can least afford it, as we are all facing liquidity issues because of the dramatic decrease in work these past few months.

Our members purchase various raw materials (sand, stone, cement and water) and produce concrete (which most people mistakenly sometimes refer to cement). Our members deliver the concrete we manufacture at our plants to various public and private sector construction sites throughout New York City.

Almost all of the raw materials used by NYC concrete producers originate from sources within New York State and are an important part of New York State's economy. By weight, concrete is the second most consumed product in the world (second only to water!)

The concrete industry was already an incredibly competitive environment before this pandemic struck. Because of the enormous fixed costs in capital expenditures (concrete plants, trucks and equipment), the high costs of commercial real estate, and the increased traffic congestion which has dramatically impacted delivery costs and productivity, our members operate on very thin profit margins.

In the past decade, an increasing number of concrete suppliers have gone into business unleashing hundreds of concrete mixers on the streets of NYC. These competitors of ours do not pay prevailing wages; do not provide any medical or retirement benefits; and have no regard for rules, regulations or safety. The sheer numbers of these companies have dramatically impacted the supply-demand equilibrium, making an even more unlevel playing field for our members.

With the exception of one, all of the companies in our industry represented by the NYC RMC IAF are family-owned and operated, some in the second or third generations. Unlike many competitors, our employees' compensation is already governed by existing collective bargaining agreements.

Although revenues have dropped to a third (or less) of what they were, we are doing everything in our power to protect and support our employees and continue to serve our customers in the public and private sectors. This proposed legislation, as written, would preempt our members' collective bargaining agreements and would add an extremely unfair and unjust burden to our industry.

While there is certainly a need to heal and protect our City's most vulnerable residents and workers, and rebuild our economy and tax base, the Council should realize the dire consequences of this proposed legislation.

Thus, for all of these reasons, we respectfully request that the proposed legislation be withdrawn. We would also like to be part of a collaborative conversation with the entire unionized construction industry to help make NYC and NY State even stronger. Thank you.

Sincerely,

NYC READY-MIXED CONCRETE INDUSTRY ADVANCEMENT FUND



Joseph J. Ferrara, Chairman
Board of Trustees

cc: Members of the NYC Council
Mayor Bill DeBlasio
Governor Andrew M. Cuomo
General Contractors Association



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**Testimony from the NYC Special Riggers Association
To the New York City Council Civil Service and Labor Committee
On Introductions 1918, 1923 and 1926
May 5, 2020**

Speaker Johnson, Chair Miller and member of the Civil Service and Labor Committee, my name is Veronika Sikorski, and I am President of the New York City Special Riggers Association. The NYC Special Riggers Association was created in 2013 by a group of licensed, trained professionals with decades of experience in protecting New York City's skyline. It is not only our job to restore and maintain building facades, but to employ practices that protect the workers who perform these tasks and the millions of pedestrians who walk by our jobs sites every day. Our overall goal is to maintain the integrity of our industry by ensuring that proposed government policies and regulatory changes have a positive effect on our day-to-day operations.

The NYCSRA supports our workers and we do all we can to ensure they are safe and have the opportunities they need to support their families. We cannot support Introductions 1918, 1923 and 1926 because these bills will impose undue financial hardship and regulatory burdens on employers who are already struggling to maintain their businesses with no clear path to what the future holds.

We recently joined 32 other organizations in signing a letter to Speaker Johnson calling on the Council to "re-think the approach to the COVID-19 pandemic that is reflected in Intros. 1918, 1923 and 1926." We cannot support legislation that will further decimate businesses and lead to further job losses and business closures.

We are thankful that construction will be one of the first industries to return to the new normal as the State continues to seek ways to re-open our economy. As we continue working with elected leaders and decision-makers on ways to best pursue this return to work, we urge the City Council not to pass any legislation that will adversely affect the way we achieve these goals.

As employers, we value the women and men that perform the tasks required to maintain and restore our building facades. We will take every measure to protect our workers, but cannot afford to absorb any further unfunded mandates imposed by City government.

We urge you to work with us as we all continue to do what is necessary to keep our businesses open, our employees working and our building facades safe.

We thank you again for the opportunity to present this testimony and welcome the opportunity to continue working with you throughout the re-opening process and beyond.



**TESTIMONY BEFORE NYC COUNCIL
COMMITTEE ON CIVIL SERVICE & LABOR
May 5, 2020**

REGARDING Essential Worker Bill Package, Int. 1918 and 1923

The NYC BID Association represents 76 individual BIDs which are stewards of commercial corridors across New York City. Our members serve almost 100,000 businesses and invest in neighborhoods. New York City's BIDs are working harder than ever to help our businesses and City during this unprecedented crisis. Our mission has always been to support our local businesses, keep neighborhoods safe, and bring prosperity to communities. Never has our work been more vital and essential than it is today.

Businesses are struggling unlike ever before, as are many New Yorkers. We appreciate the intent of many of the bills being heard today, but have significant concerns about their impacts on our commercial corridors and businesses. Profit margins for many businesses were already thin due to rising costs and regulatory burdens before this crisis, and unfortunately these bills will only add to the immense hardships these organizations are facing. There are also a number of unresolved technical and legal questions about the bills in terms of who is covered and how these bills will work given the constantly evolving nature of this pandemic and the Governor's Executive Orders.

The premium pay bills are well-intentioned and essential workers certainly deserve our support during this difficult time. Many BIDs rely on third-party contractors to provide supplementary safety and sanitation services. If those companies are required to pay premiums, they will likely be passed on to us, which will take away from the funding we could use to support our small businesses during what will no doubt be a slow reopening process. We are already doing our best to limit hours, ensure safety, and pay the most possible.

Many BIDs are paying their workers or workers provided by third-party contractors full shifts even though the number of hours are being reduced. BIDs that are able to pay these workers full-time wages and/or bonuses are doing so, and those that can't will only suffer greater harm from this legislation. This is a fitting metaphor for the impact on businesses in our districts – whether they are manufacturers of essential supplies, franchisees of restaurant chains, or grocery stores – these additional costs may be the difference between businesses surviving or closing. We've also heard concerns about how this legislation may impact paycheck loan forgiveness eligibility under the federal PPP program.

The just cause legislation also creates a complicated labor arbitration process that is another headache for businesses. This City already puts massive regulatory and compliance burdens on our businesses, making it possible for mostly only larger more sophisticated companies to survive. This will be yet another nail in the coffin of our small and medium-sized businesses that are just one more permit, license, fine, or complex labor arbitration process away from giving up. If the intention is to protect whistleblowers who raise issues about safety, there is certainly a more narrowly-tailored way to do so.

While we appreciate and share the desire to protect our essential workers, we fear that this legislation may lead to more business closures in New York City and fewer Jobs for New Yorkers. We are grateful to the bill sponsors for spurring this conversation and the opportunity to be a part of it. We look forward to working with our partners in government to find create solutions to this unprecedented crisis.



159 East 116th Street, 2nd Floor | New York, New York , 10029

May 5, 2020

Re: The Chamber supports Testimony Submitted to the New York City Council

To the New York City Council:

Thank you for the opportunity to submit testimony to the Committee on Civil Service and Labor regarding the remote hearing it held on May 5, 2020.

THE NYC Hispanic Chamber of Commerce (NYCHCC) is a membership organization whose mission is to support the Hispanic businesses and the community we serve. As a chamber that prides itself on fostering collective success in job growth and economic prosperity in New York City. With over 1200 members and partners including, but not limited to, startup firms, entrepreneurs, and small and large businesses, we serve to advance a large and diverse population.

It is not an exaggeration to say New York City is facing unprecedented challenges. The COVID-19 virus has brought our city to a standstill with businesses shuttered, residents required to stay indoors, workers laid off and economic activity ground to a halt. These perilous times require all stakeholders – small businesses, large corporations, workers, and city government – to work together to prevail against this very visible threat, and ensure that our city establishes a new, more prosperous normal that uplifts all of the city's people and industries.

We were therefore disappointed that the Council held a hearing on a pair of bills, Int. No. 1923 and Int. No. 1918. We oppose bill No. 1923, and call for the reevaluation of Int. No. 1918. We call on the City Council and Administration to start from on scratch and invites all participants from the beginning to discuss how we can help workers and businesses alike.

Int. No 1918 would provide a pay premium ranging from \$30 to \$75 to non-salaried workers based on the length of their shift at work. While we salute the health care professionals, grocery store workers and other front-line workers, it does not make sense to require employers to pay workers more money at a time when they are trying to avoid layoffs and furloughs, and just stay afloat with the workforce they have. Proponents say this pay premium only applies to companies with 100 or more employees so they can afford it, yet large companies based in New York City or with many employees here are greatly suffering also. You already know what is happening to Lyft, Airbnb, Jetblue and many more as it relates to the lay-off in the thousands! Even Mayor de Blasio announced he will have to furlough or layoff city workers without federal aid. It therefore makes no sense to require companies who are struggling to maintain their workforce to pay more at a time when they can't afford to do so. At a time when managing finances is so difficult, it's best for government not to impose new mandates and allow the few companies that can reward their workers to do so based on their own discretion and assessment of their finances.

We also encourage the re-evaluation of Int. No. 1923 as appears to be counter productive to the efforts employers are making to keep their employees and take care of them during this time. This bill is seemingly intended to help workers who feel they do not feel safe at work because of the virus, which we sympathize with, and have been disciplined by their employer for speaking out. Once again the bill does not acknowledge most employers have made a good faith effort to respond to unprecedented challenges by enabling workers to do their jobs from home where possible and provide protective equipment in short supply when they can obtain it and it is needed. This bill does not address concerns workers have about the virus. Instead, it requires employers to justify to a third party like a city agency, court or arbitrator why a worker was fired, even while this third party can't be familiar with the details of the situation that transpired between the employer and employee in the workplace. As workforce is being decreased by lay-offs, there are better ways to arbitrate health concerns at a time that where everyone is working to collectively figure things out for the best. Your measures are a bit to extreme.

Thank you for the opportunity to submit testimony. I hope the Council will not pass these bills and bring all stakeholders together to work together to develop solutions that can lift the City up during these trying times.

Thank you for your consideration,

Nick Lugo
President

NYC Hispanic Chamber of Commerce

New York City Council Committee on Civil Service and Labor

May 5, 2020

Intros. 918, 923, 926; Intro. __ (relating to the extension of health benefits to the survivors of municipal employees who died of COVID-19); Reso. 1285; and Reso. __ (relating to presumption that COVID-19 deaths of city employees be treated as “line of duty” deaths)

Memorandum in Support

The New York State Nurses Association is a labor union that represents more than 40,000 registered nurses throughout New York. NYSNA is a strong proponent of workers’ rights and an advocate for universal quality health care services for all New York residents.

During the course of the ongoing public health crisis presented by the coronavirus pandemic, NYSNA nurses have been in the forefront of the battle to contain the virus and to provide care to the hundreds of thousands of patients who have flooded our public and private hospitals.

Our members have worked under horrendous conditions and have directly experienced the ravages wrought by the pandemic on our patients and on our fellow health care workers. We have also witnessed the effects felt by our fellow “essential workers” in the public and private sectors throughout the city.

NYSNA has reviewed the package of proposed legislation and local resolutions that are being considered by the City Council to support nurses and other essential workers and strongly supports passage of the entire package. Our only critique is that some of the legislation should be strengthened to fully recognize the sacrifices of these workers and to address the costs that they have borne as the front line in this ongoing battle.

Intro. 1918 – Providing for enhanced pay for essential workers during the state of emergency

This legislation would require large employers of essential workers to provide extra pay during the declared state of emergency in a flat amount based on the length of each employee’s shift.

The legislation applies to “large employers” (defined as private sector enterprises with more than 100 employees).

These employers would be required to pay each employee an additional \$30 for any shift of less than four hours, an additional \$60 for any shift between four and eight hours, and an additional \$75 for any shift of greater than eight hours. The legislation would not affect unionized employees who have negotiated greater incentive or recognition pay rates than are provided by the statute.

The proposed legislation would provide a significant pay increase for workers who have risked their lives on a daily basis by continuing to report to work, directly dealing with infected or contagious fellow New Yorkers on a regular basis. These workers have been repeatedly exposed to COVID-19 and many have themselves become sickened or died. The exposure and rate of infection of nurses, other health care workers, EMTs and other first responders have been particularly acute.

Many of these essential workers receive low wages and little or no health, pension and leave benefits.

Under these circumstances NYSNA strongly supports the legislation to require employers to materially recognize the sacrifice and heroism of essential workers by requiring payment of a COVID recognition pay bonus.

We also support the provisions of the bill to protect essential workers from retaliation or other punitive employer actions aimed at frustrating their rights to demand the additional recognition pay and providing rigorous enforcement options and penalties for employers who evade their obligations under the legislation.

NYSNA is concerned however at the limitation of the additional recognition pay to large private employers, the exclusion of public sector employees (who have borne a disproportionate burden during this crisis), and the exclusion of salaried employees.

We would urge the City Council to amend the legislation (a) to include public sector employees, (b) to protect employees who are classified as “salaried” but who are also engaged in “essential” work, and (c) to include employees of small and medium sized employers.

Intro 1923 – Establishing Universal “Just Cause” Rights for All Essential Workers

This legislation would extend “just cause” employment protections to essential workers throughout the period of the coronavirus pandemic emergency.

As members of a union, NYSNA members are all generally subject to “just cause” protections under their collective bargaining agreements. These provisions generally prohibit discipline or termination of employment in the absence of a good and valid reason, and the workers are further entitled to a grievance and binding arbitration process to protect themselves against arbitrary, unreasonable or excessive discipline. This contractual protection also includes a

general “progressive discipline” requirement that employers give warnings and allow remedial actions before escalation to termination of employment.

NYSNA favors a general right to “just cause” protections for all workers, and particularly to essential workers who have risked their health and safety to provide essential services during this crisis.

The proposed legislation would not affect unionized workers who have greater benefits under their collective bargaining agreements.

We note, however, that the legislation as drafted fails to protect workers who are subject to discipline, retaliation or even termination for publicly calling attention to workplace safety issues or to threats to the health and safety of patients or the broader public.

Many employers have written policies that prohibit workers from publicly speaking about health and safety issues, and requires them to follow an internal “whistleblower” or complaint process. During the COVID crisis, nurses and other workers who have publicly spoken out about the shortage of personal protective equipment or unsafe conditions in their workplaces have been threatened, retaliated against and in some cases fired for speaking out. These threats have even occurred in unionized workplaces where just cause protections are contractually mandated on the theory that speaking publicly violates established employer policies against speaking to the press or divulging internally sensitive matters.

We would urge the City Council to specifically address this problem by defining the just cause protection to exclude discipline, retaliation and termination of employees who violate internal employer policies that muzzle or prohibit employee speech around vital matters of public concern, including dangerous working conditions and threats to the public health and safety.

We would also urge the City Council to consider making the “just cause” protections for workers universal and permanent. All workers should have a legal protection against unjust discipline and loss of their jobs whether we are in a pandemic or not.

Intro. 1926 – Expanding the availability of paid sick leave to include “gig” workers

The proposed legislation would amend the definition of “employee” in the recently enacted paid sick leave law to include independent contractors and other “gig” workers who are currently not treated as employees.

The increasingly prevalent trend toward “informal” or “non-traditional” employment categories has been used by various private enterprises as a way to reduce labor costs and increase profits. These arrangement include sub-contracting of work, the misclassification of workers as independent contractors and other techniques to avoid providing the pay and benefits traditionally demanded and received by workers who are legally classified as “employees.”

This exploitative trend has been revealed during the pandemic not only as an abuse of the rights these often exploited workers, but also as a direct threat to the health, safety and very lives of the general public.

These underpaid workers are forced to report to work even when they are sick and during a pandemic the failure to provide health benefits and guaranteed paid sick leave is a threat to us all.

NYSNA strongly supports the proposed legislation to provide these workers with the same minimum paid leave benefits that are enjoyed by “employees” under city law.

Intro. ____ (Member Daneek Miller): Relating to providing health insurance coverage to the families of municipal employees who die from COVID-19

The proposed legislation would amend Section 12-126 of the Administrative Code to provide full survivor health benefits for the spouse and children of city workers to include, in addition to established “line of duty” deaths and 9/11 related deaths, a new category for workers **“where the death of a city employee is or was the natural and proximate result of a complication related to the coronavirus disease, COVID 19.”**

This provision would treat any COVID-19 related death of a city worker as presumptively having been the result of their work duties during the pandemic. This would remove the burden from the survivors of having to establish and prove that the death was work related and thus subject to “line of duty” benefits.

As the representative of more than 9,000 nurses employed by the NYC Health + Hospitals system, NYSNA strongly supports this legislation. Our members work in the hospitals and health facilities that have been the hardest hit in the City during the pandemic. Our nurses have worked shift after shift in hospital units filled with thousands of COVID-19 patients, have had the worst access to vital respirators and other personal protective equipment, and have had extremely high rates of exposure, infection, illness and death.

Our nurses and our health care and first responder colleagues deserve to know that if their ongoing and repeated exposure to COVID-19 results in their death, their families will continue to receive the health benefits that they need and deserve without having to fight to prove the obvious while also grieving their lost family member.

Reso. 1285: Calling on the State to enact legislation limiting the misclassification of employees as independent contractors

The proposed resolution would call on the State to enact legislation to make it harder for employers to treat low wage workers as non-employees and to deny them their basic rights to overtime and other pay benefits, to unionize, to be eligible for paid and unpaid leaves and other non-pay benefits.

The resolution calls upon the state to adopt the standards set forth in Labor Law Article 25-B (relating to the construction industry) and Article 25-C (relating to commercial trucking) by creating a presumption that all workers are employees.

To classify a worker as an independent contractor, the employer would have the burden of rebutting the legal presumption by showing that (1) the worker is free from control and direction in performing the job, both contractually and as a matter of fact; (2) the service provided by the worker is performed outside the usual course of business of the employer; and (3) the individual is customarily engaged in an independently established trade, occupation, profession or business that is different than the line of business or service provided by the employer to its customers.

NYSNA strongly supports efforts to protect low-paid workers and to end rampant employer abuses through the misclassification of employees as independent contractors.

Reso. ____ (Daneek Miller): Calling on the State to enact legislation treating COVID-19 related deaths of city employees as having occurred in the line of duty for the purpose of providing benefits to their survivors

The proposed Resolution calls upon the Governor and the Legislature to enact legislation to treat the death of city employees from COVID-19 related illnesses as presumptively having occurred in the line of duty for the purposes of survivor benefits under existing pension plans. In the event of an established line of duty death, the worker's survivors would be entitled to certain existing enhanced benefits.

Given the high levels of exposure to COVID, illness and deaths of nurses employed by the NYC Health + Hospitals Corporation, the presumption that any death was the result of "line of duty" exposure to COVID is both fair and appropriate.

The families of nurses and other city workers should not be forced to make a showing that their family member's death was work related under the circumstances of the pandemic.

NYSNA strongly support the proposed resolution, but would urge the City Council to include a presumption that COVID-19 was contracted at work not only for death benefit, but also for disability pension eligibility and for Workers Compensation death and disability benefits as well.

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May 1, 2020

To: New York City Council

Re: Int. 1912

The New York State Creditors Bar Association ("NYSCBA") is an organization of legal professionals in the area of consumer and commercial debt resolution. The attorneys and their firms who make up the Bar Association run professional practices that operate under an ethical framework promulgated by the judiciary in search of durable and equitable debt resolutions. The NYSCBA strongly opposes the above captioned legislation.

The NYSCBA joins all New Yorkers in recognizing the unprecedented hardships and pain caused by the COVID-19 pandemic. As a result, the NYSCBA has passed a resolution to urge our members from seizing any funds directly deposited or reasonably traceable to government stimulus funds issued to a judgment debtor as a result of the CARES Act. We have also encouraged all members to utilize appropriate discretion in responding to hardships such as extending payment dates and ceasing garnishments and bank restraints. Every day our members work with creditors and New Yorkers to weather this pandemic in a fair and equitable manner.

While well intentioned, we must **oppose Int. 1912**, with regard to the section that prohibits the enforcement of money judgments. As an initial matter, this legislation exceeds the authority of the City Council and is unconstitutional. Further, if enacted, this provision would harm countless small businesses and New Yorkers who are impacted by this pandemic with minimal benefit; this proposal is unnecessary in light of the wide array of consumer protections that already exist under State law; and, the requirements of this law are vague, will lead to consumer confusion and overwhelm the courts.

It is respectfully submitted that the State has preempted the area of judgment enforcement and that this proposed legislation is therefore not constitutional. See *generally*, N.Y. C.P.L.R., Ch. EIGHT, Art. 52. The Court of Appeals has held that a local law is inconsistent with State law "where local laws prohibit what would be permissible under State law, or impose prerequisite additional restrictions on rights under State law, so as to inhibit the operation of the State's general laws." *Zakrzewska v. New*

School, 14 N.Y.3d 469, 480, 902 N.Y.S.2d 838, 928 N.E.2d 1035 [2010] (citations omitted). This proposed legislation both prohibits what would be permissible under State law and imposes prerequisite additional restrictions on rights under State law. As a result, this proposed legislation is unconstitutional.

If enforced, this proposed legislation would have wide ranging unintentional negative consequences. First, this bill will harm small businesses at a time when small businesses are already struggling throughout New York City. Second, this bill will harm consumers in a number of ways. Consumers will not be able to enforce their own judgments against parties that may be indebted to the consumer. The consumer will lose the right to seek redress through the court system. Further, consumers against whom an execution has been issued will not be allowed to resolve the outstanding execution without first going to court to establish that the consumer was not impacted by the pandemic. This circuitous requirement will result in delay, confusion and frustration by consumers who will be forced to miss work to go to court to establish that they were not harmed by the pandemic or to “effectively” waive this requirement.

Additionally, sufficient protections for individuals already exist under state law to protect consumers that have been negatively impacted by this pandemic from excessive judgment enforcement. New York Civil Practice Laws and Rules §5222-a provides for exemptions of \$2,850.00 from every individual’s bank account, as well as broad exemptions for funds that originate from specific exempt sources such as social security, SSI, disability and unemployment benefits. This means that these funds already cannot be executed upon by a creditor, and are automatically exempt from any bank execution or bank restraint. Furthermore, N.Y. C.P.L.R. §5231 limits any income execution to 10% of the wages above the weekly minimum wage. N.Y. C.P.L.R. §5240 permits the amount of the execution to be lowered based on hardship. As a result, after receiving notice and before any taking, a consumer who is negatively impacted by the pandemic can already seek court intervention to lower the amount of any execution or the amount of the execution can be lowered by an agreement between the parties.

Finally, the requirement that the judgment debtor be provided with an opportunity to show the court that the party has not “suffered a substantial loss of income” due to the pandemic or “effectively waive” the requirement is vague. This provision will result in substantial consumer confusion and harm as different creditors and the courts hastily develop new burdensome procedures to comply with this requirement. The ultimate result is that consumers and the courts will be overwhelmed by conflicting attempts to comply with this requirement.

The NYSCBA appreciates the opportunity to provide this letter and thanks the City Council for its attention to these concerns.





Department of Labor

Harriman State Office Campus
Albany, NY 12240

Guidelines for Determining Worker Status Messenger Courier Industry

The following guidelines are used by the Unemployment Insurance Division, the Division of Labor Standards and the Division of Safety and Health to establish whether an employment relationship or an independent contractor status exists when companies engage the services of messengers and/or couriers who own or lease vehicles. The factors below are not intended to be relied upon for all possible circumstances. General guidance is provided regarding the many factors that may be considered in making determinations. Every employment situation is different. Therefore, no single factor or group of factors will control the determination. These factors do not create any different rule or test than exists in common law, regulation or statute.

Independent contractors are excluded from coverage under the Unemployment Insurance Law. In addition, independent contractors are not afforded certain protections provided by Labor Standards and Safety and Health law. Independent contractors are persons who are actually in business for themselves and hold themselves available to the general public to perform services. A person is an independent contractor only when free from control and direction in the performance of such services. All factors concerning the relationship between the two parties must be taken into consideration to determine if the party contracting for the services exercises, or has the right to exercise, supervision, direction and control over the courier or messenger. No one single factor is controlling, nor do all factors need to be present to establish the nature of the relationship.

Also, the New York State Commercial Goods Transportation Industry Fair Play Act is in effect as of April 10, 2014. The law creates a new standard to determine whether certain drivers are employees or independent contractors in the commercial goods transportation industry. Some of the "Indicators of Independence" discussed below may be legal prerequisites for some drivers to properly be classified as independent contractors. If couriers fall under the provisions of the Fair Play Act, that Act's provisions take precedence over the guidance contained in this publication.

Employers may request a formal determination of the status of couriers/messengers for unemployment insurance purposes by writing to the Liability and Determination Section and furnishing complete details of the relationship. An employer who assumes a courier/messenger to be an independent contractor, and does not report and pay contributions based upon the assumption, may be subject to retroactive assessment, interest, or penalty if a later audit, benefit claim, or some other review determines that there was an employment relationship. Therefore, it is to the employer's advantage to request a determination when the status of a courier/messenger is in question.

Employers with questions regarding the interpretation or application of the factors outlined in the guidelines in relation to an unemployment insurance matter may contact the Liability and Determination Section at (518) 457-2635. Employers with questions in relation to a Division of Labor Standards issue should call (518) 457-4256. Division of Safety and Health issues may be referred to (518) 457-2238.

Industry Background

These guidelines will be used to determine the worker status of couriers who own or lease a vehicle. Couriers who use company vehicles are presumed to be employees, as they have no risk of investment or exposure to profit or loss. **It is industry practice that bike messengers own their own bikes, and, along with foot messengers, are considered employees of messenger companies providing delivery services to their customers.**

A courier is a person who provides pickup and delivery of goods for customers via a motorized vehicle. A messenger provides similar services to customers via foot or bike delivery. Some companies use both messenger and courier delivery persons.

In large metropolitan areas, the pickup and delivery could be within blocks, or within or across boroughs. In suburban or rural areas, the pickup and delivery could involve a large geographic area covering hundreds of miles.

Bike and foot messengers are commonly used to transport smaller goods and packages in metropolitan areas, while couriers are able to accommodate larger and multiple customer requests.

Products and goods to be picked up and delivered are based on the specific need of the customer. These include, but are not limited to:

- Manufactured goods
- Legal, financial, and banking documents
- Office supply products
- Film
- Pharmaceuticals
- Portfolios
- Blueprints
- Clothing
- Costumes
- Art work
- Personal items

Courier and messenger companies may provide 24/7, on-demand pickup and delivery services for customers. A courier company may also provide established routes involving multiple pickup and delivery services for customers. A courier may perform both on-demand and route delivery services.

Courier and messenger companies offer on-demand assignments via a dispatch system. They use communication devices, such as two-way radios, pagers, beepers, cell phones or palm pilots, to relay the details of the assignment. Assignments are offered to one courier or messenger at a time.

The courier and messenger company establishes the fee charged to its customer. The fee may be based on factors such as:

- Size and weight of package
- Volume
- Distance
- Urgency of the delivery
- Frequency of the route
- Number of stops

Couriers are generally paid a percentage of the fee charged to the customer for on-demand assignments. Messengers are normally paid the higher of an hourly rate or fee charged for similar-type assignments.

A courier who performs a fixed-route delivery is aware of the established stops and the fee to be received before beginning each day's route. The fee is usually not hourly or a percentage of the amount charged to the customer. It is usually a set amount, which might, for example, be on a daily or weekly basis.

A courier company may use a third party as its agent. The third party (agent) may:

- Pay the courier
- Issue end-of-year tax documents
- Offer discount insurance and benefit packages
- Perform background checks on the potential courier pool

The courier may be required to enter into a contract with the third party. The provisions contained in the contract are mutually agreed on between the courier company and the third party, and the provisions are as if required and enforced by the courier company. Both the courier company and the courier may pay the third party an administrative fee for its services.

Determining Worker Status

Couriers

With respect to couriers, there are two types of services that may be performed:

- 1) On-Demand – customer requests same-day or next-day pickup and delivery of an item from Point A to Point B, for which a courier receives an established or negotiated fee. The requests may vary each day.
- 2) Route Delivery – customer or courier company has established routes or territories, within which are multiple locations for pickup and delivery of items. The requests may vary each day, and a courier receives an established or negotiated fee.

Through the application of these guidelines, the worker status of a courier who performs both on-demand and route delivery services will be based on the factors that apply to each type of service. This may result in two different worker status outcomes.

On-Demand Services

Indicators of Independence

Under the Commercial Goods Transportation Industry Fair Play Act, there is a presumption that a driver is an employee. If the company can show that the driver is a separate business entity by meeting all of the law's listed criteria, that driver will be considered a separate business subject to the provisions of the Act. Some of the factors indicating a courier performing on-demand services is an independent contractor are:

- 1) The courier owns or leases a motorized vehicle. Couriers driving such vehicles need not hold a commercial driver's license.

A lease must have evidence of substantial investment by the courier, such as:

- a. The lease is fair market value
 - b. It is for a minimum of at least one year
 - c. The courier is obligated to satisfy the terms of the lease, even if courier services are discontinued
 - d. There is a reasonable interest rate
- 2) The courier is responsible for all expenses, such as:
 - a. Fuel
 - b. Vehicle repairs
 - c. Maintenance
 - d. Insurance
 - e. Tolls
 - f. Occupational accident insurance or workers' compensation coverage
 - g. Communication devices or scanning equipment
 - 3) The courier is free to negotiate the fee offered for services and is not prohibited from renegotiating an established fee on an assignment-by-assignment basis.
 - 4) The courier is paid on a negotiated, per-completed-assignment basis, and not by the hour.

- 5) The courier is free to accept or reject a dispatched assignment, based on conditions such as work hours and schedule.
- 6) The courier receives an advertising fee for displaying courier company or courier company's customer's signage on the vehicle.
- 7) The courier's services are not exclusive to a courier company, and the courier is free to obtain and accept assignments from others.
- 8) The courier establishes own route and sequence, or priority of pickups and deliveries.
- 9) The courier receives and resolves customer complaints.
- 10) The courier is not required to display the courier company name on the vehicle, other than what may be required for security purposes while on an assignment.
- 11) Manifests are provided by the courier.
- 12) The courier possessed a "dba" or a Federal Employer Identification Number at the time of hire.
- 13) The courier is able to provide a substitute or engage other couriers without approval or notification of the courier company, subject to applicable qualification requirements or federal or state laws, rules or regulations, *and* pays the employees without reimbursement from the courier company.
- 14) The courier is not provided with training, other than a general orientation session to familiarize the courier with basic customer pickup or delivery characteristics.

Indicators of Employment

The strong factors a courier performing on-demand services is an employee are:

- 1) The courier company sets the rate of pay.
- 2) The courier company pays or reimburses the courier for expenses such as fuel, tolls, vehicle repairs, maintenance, and insurances.
- 3) The courier is required to accept assignments.
- 4) The courier is not free to obtain assignments from others.
- 5) The courier is covered under the courier company's Workers' Compensation Policy.
- 6) The courier has a set work schedule, or is required to be available for assignments during a pre-established period.
- 7) The courier company establishes the route, sequence, or priority of the pickup or delivery.
- 8) The courier company maintains authority to insure all customer requirements are carried

out by the courier, even if the courier agreed to the requirements at the time his/her services were engaged.

However, the courier company's right to insure that customer requirements are carried out by the courier regarding security and appearance of vehicle, delivery and pickup times, shipment integrity, compliance with governmental regulations, and general standards of conduct is a reasonable business practice. This is not an indication of control over the courier's services.

- 9) The courier company prohibits the courier from participating in the process of resolving customer complaints.
- 10) The courier is required to display courier company name or customer name on the vehicle at all times, even when not on an assignment.
- 11) Manifests are provided free of charge by the courier company.
- 12) The courier company establishes earlier delivery/pickup time frames than those required by the customer. Or, if no time frame was established by the customer, the courier company specifies a time frame to the courier.
- 13) The courier is required to keep in communication with the courier company while on route for purposes beyond relaying information from the courier company customer to the courier, or beyond the customer's request regarding the status of delivery.
- 14) The courier company provides substitutes or replacement drivers.
- 15) The courier company requires attendance at training or orientation sessions for issues other than those required by governmental agencies, or on subjects such as:
 - a. Use of the communication equipment
 - b. The proper completion of paperwork
 - c. The courier company's customer policies and/or procedures
- 16) The courier company restricts the courier from performing courier service for any customer of the courier company upon termination of the relationship between the parties.
- 17) The courier company requires the courier to wear a uniform or attire that includes identifications or logos beyond those associated with the courier company.
- 18) The courier is required to perform services personally.

Neutral Factors

Factors that neither point to an independent contractor status nor an employment relationship are:

- 1) The courier is only required to wear a uniform, attire, and/or identification with the courier company logo for the limited purposes of security, and only while the security need is present.
- 2) The courier is required to carry a courier company badge or other identification for security purposes, and only while the security need is present.
- 3) The courier company or its third party agent interviews or screens prospective couriers by performing background checks and verification for compliance with state and federal laws, rules, and regulations prior to issuing assignments.
- 4) The courier is paid by the courier company for the delivery, even if the delivery did not meet the standards or parameters of the courier company's customer.
- 5) The courier may contact the courier company upon pickup or delivery of item/article, but does so out of courtesy, as a means to obtain additional assignments.
- 6) The courier is required to keep in contact with the courier company while on route for purposes of relaying information from the courier company's customer to the courier, or for purposes of confirming with the courier company's customer its adherence to the pickup and delivery time frame.
- 7) The delivery/pickup time frame is set by the courier company's customer.
- 8) The courier is required by the courier company to attend training or orientation sessions for issues mandated by governmental agencies (such as OSHA or the Transportation Security Administration), or on subjects such as proper completion of paperwork or courier company customer policies and/or procedures.
- 9) The courier may be required to obtain a "dba" or a Federal Employer Identification Number as a condition of obtaining assignments.
- 10) The courier and the courier company jointly resolve customer complaints.
- 11) The courier company is responsible for customer billing and collecting.
- 12) The courier is required to sign a Non-Disclosure Agreement (NDA). The purpose of such an agreement is to protect the courier company's confidential information, including, but not limited to, clients, addresses, billing rates, and contact names and telephone numbers.
- 13) Customer or third party provides manifests.

Route Delivery

Indicators of Independence

The strong factors a courier performing route delivery services is an independent contractor are:

- 1) The courier owns or leases a motorized vehicle used for delivery services. A lease must have evidence of substantial investment by the courier, such as:
 - a. The lease is fair market value
 - b. It is for a minimum of at least one year
 - c. The courier is obligated to satisfy the terms of the lease, even if courier services are discontinued
 - d. There is a reasonable interest rate
- 2) The courier is responsible for all expenses, such as:
 - a. Fuel
 - b. Vehicle repairs
 - c. Maintenance
 - d. Insurance
 - e. Tolls
 - f. Occupational accident insurance or workers' compensation coverage
 - g. Communication devices or scanning equipment
- 3) The courier is free to negotiate or renegotiate terms of the route, such as the stops or rate of pay.
- 4) The courier negotiates the rate of pay that is other than an hourly rate.
- 5) The courier is free to accept or reject assignments.
- 6) The courier receives an advertising fee for displaying courier company or courier company's customer's signage on the vehicle.
- 7) The courier receives an advertising fee from either the courier company or the courier company's customer for wearing a customer's badge, ID, uniform or attire.
- 8) The courier is unrestricted from performing delivery services for others; including while on route for courier company's customer, except as may be restricted by governmental authorities, such as DEA or DOT Office of Hazardous Materials.
- 9) The courier's services are not routinely monitored by the courier company to insure customer requirements are carried out, but the services may be monitored for administrative purposes, such as customer billing or determining courier compensation.
- 10) The courier receives and resolves customer complaints.
- 11) The courier is not required to display the courier company's name on the vehicle, other than what may be required on an assignment for security purposes.
- 12) Manifests are provided by the courier.
- 13) The courier possessed a "dba" or a Federal Employer Identification Number at the time of hire.

- 14) The courier is able to provide a substitute or engage other couriers without approval or notification to the courier company, subject to applicable qualification requirements or federal or state laws, rules, or regulations, *and* pays the employees without reimbursement from the courier company.
- 15) The courier is responsible for lost or damaged product.
- 16) The courier is responsible for providing or obtaining appropriate containers required for the delivery/pickup of the product.

Indicators of Employment

The strong factors a courier performing route delivery services is an employee are:

- 1) The courier is paid at a base hourly rate or on a fee basis established by the courier company.
- 2) The courier company pays or reimburses the courier for expenses such as fuel, tolls, vehicle repairs, maintenance, and insurances.
- 3) The courier is required to accept additional assignments.
- 4) The courier company prohibits the courier from performing delivery services for others.
- 5) The courier is covered under the courier company's Workers' Compensation Policy.
- 6) The courier company maintains authority to insure all customer requirements are carried out by the courier, even if the courier agreed to the requirements at the time his/her services were engaged.

However, the courier company's right to insure customer requirements are carried out by the courier regarding security and appearance of vehicle, delivery and pickup times, shipment integrity, compliance with governmental regulations, and general standards of conduct is a reasonable business practice. This is not an indication of control over the courier's services.

- 7) The courier company prohibits the courier from participating in the process of resolving customer complaints.
- 8) The courier is required to display courier company name or customer name on the vehicle at all times, even when not on an assignment.
- 9) Manifests are provided free of charge by the courier company.
- 10) The courier is required to keep in communication with the courier company while on route for purposes beyond relaying information from the courier company customer to the courier, or beyond the courier company's customer request regarding the status of delivery.
- 11) The courier company provides substitute or replacement drivers.
- 12) The courier company requires attendance at training or orientation sessions for issues other than those required by governmental agencies, or on subjects such as:

- a. Use of the communication equipment
 - b. The proper completion of paperwork
 - c. The courier company's customer policies and/or procedures
- 13) The courier company restricts the courier from performing courier service for any customer of the courier company upon termination of the relationship between the parties.
- 14) The courier is required to wear, without compensation, a courier company badge, ID, uniform or attire other than as necessary for security purposes, and only while an assignment.
- 15) The courier is required to perform services personally.

Neutral Factors

Factors that neither point to an independent contractor status nor an employment relationship are:

- 1) The courier is only required to wear a uniform, attire, and/or identification with the courier company logo for the limited purposes of security, and only while the security need is present.
- 2) The courier is required to carry a courier company badge or other identification for security purposes, and only while the security need is present.
- 3) The courier company or its third party agent interviews or screens prospective couriers by performing background checks and verification for compliance with state and federal laws, rules, and regulations prior to issuing assignments.
- 4) The courier is paid by the courier company for the delivery, even if the delivery did not meet the standards or parameters of the courier company's customer.
- 5) The courier is required to keep in contact with the courier company while on route for purposes of relaying information from the courier company's customer to the courier, or for purposes of confirming with the courier company's customer its adherence to the pickup and delivery time frame.
- 6) The frequency, sequence, time frame, or delivery instructions/regulations of the route are established by the courier company's customer.
- 7) The courier is required to report daily to a distribution center to initiate the day's assignments.
- 8) The courier is required by the courier company to attend training or orientation sessions for issues mandated by governmental agencies (such as OSHA or the Transportation Security Administration), or on subjects such as proper completion of paperwork, or courier company customer policies and/or procedures.
- 9) The courier may be restricted by the courier company's customer from performing delivery services for others while on route for the customer for reasons established by the customer, such as a concern for security or identity theft of customer's product, or product integrity of the customer's goods.

- 10) The courier may be required to obtain a “dba” or a Federal Employer Identification Number as a condition of obtaining assignments.
- 11) The courier and the courier company jointly resolve customer complaints.
- 12) The courier company is responsible for customer billing and collecting.
- 13) The courier is required to sign a Non-Disclosure Agreement (NDA). The purpose of such an agreement is to protect the courier company’s confidential information, including but not limited to, clients, addresses, billing rates, and contact names and telephone numbers.
- 14) The courier company’s customer or third party provides manifests.
- 15) The courier company’s customer may provide special containers required for delivery/pickup of the customer’s product.
- 16) The courier may be required to be responsible to load or unload the vehicle at a distribution center, and may perform other routine functions normally associated with the delivery of the product, such as the boxing of the product.

Bike and Foot Messengers

Within the messenger industry, it is standard practice that bike and foot messengers (messengers) are considered to be employees of the messenger company providing delivery services to its customers. It is also the custom that bike messengers provide and maintain their own:

- Bike
- Bag
- Lock
- Helmet
- Map
- Clipboard
- Cycling clothing
- Mobile communication devices

The working relationship between messengers and the messenger company using their delivery services for its customers contains significant common law indicators of an employment relationship:

- 1) The messenger company makes standard withholding deductions from the messenger’s earnings.
- 2) The messenger company may provide fringe benefits to the messenger.
- 3) The messenger company sets the rate of pay, which is normally based on the higher of an hourly rate or fee basis.
- 4) The messenger company sets the work schedule.
- 5) The messenger company requires the services to be performed personally, and the messenger is not able to provide his/her own substitute.

- 6) The messenger company covers the messenger under the company's Workers' Compensation policy.
- 7) The messenger company sets the order and priority of delivery.
- 8) The messenger company requires the messenger to accept an assignment.
- 9) The messenger company requires the messenger to follow all company rules and regulations.



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May 5, 2020

**Testimony of Rocco J. Lacertosa
Chief Executive Officer
New York State Energy Coalition**

Before the

**New York City Council
Committee on Civil Service and Labor**

Concerning

COVID-19 Relief Package: Premium Pay for Essential Workers (Int. 1918) and Just Cause Discharge from Employment (Int. 1923)

I want to thank Chairman Miller and the rest of the committee members for the opportunity to submit testimony.

My name is Rocco J. Lacertosa and I serve as Chief Executive Officer of the New York State Energy Coalition (NYSEC). NYSEC serves as the voice of the renewable biodiesel and heating oil industry in New York City and Long Island representing providers in New York City's 5 boroughs and the counties of Nassau and Suffolk.

There are several bills being heard today but I would like to focus my testimony on Intros. 1918 and 1923, which will have the greatest impact on our industry. Throughout the COVID-19 pandemic, heating oil workers have continued to ensure that New Yorkers receive heating oil deliveries as well as emergency service and repair requests. These activities are crucial to making sure residents can safely reside in their homes and abide by the shelter-in-place protocols implemented by Governor Cuomo in March.

Coming out of what has been a record-warm winter season, the heating oil industry has suffered significant financial hardships. Over the last few months, we have been working to keep and protect the number of employees we currently have while balancing the costs of running our businesses. The premium pay required under Int. 1918 would constitute an unfunded mandate that we believe will result in a tremendous increase in payroll expenses to our membership on a monthly basis. For example, a typical worker on an 8-hour shift would be paid an additional \$ 480 per day and that same worker would receive an additional \$ 2,400 per week. If you scale these numbers industry-wide, you will quickly realize the sheer financial impact of this mandate on our members. This is something we simply cannot absorb at this time without passing the increase onto our customers in the form of price increases. Given the financial hardships many New Yorkers are already facing due to COVID-19, the last thing the industry wants to do is add insult to injury.

Regarding Int. 1923, this type of just cause requirement would substantially interfere with the collective bargaining process our members have in place with their employees, a majority of whom, are unionized. Management at our member companies negotiated the terms of their employee contracts in good faith with union leadership and we believe that Int. 1923 represents an intrusion from the City Council to renegotiate those employment agreements. If Int. 1923 were enacted as written, management would be forced back to the negotiating table with unions to revisit their collective bargaining agreements.

Our industry is committed to ensuring that we continue to deliver consistent and reliable service to our customers through the dedicated work of our employees. However, we cannot be saddled with unfunded mandates and burdensome administrative and legal obligations that Intros. 1918 and 1923 seek to implement. Rather than drive a wedge between employers and their employees, we should all be working together to combat the impacts of this virus and ensuring that essential personnel on the front lines have access to healthcare, food, and government financial assistance.

We look forward to working with the Council on this important issue.

Thank you.



Testimony Submitted to the New York City Council Committee on Civil Service and Labor

Re: Int. 1918

May 4, 2020

On behalf of the New York State Association for Affordable Housing (NYSAFAH), we would like to thank Chair Miller, Leader Cumbo and members of this Committee for the opportunity to submit comments on the bills being heard at today's remote hearing.

NYSAFAH is the trade association for New York's affordable housing industry, with nearly 400 members, including developers, lenders, investors, attorneys, contractors, architects and others active in the financing, construction, and operation of affordable housing.

Int. 1918: Oppose

New York City's essential workers are the true heroes of this crisis. While most of the attention has deservedly been on health care professionals and first responders, the affordable housing industry would also like to recognize its own essential workers. This includes the construction workers who continue to build essential affordable, supportive and homeless housing, the building service workers who maintain, clean and manage buildings so residents can remain home safely, and the service providers who continue to provide resources and a human touch to those in senior and supportive living environments.

We agree that those workers deserve more than a pat on the back. They deserve the type of financial support that this bill calls for. However, to mandate that employers provide this bonus pay will have unintended consequences and force difficult decisions for those who are already barely skating by.

This crisis has upended construction budgets, despite essential status for some, as materials have been limited, workforce has reduced and rules have changed. New gaps will be created in those budgets with this unaccounted-for new expense.

A large impact will be felt by building service workers in affordable housing buildings. Building cash flow and rent collection has reduced dramatically due to Covid-related job loss. Unfortunately, this has been exacerbated by calls for rent strike, even among tenants who are able to continue paying. This situation puts those jobs at risk. Many affordable and supportive housing buildings, with its far thinner margins than market rate, cannot afford per-shift bonuses. PPP funds are being used by some managers of affordable housing buildings to keep on staff despite this cash flow crisis. We cannot take steps to stretch those funds thinner for a very vulnerable part of the housing stock.

This type of support should be advocated for and won at the federal level, where the resources exist and can be mobilized. Mandating businesses take it on will lead to too many difficult decisions in an already difficult time.



NEW YORK STATE MESSENGER & COURIER ASSOCIATION

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May 6, 2020

Hon. Corey Johnson
New York City Council
City Hall
New York, NY 10038

Speaker Johnson:

As representatives of New York City's employers, large and small, we urge you to re-think the approach to the COVID-19 pandemic that is reflected in Intros. 1918, 1923 and 1926. This legislative package sends a terrible message to the business community, which is doing everything in its power to maintain jobs and to keep the city viable during this crisis.

All New Yorkers are experiencing the impact of the pandemic, not just workers identified in this legislation. The vast majority of employers are doing everything possible to protect and support their employees and to continue to serve their customers. The proposed legislation suggests that business owners and employers are willfully failing to meet their responsibilities, which is neither fair nor accurate.

Business owners, managers and workers in essential categories are collectively providing goods and services to keep the city going during the crisis, often at great personal risk and with uncertain prospects for resumption of "normal" business activity in the foreseeable future. For example, catering companies, restaurants, nonprofit organizations and for-hire vehicle and delivery firms have teamed up to ensure the most vulnerable populations have access to food and critical supplies. Large grocery stores are running long hours and already paying bonuses to workers as well as premium wholesale prices in order to meet local demand. Hospitals are suffering lost revenue due to deferring non-COVID-19 procedures, all while incurring added expenses for personnel and critical supplies. These and many other essential businesses simply cannot absorb additional cost and regulatory burdens.

Despite loss of revenues and uncertainty about the future, employers are striving to voluntarily maintain wages and benefits for as many employees as possible. cursory research by the Council would reveal that these businesses cannot remain viable if they must comply with additional mandates. Moreover, larger businesses, especially those that have adjusted to working remotely during the pandemic, will take note of anti-employer actions by the Council when making their decisions about the desirability of continuing to locate in such an unsympathetic environment.

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There is certainly a need for New Yorkers to come together to heal our city, protect its most vulnerable residents and workers, and rebuild our economy and tax base. Employers are your allies in these efforts, not the enemy. We ask that the proposed legislation be withdrawn and replaced with a collaborative effort to tackle the enormous challenges before us.

Sincerely,

American Beverage Association
American Car Rental Association
American Council of Engineering Companies of New York
Association for a Better New York
Bronx Chamber of Commerce
Brooklyn Chamber of Commerce
Building Owners and Managers Association of Greater New York
Building Trades Employers' Association
Construction Safety Advisory Committee of New York
Energy Coalition of New York
Food Industry Alliance of New York State, Inc.
Greater New York Hospital Association
International Franchise Association
Internet Association
Manhattan Chamber of Commerce
Metropolitan Parking Association
Metropolitan Taxicab Board of Trade
National Restaurant Association
National Supermarket Association
National Waste and Recycling Association NYC
New York Building Congress
New York City BID Association
New York City Hospitality Alliance
New York City Special Riggers Association
New York State Association of Grocery Stores
New York State Energy Coalition, Inc.
New York State Latino Restaurant, Bar & Lounge Association
New York State Messenger & Courier Association
New York State Restaurant Association
Partnership for New York City
Queens Chamber of Commerce
Real Estate Board of New York
Retail Council of New York State
Staten Island Chamber of Commerce
Tech:NYC
Trucking Association of New York
Yemeni American Merchants Association

cc: Members of the New York City Council
Mayor de Blasio
Governor Cuomo



In opposition to Intros 1918 and 1923

Good morning. My name is Kathleen Reilly and I am the NYC Government Affairs Coordinator for the New York State Restaurant Association. We are a trade group that represents food and beverage establishments in New York City and around the State. We are the largest hospitality trade association in the State, and we have advocated on behalf of our members for over 80 years. Our members represent a large and widely impacted and regulated constituency in New York City. They also represent, today, one of the hardest hit industries in the hardest-hit city in this coronavirus pandemic. Hundreds of thousands of employees have lost their jobs, estimated to be about 80% of the restaurant workforce. Our members tell us daily that they are barely, or not even, making ends meet while limited to takeout and delivery. Those who have temporarily closed worry every day about their ability to reopen, to shoulder those immense costs that have accrued through no fault of their own, and many are beginning to shift the “when” and “how” of reopening to an “if.” We know how much the restaurant industry means to this city, its culture and its economy, and we **want** to believe that all levels of government – federal, state, and city – will find a way to support this industry and keep its recovery viable.

Yet today, it is with deep frustration that we have come to stand with large and small employers, some for-profit and others not-for-profit, representing a broad range of industries, to testify in opposition to Intros 1918 and 1923. These proposals would undermine the recovery of restaurants and so many New York businesses before they can even begin to plan for the city’s reopening. Intro 1918 would require individual businesses or chains with more than 100 employees to provide per-shift premium pay. Intro 1923 would ban any terminations, including layoffs, that are not for documented “just cause.” Both are unduly costly and burdensome in an environment where an unprecedented number of businesses are closing or closed. This stark economic situation is not a supposition or a prediction we are making, it cannot be dismissed as “naysaying;” it is the plain truth in every economic corridor.

Under Intro 1918, workers at businesses or chains with more than 100 employees would be entitled to premium pay based on shift length. Any business deemed essential by Governor Cuomo’s executive order would be covered. For shifts under 4 hours, the additional pay is \$30. For shifts 4-8 hours, the additional pay is \$60. For shifts longer than 8 hours, the additional pay is \$75. For context, this amounts to at least pay-and-a-half for workers making \$15 per hour. Now, to be clear, NYSRA is appreciative and supportive of all essential employees, whether they work at hospitals, groceries, pharmacies, restaurants, or in any industry. We applaud their dedication to providing essential services to New Yorkers. Truly, we would love to see these employees receive additional compensation for their hard work and bravery. However, it seems plainly clear that in the midst of a global pandemic that has more than decimated the businesses of New York, this additional financial support must come from governmental sources. Surely, representatives of New York City government, which itself is charged with making billions of dollars in cuts to survive this crisis, can understand what it means to be **unable to fund something** that is

otherwise worthwhile.

For our members who have continued with takeout and delivery, operating during Covid-19 is not a lucrative business. They stay open to provide a service to their communities, to keep as many employees in their jobs as possible, and to keep some momentum and spirit up, even as they stare down an indefinite suspension of their normal operations. Many are open now at a loss or net-neutral. They may owe rent or utilities, or are taking personal hits to keep the business afloat. They are absorbing the additional costs of PPE and enhanced sanitation efforts as well, to protect their employees and their safety. They are doing this because they are New Yorkers and they are restaurateurs, and this is their mission. But when you take a business that is already slowly bleeding out and you demand even more of them, more than they can provide, it adds insult to injury. If Intro 1918 passes, it will exacerbate the already likely recession, it will kill more jobs in an industry that is already hardest-hit, and it will leave even more vulnerable New Yorkers scrambling for unemployment benefits or other resources to see themselves through. That is not what we want to see, and why we oppose Intro 1918.

Intro 1923 also covers any business deemed essential by Governor Cuomo's executive order. It would ban any "discharge," which is defined as "any cessation of employment, including termination, constructive discharge, reduction in hours and indefinite suspension" without documented "just cause" – misconduct or failure to perform that is shown to be materially harmful to the business. For the sake of clarity, this would cover both layoffs and furloughs, personnel changes that have become a basic necessity of businesses trying to stay afloat during the Covid-19 crisis. Intro 1923 would also provide a private right of action, which means employees would be able to sue following any termination whatsoever, and any reduction in hours by 15% or more (6 hours in a 40-hour work week). If Intro 1923 goes into effect, then struggling businesses will have to choose between maintaining full staffing levels and going out of business quickly, or laying people off, being sued, paying fines, and going out of business quickly. Though some people must think otherwise, it does not "protect" jobs to make layoffs unlawful. Jobs exist when employers exist, and Intro 1923 would send an untold number of businesses swiftly to their graves.

In conclusion, it is disappointing to see proposals like Intro 1918 and 1923 put forward by City Council as a response to this global pandemic and expected recession. In the hardest-hit industry in the hardest-hit city, we have no choice but to hope our elected officials at all levels will see our plight and come to our aid. What restaurants need, to stay alive and continue to be job-providers, is immense support. Restaurants need confidence, encouragement, resources, and guidance in order to navigate successfully out of this pandemic and on to the other side. Unfortunately, in the pursuit of the worthy protection of employees, Intros 1918 and 1923 would actually be so costly and burdensome as to hasten closures and job loss. That is not the vision we have for the restaurant industry or the business community. Our members, as employers and community members, want to be part of the solution when it comes to reopening and recovery. It is critical for the city's recovery that New Yorkers come together to heal our city, protect its most vulnerable residents and workers, and rebuild our economy and tax base. Employers are allies and assets to City Council in these efforts, not the enemy. We urge City Council to reject Intros 1918 and 1923, and to instead focus on a collaborative and fair way forward that allows all New Yorkers to earn their livelihoods.

Respectfully Submitted,

Kathleen Reilly

NYC Government Affairs Coordinator

New York State Restaurant Association

315 W 36th St., 7th Floor

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The COVID-19 Relief Package- Premiums for Essential Workers (INT 1918-2020)

Testimony On Behalf of Resident Physicians for Hazard Payment

I am Dr. Chioma Osemwegie and I am a member of the Committee of Interns and Residents/SEIU(CIR/SEIU) which represents interns, residents, and fellows throughout NYC and nationally.

We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package -Premiums for Essential Workers(INT 1918-2020) as it is written which disqualifies CIR members in a few ways particularly in regards to Premium Pay: 1) The definition of essential worker excludes the public sector, so all city workers, including residents at H+H are left out.

2)The provision excludes salaried workers ,which impacts all of our members in the private sector.

The COVID-19 Pandemic has been a very challenging time not only in the life of patients but on healthcare workers on a general note. Resident Physicians have stepped up their efforts to put their hands on deck in tackling this crises. It is a sad situation to come to the knowledge that these same selfless workers are being denied the necessity of receiving hazard pay allowance alongside other healthcare workers.

Through these times, we have sacrificed with unrelenting efforts in providing excellent patient care despite the challenging situation. For the dire need to attend to the emergent COVID-19 crises, our educational and patient clinical experience were halted, some had their vacations cancelled, others were asked to provide care to COVID -19 affected patients outside the scope of their specialty coverage (Pediatric residents stopped seeing pediatric patients to attend to Adult patients). The start of the COVID Pandemic season was challenged by limited supply of necessary protective equipment ,yet residents were not deterred in providing care for patients putting their lives equally at risk. Some residents were not only exposed but affected by the COVID-19 through using ill equipped protective supplies. We were also made to contact patient relatives during this pandemic season , an added responsibility to our clinical work considering the no visitor policy in the hospitals in order to contain the virus.

All these commitments buttress the importance of hazard payment for resident doctors as our commitment to patient care at the expense of our lives, cannot be equated to any financial provision but only stands as an acknowledgment and appreciation of these efforts from the community that we serve.

We as members of CIR/SEIU are against the proposed legislation, The COVID -19 Relief Package -Premiums for Essential Workers (INT 1918-2020) as it is written that disqualifies CIR members to receive Hazard Pay in relation to the COVID -19 Pandemic.

Finally, I want to thank the task force for the hearing and reviewing this testimony and your commitment to legislation by providing equal privilege for all.

Visit www.nychealthandhospitals.org



**Testimony of the Partnership for New York City
Kathryn Wylde, President & CEO**

**New York City Council
Committee on Civil Service and Labor**

Intros. 1918, 1923 and 1926

May 5, 2020

Thank you, Chair Miller and members of the committee, for the opportunity to testify today. The Partnership for New York City represents private sector employers of more than 1.5 million New Yorkers. For the past forty years, we have worked with government, labor and the nonprofit sector to maintain the city's position as the preeminent global center of commerce, innovation and economic opportunity.

Today, as a result of the COVID-19 pandemic, our continued status as a leading global city is at risk. New York has been hit harder than any other city, enduring 28% of the deaths in the United States.

We are facing the loss of half a million jobs and the likely bankruptcy of tens of thousands of businesses – losses that will be accelerated, not remedied, by the proposed legislation. We believe that New York can recover, but only if workers and employers, business and labor, tenants and property owners unite around a single agenda that works for all of us. We must be allies in this fight, not enemies.

Some 726,695 unemployment claims were filed in the city between March 15 and April 25. The Council bills would undoubtedly add to these numbers, since businesses in essential industries, while allowed to operate, are suffering from declines in revenues and extra costs associated with operating under pandemic conditions. For example, as of the week ending April 25, airlines had experienced a 96% drop in passengers, hotel occupancy was down more than 50% and those restaurants that have managed to stay open are seeing at least a 30% decrease in sales.

Employers in essential industries are trying to retain and, in some cases, hire as many employees as possible, maintain health benefits for those on furlough and accelerate payments to vendors who are also struggling to stay in business. Partnership members report paying critical employees up to 25% more per week, weekly bonuses, increased rates for overtime as well as offering other benefits such as transportation, hotel rooms and food for meal breaks. One large essential employer estimated that Int. 1918 alone would cost them more than \$2 million per week – money they don't have.

The problems of high housing costs and income disparities that existed before the pandemic will become far more serious as a result of skyrocketing unemployment. The city will not have the

resources to solve them with public subsidies; arbitrary mandates on employers and property owners will simply put them out of business. Instead of moving this legislation forward, even with amendments, we request instead that the Council take this opportunity to work with employers, labor and civic leaders and community advocates to come up with solutions that are appropriate to our shared objective of saving our city from catastrophic losses.

Thank you.

April 30, 2020

Hon. Corey Johnson
New York City Council
City Hall
New York, NY 10038

Speaker Johnson:

As representatives of New York City's employers, large and small, we urge you to re-think the approach to the COVID-19 pandemic that is reflected in Intros. 1918, 1923 and 1926. This legislative package sends a terrible message to the business community, which is doing everything in its power to maintain jobs and to keep the city viable during this crisis.

All New Yorkers are experiencing the impact of the pandemic, not just workers identified in this legislation. The vast majority of employers are doing everything possible to protect and support their employees and to continue to serve their customers. The proposed legislation suggests that business owners and employers are willfully failing to meet their responsibilities, which is neither fair nor accurate.

Business owners, managers and workers in essential categories are collectively providing goods and services to keep the city going during the crisis, often at great personal risk and with uncertain prospects for resumption of "normal" business activity in the foreseeable future. For example, catering companies, restaurants, nonprofit organizations and for-hire vehicle and delivery firms have teamed up to ensure the most vulnerable populations have access to food and critical supplies. Large grocery stores are running long hours and already paying bonuses to workers as well as premium wholesale prices in order to meet local demand. Hospitals are suffering lost revenue due to deferring non-COVID-19 procedures, all while incurring added expenses for personnel and critical supplies. These and many other essential businesses simply cannot absorb additional cost and regulatory burdens.

Despite loss of revenues and uncertainty about the future, employers are striving to voluntarily maintain wages and benefits for as many employees as possible. cursory research by the Council would reveal that these businesses cannot remain viable if they must comply with additional mandates. Moreover, larger businesses, especially those that have adjusted to working remotely during the pandemic, will take note of anti-employer actions by the Council when making their decisions about the desirability of continuing to locate in such an unsympathetic environment.

There is certainly a need for New Yorkers to come together to heal our city, protect its most vulnerable residents and workers, and rebuild our economy and tax base. Employers are your allies in these efforts, not the enemy. We ask that the proposed legislation be withdrawn and replaced with a collaborative effort to tackle the enormous challenges before us.

Sincerely,

American Beverage Association
American Car Rental Association
American Council of Engineering Companies of New York
Association for a Better New York
Bronx Chamber of Commerce
Brooklyn Chamber of Commerce
Building Owners and Managers Association of Greater New York
Building Trades Employers' Association
Construction Safety Advisory Committee of New York
Energy Coalition of New York
Food Industry Alliance of New York State, Inc.
Greater New York Hospital Association
International Franchise Association
Internet Association
Manhattan Chamber of Commerce
Metropolitan Parking Association
Metropolitan Taxicab Board of Trade
National Restaurant Association
National Supermarket Association
National Waste and Recycling Association NYC
New York Building Congress
New York City BID Association
New York City Hospitality Alliance
New York City Special Riggers Association
New York State Association of Grocery Stores
New York State Energy Coalition, Inc.
New York State Latino Restaurant, Bar & Lounge Association
New York State Restaurant Association
Partnership for New York City
Queens Chamber of Commerce
Real Estate Board of New York
Retail Council of New York State
Staten Island Chamber of Commerce
Tech:NYC
Trucking Association of New York
Yemeni American Merchants Association

CC: Members of the New York City Council
Mayor de Blasio
Governor Cuomo

My husband and I own 2 pizzerias in Brooklyn (Paulie Gee's and Paulie Gee's Slice Shop) and spent the past weeks and months working tirelessly to care for both my customers and employees during the COVID-19 crisis. We are disappointed and upset to see that the City Council seems fixed on making things as difficult as possible for restaurant owners in the City. Why are you trying to impose additional burdens on us during these unprecedentedly challenging times? I ask you to oppose all the legislation that is deceptively titled the "Workers Bill of Rights."

We are doing our best to continue to employ as many employees as possible, and will have many issues to face in rehiring past employees. Where do you think the money will come from at a time when Coronavirus and the stay-at-home order has caused our revenue to plummet. One of our places is totally closed, and the other is operating for pick up and delivery only and is down 50% in revenue. We are also disheartened to see that some are using this crisis as an opportunity to ram through so-called "Just Cause" legislation (Intro 1923) that would take away our ability to make staffing decisions, and may leave us with no choice but to shut down completely and face costly litigation. Do you have any idea how challenging it is to staff a restaurant and generate revenue?

I am not mistaken when I state that most City Council members have never run a small business or a restaurant and would have no clue what is involved. Restaurants employ many people, generate plenty in tax dollars and provide a sense of community. We would hate to see many close due to all these "new" restrictions -- as if there weren't enough in place already.

The businesses my husband and I have built over the last ten years have been a staple in our neighborhood and are in serious danger. You have the opportunity to help us stay afloat or force us to close our doors forever, please support us and other members of our business community by opposing Intros 1918 and 1923.

Mary Ann & Paul Giannone – pka Mrs. Gee & Paulie Gee
Brooklyn, NY

I am Rev. Terry Troia and serve as the President of Project Hospitality which is an interfaith effort that serves the needs of hungry and homeless people on Staten island.

While many New Yorkers are staying home, many of our staff are essential workers. They are on the street doing outreach with the homeless. They ensure the safety and security of clients in our transitional housing programs. They are distributing thousands of meals a week through our food pantries and soup kitchens. They are bringing food and supplies to clients in independent housing who are unable to go out due to health issues. And our staff is doing all of this while worrying about their own health, while caring for children who are engaged in distance learning, and while caring for loved ones who have significant health issues that put them at high risk.

I come to speak against Intro 1918 in its present form which requires employers to pay premiums to essential staff. We have been fighting for incentive pay for frontline essential workers since the start of this epidemic.

Some of our New York City contracts will cover the cost of pay premiums for essential workers, however, our contracts will only pay for direct care staff such as case managers. They will not cover such pay for our security, maintenance and kitchen staff - all of whom have significant contact with clients. They will also not cover staff who are bringing food, medicine, and other necessary items to clients who are housed in scatter site based supportive housing and who are not healthy enough to go out on their own.

Because Project Hospitality was facing staff shortages in our programs, we decided to pay essential staff a small premium in the hopes that our funders will agree to cover these costs, however, we are not paying at the rate that is proposed in Intro 1918 and we cannot come close to that amount if all of our contracts are not increased to meet these needs.

You know already that we have been fighting for incentive pay for frontline essential workers since the onset of the COVID crisis and we have been fighting for a just wage for our workers for years prior to the COVID crisis.

Without additional funds in our tight and often inadequate funded contracts, we cannot meet the mandate of Intro 1918.

We ask that instead of passing a bill that would endanger the existence of the social service sector, we ask the Council to work with the Administration to ensure we receive additional funds to cover all incentives through City contracts.

I also speak against Intro 1923 in its present form.

This proposed legislation would prevent us an essential business, from making any staffing changes in response to the loss of contracts or the forced closure of programs. We applaud the Council's intent to protect workers, however, the bill does not consider how we would cover the cost of payroll and benefits of staff when we lose funding from City and State contracts. Further, this bill treats all staff of our agency as essential, regardless of their function.

How can we keep people employed if the City or State cuts our funding? This bill in its present form fails to address how the staffing level of our organization is directly connected to our funding.

Thank you for allowing me to speak and allowing Project Hospitality to serve the most vulnerable impoverished and homeless communities in the borough of Staten Island.

TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK TO THE COMMITTEE ON CIVIL SERVICE AND LABOR OF THE NEW YORK CITY COUNCIL CONCERNING INTROS 1918, 1923, AND 1926

May 5, 2020

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association. Founded in 1896, REBNY represents commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople and other organizations and individuals active in New York City real estate. REBNY strongly supports policies that expand the local economy, grow and improve the City's housing stock and create greater opportunities for all New Yorkers. Thank you to the City Council for the opportunity to testify on Intro 1918, Intro 1923, and Intro 1926.

New York has been acutely affected by the unprecedented COVID-19 crisis, not only from devastation to public health but also an upending of virtually every aspect of society. The labor market is no exception. New Yorkers worry about their jobs and financial health – their ability to keep a home and food on the table. That is why REBNY has been an aggressive advocate for New York City, its businesses, and its employees, especially before the federal government. REBNY has advocated for additional MTA funding, state and local aid, business interruption programs, and reforms to the Paycheck Protection Program that can keep New York City businesses afloat and has provided technical assistance to thousands of independent contractors that comprise our membership.

REBNY understands that as the economic landscape rapidly changes and more New Yorkers file for unemployment insurance every week, there is growing uncertainty and anxiety about personal finances. While real estate, like every sector, has been impacted by the economic downturn, our members are committed to helping their fellow New Yorkers withstand this crisis. Not only are our members in close communication with our partners in organized labor and their employees to develop temporary agreements to adjust to the new circumstances while ensuring workers continue to receive a paycheck and benefits, including healthcare, but many residential property managers have voluntarily provided bonuses to frontline building service workers.

With this in mind, REBNY shares the Council's commitment to protecting all workers. As the Council considers these measures, it is important to be mindful that imposing specific safeguards can lead to unforeseen consequences for those the legislation seeks to support.

BILL: Int. 1918-2020

SUBJECT: A Local Law in relation to premiums for essential workers.

SPONSORS: Council Members Cumbo, Johnson, Kallos, Van Bramer, Lander and Chin

Int. 1918 requires large employers to pay premiums to certain essential non-salaried workers. Employers with more than 100 employees would pay hourly workers \$30 for a shift under four hours, \$60 for a shift of four to eight hours and \$75 dollars for any shift over eight hours. The obligation would end when the state of emergency is lifted. The proposal includes an exception for certain collective bargaining agreements and real estate businesses assigned a North American Industry Classification System (NAICS) code beginning with 531.

Like all New Yorkers, REBNY members are deeply grateful for the sacrifices that essential workers are making during this crisis. Essential workers put their lives at risk from the elevated potential exposure to the virus and they deserve our gratitude.

As the predominant employer of unionized building service workers, working with the Realty Advisory Board on Labor Relations (RAB), our members are proud to have reached flexible agreements with our partners in organized labor to help essential building service workers and their families get through this unprecedented crisis. These agreements have supported the livelihoods of many building service workers and their families and will help workers maintain wages and benefits as work begins to resume. What's more, we are proud that

many of our members have voluntarily taken steps to provide additional compensation to those who continue to work throughout the pandemic.

While many property owners have been able to take these steps as a result of the industry's partnership with organized labor, changes to this legislation are necessary to avoid significant cost additions to property owners and other businesses that will result in layoffs and business closures. This is particularly true as real estate employers with more than 100 employees tend to be large commercial employers who have been most significantly impacted by decreased rent collections that are essential to making payroll. Consequently, specifically for the real estate industry, the legislation should be amended to exempt any collective bargaining agreement and expand the exemptions to include businesses with NAICS codes including 236 (construction of buildings) and 561 (administrative and support services including security and janitorial services).

More generally, the Council must recognize that many employers simply do not have the financial resources in this crisis to provide additional compensation to their workers. With consumer spending falling, many "essential" businesses are struggling to keep their doors open and make payroll. Many are relying on loans from the federal government to operate at all, with current payroll parameters locked into place. This legislation will force those businesses, otherwise able to continue operating, to lay-off staff and close their doors, further deepening the economic crisis.

Given this reality, if the Council desires to provide additional compensation to "essential" workers, legislation should provide this money from City funds.

BILL: Int. 1923-2020

SUBJECT: A Local Law to amend the administrative code of the City of New York, in relation to just cause employment protections for essential workers.

SPONSORS: Council Members Kallos, Johnson, Lander, Van Bramer and Chin

Int. 1923 precludes any employer to terminate, constructively discharge, reduce the hours, or indefinitely suspend an essential employee without providing just cause. In addition, before an employer could take any of the aforementioned actions, even for malfeasance, insubordination, gross misconduct, or criminal activity, the employee must have been subjected to progressive discipline within the last calendar year. The bill also grants any "discharged" employee the right to pursue civil action against the employer at the latter's expense or seek an arbitration.

REBNY appreciates the Council's intent to protect the jobs and welfare of essential employees. Their commitment has helped the city move forward through the current crisis. The unionized building service workers employed by our members already have such "just cause" protections by virtue of their collective bargaining agreements. However, the standards in the proposed legislation exceed the current "just cause" protections in these collective bargaining agreements.

In such unprecedented times, we are concerned that this is not the appropriate time to restrict the ability of employers to rapidly make adjustments to their staffing levels in light of the changing business conditions. This legislation prevents small businesses from changing with the economic conditions, forcing them to continue payments at risk of their continued financial viability and the ability to maintain the greatest number of employees on payroll or with insurance. We would welcome the opportunity to more fully discuss this type of legislation once the immediate crisis has passed.

BILL: Int. 1926-2020

SUBJECT: A Local Law to amend the administrative code of the City of New York, in relation to the expansion of worker coverage under the Earned Safe and Sick Time Act, and to repeal subdivision f of section 20-913 of such code, relating to exemptions from coverage under the Act, and the undesignated paragraph defining "employee" in section 20-912 of such code.

SPONSORS: Council Members Lander, Kallos, Van Bramer and Chin

Int. 1926 expands the coverage of the Earned Safe and Sick Time Act by broadening the definition of an employee to include many workers currently classified as independent contractors.

REBNY supports the Council's intention to ensure that all persons enjoy the benefits of the Earned Safe and Sick Time Act. Particularly in a moment of crisis when workers may have to care for sick relatives or tend to their own health, it is critical they be afforded the time to do so. That's why we are pleased that the federal government expanded coverage of paid sick and leave programs as well as unemployment insurance to include many independent contractors.

If the Council chooses to move forward with this legislation, it should provide an explicit exemption for real estate salespersons. Many brokers and salespersons choose to work as independent contractors to enjoy the flexibility of running their own business. They are appropriately classified as independent contractors. New, expanded, "tests" for determining whether a worker is an employee or independent contractor should be considered at the State level rather than on a program-by-program basis at the local level to avoid any preemption issues.

Thank you for the consideration of these points.

#

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**New York City Council
Committee on Civil Service and Labor**

Remote Hearing

**Testimony of
Melissa O'Connor
Executive Vice President and Director of Government Relations
Retail Council of New York State**

May 5, 2020

Chairman Miller and honorable Committee members:

The Retail Council of New York State is the state's leading trade association for the retail industry, representing member stores in New York City and across the state, ranging from the smallest independent merchants to the nation's best-known brands. Thank you for the opportunity to submit testimony related to Introduction(s) 1918 and 1923, currently before your committee for your consideration.

We share the sponsors' commitment to essential workers during this pandemic. Retailers deemed 'essential' have been learning from each other throughout the crisis, sharing leading practice and protocol to keep stores clean, sanitized, and as well-stocked as possible all while keeping employees and customers as safe as they are able. Those required to be closed have used the time to prepare for a phased-in reopening that puts the health and safety of employees and the shopping public at the top of our priorities.

As the bill sponsors and members of this Committee continue the conversation related to the public health emergency, we can highlight measures in place today that support and protect our essential employees in New York State and, specifically, in the five boroughs. Examples include, but are not limited to, the following:

Keeping essential workers safe

- Social distancing measures are in place and many stores have signs and appropriate markers on the floor for reference. When necessary, retailers have also limited the number of customers allowed in the store to further enhance social distancing protocol.
- Store hours have been reduced to execute intense cleaning procedures to protect employees and the public.
- Retailers are providing face covers – and, in certain cases, gloves – for essential employees in stores, distribution centers, and centralized service locations. Hand sanitizer is also made available.
- Out of abundance of caution, many essential retailers have installed plexiglass barriers at the point-of-sale.

Investing in essential workers

- Many essential retailers have taken proactive steps to provide additional incentives and benefits to store associates (e.g., those employees who interact directly with the public). Such investments include employee bonuses and premium pay.
- When feasible, certain essential retailers have enhanced their existing paid time off policies for their employees.
- Retailers large and small are required to provide paid leave to employees who are subject to a mandatory or precautionary order of quarantine related to COVID-19. Employers with 100 or more employees must provide at least 14 days of paid sick leave under the aforementioned circumstances, pursuant to Chapter 25, Laws of 2020.
- Counseling services have been made available to support essential workers in certain stores.

Additional investments are necessary

In an effort to properly and effectively respond to the needs of all New Yorkers, and to alleviate the workload and related stress of existing employees, many essential retailers that we represent are actively recruiting new employees.

We respectfully urge the bill sponsors and members of this Committee to recognize the proactive investments made to date by essential retailers. As you focus on rebuilding the economy in each of your Districts, we pledge to be constructive at every point in the process.

We offer the following comments on each bill, for your consideration:

Introduction Number 1918, in relation to premiums for essential workers

The Retail Council of New York State agrees completely with the overarching intent of this proposal: to support essential workers during this unprecedented time.

The proactive initiatives that have already been implemented to protect and support essential workers is an important part of the conversation, particularly when retailers large and small also focus on rebuilding the economy in the City of New York.

Specifically, Int. No. 1918 would add significant additional costs at a time in which the economy is uncertain, at best. This additional mandate, coupled with the investments made to date, would require many essential retailers to (i) review current store footprint(s) throughout New York City, (ii) reduce operating hours even further, (iii) reconsider hiring plans, (iv) reduce employee headcount and, ultimately, (vi) accelerate store closures that, unfortunately, were happening even prior to COVID-19.

Introduction Number 1923, in relation to just cause employment protections for essential workers

We are very concerned about this proposal for a variety of reasons, and note from the outset that existing federal, state and local law(s) already protect employees who want to organize.

It's important to note, too, that Int. No. 1923 does not recognize in any way the economic impact of the public health emergency.

Specifically, there is no reference to the possibility of decreased business and / or sales, other economic considerations, or even safety mandates that could require a reduction in the workforce. A decrease in hours alone would be a violation of the bill, if enacted, unless the employer can provide proof of "just cause" (re: sufficient employee poor performance or misconduct), or if the employee is a new hire and is within a 30-day probation period.

Generally, the bill would unreasonably limit employer discretion and would also dramatically increase litigation at a time in which the economy is uncertain, at best. While state and federal laws already ban unlawful discrimination and retaliation, almost all U.S. jurisdictions provide for “at will” employment. This measure would change completely that “at-will” standard, creating a presumption of the right to continued employment and an avenue to have every discharge decision reviewed by a court, the City, or a private arbitrator. This will lead to a massive litigation increase at a time in which essential employers should be focused on providing services and keeping their employees, customers, and the public safe.

Specific points of concern related to the proposed limits on employer discretion also include the following:

- Any incident occurring more than one year prior to discharge cannot be considered in supporting termination. For example, if an employee had an incident of alleged sexual harassment that was over a year old and had a second incident of such harassment, the first incident cannot be considered as a basis for termination.
- Employers generally cannot rely on customer complaints or any information provided by third parties (including allegations that could implicate the safety of workers or customers), unless the employer can also pull those customers or other third parties into a formal hearing. This is because employers must be able to prove they had “just cause” for any termination “by a preponderance of non-hearsay evidence” in any hearing.

In conclusion

On behalf of our member stores large and small in all five boroughs of New York City, we appreciate your consideration of the concerns outlined in this testimony.

We pledge to remain constructive as you navigate the challenges related to COVID-19 in each of your Districts. Please do not hesitate to contact us with any questions or thoughts.

Testimony - Essential Worker Bill of Rights

Rina Cummings, Make the Road New York, Amazon warehouse worker.

My name is Rina Cummings. I am a member of Make the Road New York and I work at Amazon JFK8 in Staten Island. I am a single mother of two children. I am a proud immigrant, and I am an essential worker. I am here to speak up for myself and my coworkers.

Almost every single day, I receive a text about more COVID cases at JFK 8. We have almost 5000 employees going to work at a facility with over 50 cases, and then going back home to Jersey, the Bronx, Brooklyn, Manhattan and Queens. This is a risk to our lives, and to the public.

I have worked at Amazon for over a year and half, and am now eligible for medical leave, which I have taken since late March to protect my kids and myself.

Even before the coronavirus hit us, going to work at an Amazon warehouse already felt like I was risking my health. I stand on my feet for over twelve hours, doing the same motions. My joints throb with pain and sometimes my fingers become numb.

Time is everything at Amazon. I've developed digestive issues since I've been working there because I have to shove food down my throat and then run back to my station. Machines at our station write us up if we don't clock in on time. It doesn't care whether I had my lunch or not. It doesn't care if I am coughing, or if I faint at my station, or if someone else sneezes on me. They just count the rate of how many packages I sort. I worry about catching COVID when I go back to work.

Since COVID hit, I know my coworkers are not getting what they need to stay safe. There is no oversight or accountability. Despite their mass wealth, Amazon does not invest in their employees or their health. I know many coworkers who have called out sick, but have yet to see sick pay. I know many coworkers who are scared to speak up for themselves because you can get fired for any reason. **They are making billions off our backs.**

This is why we need stronger legislation in New York. We need real protections.

An extra \$2 dollars from Amazon won't do anything when an emergency, or worse hits our families. **We need real hazard pay.**

I am a human. Not a machine. We are essential. **I ask the members of the NYC City Council to pass this legislation, and protect essential workers.**

JOINT TESTIMONY OF THE QUEENS & BRONX BUILDING ASSOCIATION AND BUILDING INDUSTRY
ASSOCIATION OF NEW YORK CITY

MAY 5, 2020

My name is Robert Altman, representing the Queens & Bronx Building Association and the Building Industry Association of New York City, and I am submitting this testimony opposing Int. Nos. 1923 and 1926. The Associations have no comment on Int. No. 1918 because its industry is exempt being in NAICS code 531. However, should our industry be added in any amendment, we would oppose that bill as well.

Intro. 1923 is tremendously bureaucratic. Moreover, it seems vague to us. Can I fire a construction worker because he or she appears to be high on the job? Or maybe they are not understanding and obeying social distancing guidelines and just don't seem to get it? And the probation period is 30 days.... Somewhat short as the standard is 90 days. A business would be more apt to err on the side of caution and just fire the employee rather than risk the bureaucracy of this bill. There are more issues but let's just state that the bill creates logistical nightmares for business.

Intro. 1926 is basically seeking to expand paid sick leave and it is also not well-drafted. Is the Council amending state law for the purposes of its own definition of an independent contractor? Moreover, the bill seems overly broad. And to look to have independent workers qualify who may work only 80 hours? This is not reality. And who measures the time? Frankly, there is a contract in most of these instances. And finally when is any independent contractor truly free of direction and control, as the purpose of a contract is to provide some direction and control.

All of the COVID bills that our associations have reviewed have major flaws. Moreover, they seem to run on the assumption that an essential business is making a lot of money. And this can be a VERY flawed assumption. As our Association members are having major problems and financial issues due to COVID. If the Council passes these bills then more and more "essential" businesses will probably decide not to operate, leading to more shortages, more unemployment and more problems. We urge you not to have a successful operation by killing the patient.

Good morning my name is Dr. Rohit Gupta. (**PGY LEVEL 5**) and I am a member of the Committee of Interns and Residents/SEIU (CIR/SEIU) which represents interns, residents, and fellows throughout NYC and nationally. We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written. The NYC Essential Bill of Rights bill put forth by Speaker Corey Johnson, Councilmembers Laurie Cumbo, Ben Kallos, Brad Lander, James Van Bramer, and Margaret Chin disqualifies CIR members in a few ways, particularly in regards to Premium Pay: 1) The definition of "essential worker" excludes the public sector, so all city workers, including our residents at H+H are left out and 2) the provision excludes salaried workers, which impacts all of our members in the private sector.

Being a resident for 4 years and now in the first year of my Gastroenterology Fellowship, I will have spent 7 years total in training. It is well known amongst all residents and fellows that hospitals get paid by the government to hire us, and we are cheap labor because based on the hours we work and the salaries we get, we get less than minimum wage. There is no way that residents are able to make a dent in our hundreds of thousands of dollars worth of student loans. This has been especially true during the crisis. We have been asked to cover areas that are outside the scope of our training with long hours and without additional compensation. Myself for example, was pulled out of my training for GI to cover the ICU as an attending with a unit of 13 ventilated patients. I was honored to help. But the system is broken. I have friends outside of NYC who are actually trained in critical care that tried to come to my hospital to help out, but were instead assigned to work at another hospital's ER, also outside their field of expertise. But they are getting paid 400/hr for their services. There is not one person who can explain to me how that makes sense. I am happy they are getting paid for their work, but when I know all of my co-workers employed by H&H already are getting nothing additional and on top of that the bill assumes that we are not "essential", it has gone too far. Residents have been used to fit the needs of the hospitals constantly, but we still work because our patients come first. But (**we**) deserve to be treated fairly and therefore we are respectfully requesting to be included as essential workers.

Therefore, we as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written. Thank you for your time.



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President & CEO

Keith M. Little

To: NYC Council - Committee on Civil Service and Labor
From: Theresa E. Hassler, VP of Government Affairs, SCO Family of Services
Date: Tuesday, May 5, 2020

Good afternoon Chairman Miller, members of the Civil Service and Labor Committee, and other members of the City Council. My name is Theresa E. Hassler and I am the Vice President of Government Affairs for SCO Family of Services, one of the region's largest nonprofit providers of human services. On behalf of Keith Little our President and CEO, thank you for allowing me to speak on Intros: 1918, 1923, and 1926.

When the Governor declared New York "on pause", SCO, which like other human services organizations that were deemed "essential", had already started working on implementing a comprehensive "work from home" policy, created an inventory of PPE, updated quarantine protocols, and began a rapid redeployment of staff to our residential programs where we are working to continue to maintain regulatory staffing ratios. Finally, recognizing the necessity for premium pay for our staff, and even without assurances of reimbursement from the City and State, or an increase in our contracts, SCO and other human services providers had already taken steps to use our limited resources to provide some incentives for front line staff.

SCO has 4,000 employees and serves 60,000 persons per year. However, the size of our workforce has precluded us from qualifying for the Payroll Protection Program under the CARES Act; 97 % (Ninety-seven percent) of our budget is based on government contracts; 55% (fifty-five percent) of our budget is based on contracts with New York City agencies.

SCO emphatically supports the spirit of these bills. To date, we have not laid off or furloughed any of our workforce due to the pandemic. However, between the Mayor's Executive Budget, cuts to programs funded by City council discretionary monies, the pending expiration of the City's multi-year COLA for human services workers, ongoing cuts to the state budget, and preclusion from federal relief, we are not able to sustain the impact these three unfunded mandates.

Again we serve some of the City's most vulnerable and the services provided by our sector must be protected, because our viability and sustainability will be vital to the healing, the housing, and the helping of New Yorkers in the aftermath of this pandemic and for years after. Please

consider the extraordinary financial burden faced by New York's human services sector when considering these bills.

If you have any additional questions or comments, please feel free to contact me directly by emailing: thassler@sco.org, or by calling: 516-953-1855.

Thank you again for the opportunity to present to this Committee and thank you in advance for your consideration of this testimony.



**Testimony to the
New York City Council
Committee on Civil Service and Labor
Submitted by Samaritan Daytop Village
May 5, 2020**

Good afternoon, Chair I. Daneek Miller and members of the Committee. My name is Michelle DeMott and I am the Chief of Staff to Mitchell Netburn, President & CEO of Samaritan Daytop Village. On behalf of our organization, I appreciate the opportunity to testify before the Committee on Intro 1918, Intro 1923, and Intro 1926.

Samaritan Daytop Village has grown into one of New York's largest nationally-recognized comprehensive health and human services agencies with over 50 programs across 10 counties, including all five boroughs of New York City. Our close to 1,500 heroic employees have been providing services daily, as essential employees, during this pandemic, to approximately 33,000 of the most vulnerable New Yorkers, the vast majority of whom live in New York City. We offer a rich array of programs including treatment for mental health issues and substance use disorder, transitional and supportive permanent housing, and innovative services for veterans, homeless individuals, women, children, youth, seniors and families.

The non-profit sector has tirelessly advocated for fair pay for our workforce long before the onset of the COVID crisis, and we certainly thank the City Council for considering our front-line workers. We strongly support efforts to increase pay for our employees who are putting their lives on the line to continue serving our clients. Our grave concern with both Intro 1918 and Intro 1926 is that without a guaranteed funding source to implement them, our financial stability will be in serious jeopardy. And, as a result, we will no longer be able to care for the most vulnerable New Yorkers. At the very least, it is not an exaggeration to say that these bills will lead to layoffs and will result in decreased access to vital services for New York City residents at the exact moment in time when their need for these services is the greatest.

I would also like to raise serious concerns about Intro 1923. Due to the COVID-19 pandemic, we have faced a substantial increase in costs for spending on PPEs, disinfectants/sanitizing supplies, and enhanced cleaning of our facilities. Additionally, we have had to purchase devices for both staff and clients to transition to telehealth in order to continue to deliver critical services to our

clients. In order to ensure we remain fiscally sound, we have been forced to make prudent but painful financial decisions, including furloughing staff. This bill defines essential employees to encompass everyone at an essential business. With that being said, we would not be able to cut back hours or layoff staff, even if we lose government contracts or discretionary funding, including those due to looming governmental deficits. Our organization simply would not be able to incur additional costs this bill would require without additional financial assistance.

I thank you, on behalf of Samaritan Daytop Village, for fighting for workers in New York City, and we look forward to continuing to be on the front lines in partnership with you and your communities serving the most vulnerable New Yorkers.

Thank you for this opportunity to provide this testimony.



TOO BIG TO FAIL

NEW YORK CITY'S LARGEST HUMAN SERVICE NONPROFITS

APRIL 2020

EXECUTIVE SUMMARY

The government distinguishes “large” from “small” organizations in [many ways](#), but the most common is whether they have 500 or more employees. On this basis, while small nonprofits are collectively important, the large ones do most of the work, particularly in areas like residential care (e.g. homeless shelters, foster care, homes for the developmentally disabled, etc.) They are individually critical partners to state and local government in maintaining the social safety net.¹ They are on the front lines of the COVID-19 crisis. And they are at the breaking point.

Unfortunately, policy makers and funders underappreciate the importance of the large groups and often believe that they are stronger, more resilient, and less worthy of support than their smaller brethren.² Nothing could be further from the truth. Yet, so far, the large groups have been excluded from the most important federal aid—[The Paycheck Protection Program](#)—because of their size. Without immediate assistance, some large nonprofits may not make it through May; few, if any, will be in a position to continue services that will be needed more than ever during the COVID-19 crisis and its aftermath.

The failure of Federation Employment & Guidance Service (FEGS) in 2015, then New York City’s largest social service agency, demonstrates how damaging it can be when a big nonprofit fails, leaving vulnerable people—the home-bound, the developmentally disabled, the homeless, foster children—without services. But FEGS failed for idiosyncratic reasons and was surrounded by healthy peers who were able to step into the breach. This is not the case today. The failure of any large group—and it will likely be more than one—will tear the fabric of the city’s social safety net with devastating consequences for all. Even if the government somehow picks up the pieces, it will end up costing far more in financial and human terms than it would have to prevent the failure in the first place.

NEW YORK CITY’S BIG NONPROFITS

Out of the roughly 4,000 nonprofits receiving funding from the city, we analyzed the 50 largest human service nonprofits based on the volume of work they do in partnership with New York City and their total budgets.³

A few observations:

1. They represent \$2.8 billion (about 50%) of New York City’s \$5.8 billion in annual social service spending with nonprofit partners.
2. Substantially all of them have more than 500 staff.
3. They are extensions of government from a financial standpoint, with philanthropy representing only 4% of their total budgets.

1 This note focuses on the human services sector (excluding hospitals), but cultural Institutions are also under enormous pressures.

2 There are lots of reasons for this: an inclusive nonprofit culture that keeps large and small “in the same tent”; a widespread feeling that small is a proxy for diverse, community-based, mission-driven or otherwise inherently valuable over and above the efficiency and effectiveness of their programs; donors preferring to make a large number of grants to small organizations.

3 The underlying analyses are in this [Technical Appendix](#).

4. Under *normal* circumstances, they have two weeks of cash; very few have any meaningful endowment; and most have limited access to credit.
5. Their operating margins are razor thin (an average of 1%), even before the reduction of revenue and increase in expenses associated with the COVID-19 crisis.

The precarious financial condition of large nonprofits is not a function of inefficiency or poor management. It is the inevitable consequence of the context in which they operate. Philanthropy is finite in any given market. Larger human service organizations are overwhelmingly funded by government. Most government funding does not cover the full cost of doing the associated work. Government funding also creates cash-flow issues since, unlike grants, it is paid after the work has been done and can be subject to long and unpredictable delays.⁴ Large groups also have fixed and semi-fixed costs: real estate, workforces with collective bargaining protections, and government contracts with detailed stipulations about exactly what is to be delivered.⁵

As a result, cash is always an issue for large nonprofits but, unlike large for-profits, they do not have access to the capital markets, cannot easily unlock illiquid assets, and are unable to use bankruptcy to restructure while continuing to deliver services.⁶ They are too big to hibernate or easily reconstitute themselves after failing. So any increase in costs, reduction in revenue, or delay in cash receipts will put some of them permanently over the edge. Yet all of these things are happening simultaneously as they scramble to maintain essential services, keep staff safe, and not run out of money during May, a three-payroll month.

A MODEST PROPOSAL

These groups cannot be allowed to fail. Although small groups are vitally important, they do not have the capacity (technology, HR, finance, compliance, etc.) and scale to do the work of their larger brethren particularly in areas like residential care. In the wake of the 2008 credit crisis, government realized that it needed to build different mechanisms to support and regulate the systemically important financial institutions. In aftermath of COVID-19, government and human service nonprofits may need to do the same thing. However, in the short run, urgent steps are required to avoid a cascading series of failures.

Here is what must be done:

1. Policymakers should follow the [National Council Of Nonprofit's plea](#) that the CARES Act and all other federal aid be amended to be available to larger nonprofit groups.
2. New York City and New York State should make large advances against registered government contracts to any large, long-term nonprofit partner in good standing that faces immediate liquidity challenges. The normal procurement procedures—

⁴ See [New York City Contract Delays: The Facts](#)

⁵ By contrast, philanthropic funders are [quite vague](#) about what must be delivered giving smaller groups—which are often more reliant on philanthropy, an element on wiggle room.

⁶ Bankruptcy is impractical as private and government funders flee, there are no assets to support debtor-in-possession financing, and legal fees will consume any residual charitable assets.

proposing budget modifications, negotiation and delay, after-the-fact funding—must be waived. Getting the money to them *now*, and accounting for it later, while entailing a small amount of theoretical risk, is the only viable strategy.⁷

3. Government, philanthropy, and the banks should set up a structured facility to provide working capital for the large NYC human service organizations of a scale to match the need. Two months of expenses for largest groups would probably total about \$500-\$750 million.⁸
4. New York City and New York State should immediately commit to reimburse nonprofits providing essential services for COVID-related increases in costs (i.e. overtime, temporary costs, shift differentials for direct care, etc.) There will never be enough philanthropy to pay these costs. The groups do not have the cash to use their pre-existing resources. If the government does not pay these groups will either stop doing the work or go bankrupt. (Reimbursement is a separate issue from the need for immediate cash under #2 and #3.)⁹

It is a great strength that New York City and New York State have outsourced much of the social safety net to a group of systemically nonprofits. These mission-driven organizations have done a far better job than the other two options: direct government provision or profit-seeking corporations. In COVID-19, these nonprofits face an extinction-level event. Yet so far, the largest of them have been excluded from the most important COVID-related assistance. If things don't change immediately, some of these nonprofits will falter, leaving the vulnerable people they serve, their employees, and our city far worse off. It is an economic and moral imperative that government rescue its long-standing partners. The total dollars required is a minuscule fraction of what is being spent to support for-profit businesses while the return on investment is larger in human and financial terms.¹⁰ The clock is ticking.

7 Nonprofits are legally prohibited from distributing cash. With one or two unfortunate exceptions, the large ones have sophisticated finance and accounting systems, well-functioning boards, and have been fraud and scandal free.

8 [The COVID19 Response & Impact Fund](#) is helpful but its size (less than \$50 million) and loan-size limit (\$3.0 million) means that it will not be enough for groups with bi-weekly payrolls of \$2 million+. A larger fund must be government-led with banks and private philanthropy playing a secondary role. While the City has its own cash pressures and limitations on its borrowing, creative minds should be able to find a solution.

9 The consensus view among nonprofits is that of New York City government agencies, the Department of Homeless Services has been the least responsive and the most resistant to action on a timetable that is practical given the crisis. But in general, New York City has done much more than New York State in terms of reimbursement.

10 The Federal Reserve's new [Main Street Lending Program](#) is intended to "help all small and mid-sized businesses that were in good financial standing" but it only offers loans of up to 4.0x EBITDA (i.e. historical profitability) so large nonprofits are penalized for having agreed to partner with government on a low and no-profit basis

SeaChange is the champion of nonprofits facing complex challenges and the partner of choice for funders seeking to help. **SeaChange** has been active over many years in the financial analysis of the nonprofit sector. This briefing note is based on these reports which include:

- The Financial Health of the US Nonprofit Sector
- Risk Management For Nonprofits
- Philadelphia Risk Report
- Overhead for Trustees
- New York City Contract Delays
- Closing the Gap: A True Cost Analysis
- Tough Times Call for Tough Action

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Testimony of David Cohen, Deputy Political Director

Committee on Civil Service and Labor

May 5, 2020

Int 1923 A Local Law in relation to just cause employment protections for essential workers.

Int 1926 A Local Law in relation to the expansion of worker coverage under the Earned Safe and Sick Time Act, and to repeal subdivision f of section 20-913 of such code, relating to exemptions from coverage under the Act, and thee undesignated paragraph defining “employee” in section 20-912 of such code.

Good morning Chair Miller and members of the Committee,

My name is David Cohen I am a deputy political director of SEIU 32BJ. My union represents 165,000 building service workers from Boston to Florida. Of those members, 85,000 of them live here in New York, many are essential employees.

The outbreak of COVID-19, has highlighted and exacerbated preexisting problems in our society in areas ranging from our health care to our unemployment assistance, to our “at will” employment relations system. Under our current law employees can be dismissed without any process and for any reason, except those prohibited as discriminatory or retaliatory. Even if an employer dismisses an employee for a prohibited purpose, the burden is still on the employee to show that the employer acted wrongly. This has long biased the playing field between employees and employers in favor of the latter, resulting in lower wages for employees, and the chilling of employees when organizing or making complaints. These issues have been brought to the forefront because essential employees have been threatened with firings for exposing their working conditions,¹ or have been fired.² We have seen in the fast food sector employees be constructively discharged for simply requesting time off to visit family. As we begin reopening our economy it is crucial that fast food employees, and all other essential employees, feel like their jobs are secure should they be ill or have to quarantine. Our economy will be hindered, and public health would be threatened if workers are going to work when they are ill solely because they fear being unjustly dismissed.

Int. 1923 would prevent the firing or constructive discharge of employees after the probation period. Employers would still be able to engage in progressive discipline and to terminate employees performing unsatisfactorily, what employers will no longer be able to do is engage in pretextual and/or disparate firings of employees for minor infractions. Employers would bear the burden of proof in justifying firings, meaning that employees would no longer bear the sometimes impossible task of proving an improper motive. The protections provided by Int. 1923 are not untested innovations but exist in most union negotiated contracts and in employment contracts for executives.³

I also want to speak in support of Int 1926, which would expand the Earned Safe and Sick time act to cover gig economy workers. COVID-19 has exposed how gig economy workers have been excluded from the

¹Olivia Carville, Emma Court, Kristen V Brown, *Hospitals Tell Doctors They’ll Be Fired If They Speak Out About Lack of Gear*, Bloomberg (March 31, 2020), <https://www.bloomberg.com/news/articles/2020-03-31/hospitals-tell-doctors-they-ll-be-fired-if-they-talk-to-press?sref=ndQeXqOs>

²Brad Lander, *Health Care Workers Are Being Fired for Speaking Out About a Lack of Supplies*, The Nation (April 15, 2020), <https://www.thenation.com/article/economy/workers-coronavirus-just-cause/>

³M. Patricia Smith & Paul Sonn, *Require just-cause firing in New York: Fast-food workers deserve better than arbitrary termination*, New York Daily News (February 12, 2020), <https://www.nydailynews.com/opinion/ny-oped-just-cause-firing-20200212-4ir2egp7vvhfhfzfzgk65doq-story.html>

protections offered to all other workers, we saw the federal government rush to provide unemployment insurance to gig economy workers.⁴ We need to be proactive, gig economy workers and more generally misclassified workers are going to get sick and they should be able to take time to recover like all other workers.

Thank you.

⁴ Tara Siegel Bernard, Here's What the Relief Packages Give Self-Employed Workers, The New York Times (April 16, 2020), <https://www.nytimes.com/article/self-employed-workers-unemployment-coronavirus-stimulus-package.html>

Full Faith n Credit

Hi, my name is Shariff King-El, and I am a delivery worker for Uber Eats in New York City. Since COVID, Uber Eats is how I am able to earn a living to support my family. I've read about the 10% commission cap you are considering, and I hope you will not pass it the way it's currently written. 10% is such a small amount that there is no way Uber Eats will be able to keep making deliveries and conduct operations for restaurants in the City. They will either have to stop offering delivery to restaurants or they will have to take more from what I earn-- the money has to come from somewhere.

I understand that restaurants are struggling, and I hope that you can pass a law that will help them, but there needs to be two considerations-- one for apps that just put restaurants on a website, and one for apps that pay for a delivery worker to move food-- like me.

Thank you,

Shariff



SUBCONTRACTORS TRADE ASSOCIATION
TESTIMONY IN OPPOSITION TO NEW YORK CITY COUNCIL PREMIUM PAY BILLS

The Subcontractors Trade Association (STA) represents 325 union affiliated construction subcontractors, suppliers and associated industry professionals doing business in the five boroughs of New York City.

For the reasons cited below, the STA is greatly concerned with the potential damage that the premium pay bills will have on the financial solvency of construction subcontractors, many of whom would be classified as “small businesses”.

Concerns with Int 1918:

- The bill exempts those “covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local law and provides comparable or superior benefits for essential employees”. This language is very similar to that found in the Paid Sick legislation. But under that law, passed in June of 2013 and effective in April of 2014, unions had time to negotiate a waiver, ten months in fact. Int 1918 takes effect immediately. Therefore, it is not possible to incorporate a waiver into our collective bargaining agreements on a timely basis.
- In addition, Collective bargaining agreements do not provide “comparable or superior benefits for essential employees...\$75 in additional pay is not in any agreement. As noted above, we exceed the prevailing wage schedule. We exceed the supplemental benefits schedule. Our agreements do not contain any additional premium payments for any reason above and beyond the equitable pay provided for in our contracts. Our CBA’s do however have increases for extra hours and shift differential.
- Int 1918 provides an exemption for NAIS 531 businesses. It is our understanding that the intent of this exemption is to insure that no additional cost of the day to day maintenance of residential and commercial buildings be passed onto tenants.

Members of the construction industry, of our unions, perform “maintenance” (that includes maintenance, required testing and repair in buildings —elevators, boilers, plumbing, electrical, HVAC, fire suppression). It is not unusual that these maintenance employees work in divisions separate from construction divisions within the same company. And all of this maintenance work is “essential” under ESDC Guidelines. These workers are covered under CBA’s as well.

Premium pay will negatively impact labor costs and therefore reduce employment numbers leading to further job loss. Ongoing efforts between contractors and unions are to keep as many bargaining unit maintenance employees working as possible through flexible work scheduling.

However, the maintenance work might not fall within the 531 sector. We hope the legislation will be clarified to exempt this essential work from the requirements of the bill.

- Construction will be back first along with manufacturing. Once a sector “re-opens”, is the intent to continue premium pay? When does the obligation cease? There appears to be heavy reliance in the legislation upon ESDC Guidelines as amended from time to time. Is this perhaps “incorporation by reference”, not specifying who is covered, rather a catch all for many, rendering the law vague? It is not certain how the Governor will designate sectors allowed to re-open? Do we know the ESDC Guidelines on essential work will dictate which sectors are allowed to re-open? Moreover, a reopening is not a further designation of “essential” work, rather a return to normal. In this instance, even if the Executive Order is not amended, these workers are no longer “essential” and would not be covered.

- We are aware that some projects are marginal. Construction loans must be paid during the shutdown although no work is occurring on a site. Some of these sites will never re-open. Adding additional costs will add to the possibility that more projects will have to be abandoned.

- The industry, unions and owners are currently in discussions with the State as to the orderly re-opening of construction throughout the State. Part of that discussion addresses how we can re-open and yet minimize the spread of COVID19. We anticipate adding health and wellness protocols in order to combat COVID19 at all sites in addition to site-specific health and wellness protocols. These steps will cost money and place an additional but necessary financial burden on marginal projects.

STA Position:

Our request is to exempt all construction workers. We are concerned with the impact that this pandemic will have on our companies, and, adding more costs will not help. At this point we are concerned with keeping our workers well first and foremost; finishing our projects and making sure hardworking men and women in the construction industry can start putting paychecks in their pockets.

We thank you for considering the position of the STA on these premium pay bills and ask that you exempt construction workers from the requirements of this proposed legislation.

Respectfully Submitted



Henry C. Kita
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Good Day, my name is Andrea Thomas, I am the Associate Executive Director of Home Care at Sunnyside Community Services, a community-based not-for-profit organization located in Western Queens. Our work is centered on the belief that every person deserves meaningful support to live their best lives in their community. During the midst of the corona virus pandemic, our organization rose to the occasion; when over 1, 000 of our home care workers continued to provide care in the home to some of New York's most vulnerable and disabled. While we strongly support increased pay and robust paid-time-off policies for frontline essential workers during this pandemic, we are deeply concerned that Intro. 1918 and Intro. 1926 would impose another unfunded mandate on health care providers and nonprofit organizations. Our home care program is primarily funded by NYS Medicaid through direct contract with the city and with managed care organizations. Prior to the corona virus pandemic, the governor had already declared that the FY21 budget had a budget deficit and had plans on enacting cuts to the Medicaid program. Recently we have experienced a 1% Medicaid cut across the board and various Managed care plans are already rolling back their reimbursement rates which further exacerbate the issue.

Not-for profit healthcare providers are already bearing the weight of the economic impact of the pandemic; moving from an office work environment for administrative staff to a home operating platform has cost providers substantial transition costs related to IT

architecture, hardware and software licenses, phones, and equipment. Overtime pay for both administrative and field staff has substantially increased. Other added costs include: Personal Protective Equipment including different types of not typically utilized in the home such as N-95 masks, surgical masks, protective gowns and extraordinary amounts of hand sanitizer and cleaning products and increased transportation cost for our home care workers. The 2 weeks quarantine pay requirements for workers with potential exposure is unreimbursed to the organization and creating substantial economic impact. All these additional expenses are unfunded.

We are in full support of incentive pay for our well-deserving home care workers, we were on the frontline supporting \$15 minimum wage increase, however these bills without funding will be disastrous. Without funding, Intro. 1918 and Intro. 1926 would only compound already rising expenses and budget gaps as a result of COVID-19 and lead to potential layoffs and decreased access to vital services to New York's most vulnerable.

Thank you so much for fighting for workers across New York City; however, it is important that these policies do not hurt the viability of healthcare providers, there must be funds associated with these mandates.

Please ensure that our services are fully funded so that the nonprofit community can continue providing the services New Yorkers rely on.

Testimony of Tarek Kachakech
City Council Committee on Civil Service and Labor
Tuesday, May 5, 2020

My name is Tarek Kachakech and I am a Mobile Expert at a T-Mobile retail store on the Upper West Side. I've lived in NYC for the past two years and I have worked in the wireless industry for almost 3 years. I want to start by thanking Chairman Miller and the Committee on Civil Service and Labor for allowing me the opportunity to testify today in support of the Essential Workers Bill of Rights, particularly the legislation giving essential workers like me "just cause" protection.

I should make clear that only AT&T retail workers, and a small number of Verizon Wireless workers at 5 company-owned stores in Brooklyn, have the protections of a union contract. Most Verizon wireless and T-Mobile workers in New York do not have the just cause protections that come with a union contract. This means that my coworkers and I have very little freedom in our workplace to speak out. During this pandemic, being voiceless holds serious consequences. I have always been someone to stand up for things I believe in, but this sometimes means that I'm considered a "headache" by my employer. And that can put my job at risk. Although I love the work that I do, and helping our customers, it is often frustrating that being someone who respectfully voices any concern is considered a troublemaker. It is particularly concerning in the middle of a pandemic.

People need their phones to stay connected--now more than ever. So our industry has been deemed "essential." This means my co-workers and I are essential workers. I believe it is vital for us to be able to stand up for our own health and safety without fear of retaliation or unfair termination. Our jobs require a lot of close contact with customers, some of whom do not respect social distancing. For example, near the beginning of the crisis, I witnessed a customer repeatedly coughing and sneezing on a co-worker during a transaction. In this type of situation, we need the freedom and the right to do what's necessary to protect ourselves. Without "just cause," the intense pressure to keep our sales high can easily override safety concerns. This is heightened at a time when so many are losing their livelihoods and we're facing an economic crisis alongside the public health crisis.

Although I have not tested positive for Covid-19, both my roommates have. I made the choice to stay home and avoid infecting my co-workers, despite sacrificing the pay. I also made this decision knowing that it might be held against me the next time layoffs come around. I'm hopeful deciding not to expose my coworkers to the virus won't cost me my job. This virus is forcing us to balance extremely difficult decisions about our own health, endangering our loved ones, and the need for a paycheck. I think if we suspect we have the virus, or live with someone with a compromised immune system, we should not be forced to choose between staying home to protect our coworkers or going to work to avoid being targeted by our employers. Having just cause protection allows us to utilize the rights and protections that we have, without fear of

retaliation. It also allows us to ask for the protections we don't have that we need, without the fear of retaliation.

These are just a few of the concerns I have about working during this crisis. The legislation being considered today would give essential workers like me the peace of mind to know we will not be fired for unfair reasons and that we are protected when we speak out to make sure our workplaces are safe. In the COVID crisis, we've seen the grave consequences of workers being scared into silence, particularly when it comes to safety. I am grateful for the opportunity to speak out in favor of legislation that I believe would drastically improve our quality of life during such a frightening time.

Thank you very much for your time and consideration.



May 5, 2020

Re: COVID-19 Relief Package - Earned Safe and Sick Time Act

Chairman Miller and Councilmembers:

On behalf of the hundreds of the nation's leading technology and innovation companies our organizations represent, the associations listed below write to respectfully express our opposition to introduction 1926-2020 that seeks to reclassify workers in the city of New York for the purposes of providing paid sick leave during the COVID-19 emergency.

IA, Technet, and Tech:NYC and the companies we collectively represent are committed to using technology and innovation to spur local economies, provide needed food, supplies, and transportation for essential workers and other residents, and ensure the safety of those on the front lines. However, we have significant concerns with the legislation's attempts to apply a faulty and problematic "ABC test" in order to circumvent state labor law by creating a bifurcated workforce between New York City and the rest of the state. While the goal of this legislation is laudable, a local approach to the issue of worker classification during a pandemic strikes the wrong tone and presents considerable challenges for all stakeholders involved.

Our organizations would first like to address the issue of utilizing a standard (the "ABC test") created by California Law that has proven to be a detriment to numerous categories of independent contractors. From freelance writers to truckers to musicians, the California Law has created a tidal wave of litigation, forced companies to stop contracting with workers in California, and created significant uncertainty for businesses of all sizes. Moreover, it has not helped a single worker in any measurable way. As drafted, 1926-2020 would replicate the California standard, creating a significant lack of clarity around which workers are "employees" under the ordinance. As in California, this would lead to a flood of litigation without creating any meaningful improvement for workers. Moreover, this proposal would cause significant economic hardship for numerous businesses already struggling to maintain a workforce and continue operating during the COVID emergency. It is also likely to result in an immediate reduction in the workforce that has proven vital to the continued functioning of supply lines in New York City.

Second, should this law go into effect, it applies only to workers within the jurisdiction of New York City. Many of the companies our organizations represent utilize contractors who operate beyond city limits. The drafting of this legislation presents significant compliance concerns related to the application of benefits based on work performed in the city. For example, would a TNC driver who picks someone up in Long Island or Westchester and brings them into Manhattan only qualify for benefits on the time spent operating within the city limits? How does a business with multiple locations in the state only provide paid sick leave to contractors who operate in the city? These questions almost certainly point to pre-emption at the state level of this local legislation.

Our associations and the companies we represent remain committed to resolving the issue of worker classification and providing increased benefits to all workers. In response to COVID-19, our member companies have made financial assistance, telehealth, and other support available to workers impacted by COVID-19. While we recognize that the proposed legislation is intended to also address circumstances beyond COVID-19, we urge the committee to hold this legislation in consideration of the extraordinary times we are currently experiencing and the need for a comprehensive statewide approach to providing protections for workers.

We thank you in advance for your attention to this matter. Please do not hesitate to reach out with any questions.

Sincerely,

John Olsen
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Christina Fisher
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Julie Samuels
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My name is Dr. Tina Wexler and I am a union member of the Committee of Interns and Residents/SEIU (CIR/SEIU), which represents interns, residents, and fellows throughout NYC and nationally.

We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written.

The NYC Essential Bill of Rights bill is a step in the right direction by recognizing the extraordinary service provided by essential workers at this time. We support our colleagues who are hourly workers in receiving premium pay.

However, the bill as written disqualifies CIR members in a few ways, particularly in regards to [Premium Pay](#): 1) The definition of "essential worker" excludes the public sector, so all city workers, including our residents at H+H are left out and 2) the provision excludes salaried workers, which impacts all of our members in the private sector.

CIR members are residents, doctors in training, who work at some of the hardest hit hospitals in New York City, including Elmhurst and St. Barnabas Hospital in the Bronx. Throughout the peak of COVID, we worked 80 hour weeks and took on tremendous risk, while fighting to save the lives of our patients. Many of us are women, people of color, and immigrants who have come from around the world to work in our city's poorest and most underserved neighborhoods.

Our Internal Medicine program consists of about 95 residents. Since the start of the pandemic, around 25 of our residents tested positive for COVID, most of whom are back at work now and returned to work as soon as allowed. Like most hospitals at NYC, during the peak, we struggled with inconsistent access to the most basic PPE like N-95 and droplet masks, gowns, face shields, and gloves, but continued to work despite that and had serious and repeated exposures. Many of our residents are married and/or have children, and had to deal with the emotional toll of worrying about exposing our families on top of the emotional toll taken by watching patient after patient develop critical illness and often pass away with little we could do to stop it. For doctors, the uncertainty of how to treat a patient dying before your eyes, due to inconsistent evidence and lack of ventilators, pulse oximeters, rooms, beds, staffing is deeply troubling and traumatizing.

As chief medical resident, I receive daily phone calls from residents who are angry, crying, scared and frustrated. By making their schedules I am sending them into what I know are unsafe working conditions; I am contributing to their trauma. They deserve at minimum, hazard pay to help themselves take better care of their needs. I have been trying to track down PPE, coordinate food donations, make the schedule to accommodate as much rest as possible, and act as a sounding board for their frustration even though much of the time, I cannot change things. Residents, on top of everything, have also been taking extra time to speak with families of their patients who

cannot visit their critically ill loved ones. I have held facetime conversations at bedside, with families of dying patients so they can see and say their farewells.

Residents have been a vital part of most NYC hospitals' response to COVID, and deserve to be monetarily acknowledged as such, along with nursing and other hospital staff. Without residents, hospitals would not have been able to mount the response that they did, in the epicenter of this pandemic.

We as members of CIR/SEIU are against the proposed legislation, The COVID-19 Relief Package - Premiums for Essential Workers (INT 1918-2020) as it is written. Please amend the legislation to include premium pay for residents at public sector and private hospitals.

Testimony of John Doe (Trader Joe's employee)
Before the New York City Council Committee on Civil Service and Labor
in Support of Int. No. 1918-2020 – Premium Pay for Essential Workers
and Int. No. 1923-2020 – Just Cause Employment Protections for Essential Workers

May 5, 2020

I am an essential worker employed at Trader Joe's in Manhattan. Thank you to Chairman Miller, Speaker Johnson and the entire City Council for the opportunity to express my strong support for the Council's Essential Workers Bill of Rights package, and to share my story with all of you about why this legislation is both urgent and necessary.

I should say first that John Doe is not my real name. If my employer knew I was providing this testimony I would face retaliation, and probably be fired. I am submitting this testimony under an altered name, through a representative from the National Employment Law Project.

Most people, when they hear the term "essential worker," think about our neighbors working in hospitals and nursing homes. But grocery store workers like me are every bit as much on the front lines of this pandemic.

I was hired as part of a mass hiring in early March. As I understand it, nearly half of the staff at my store quit at the start of the pandemic as they were immunocompromised or over 60 and feared getting sick. They feared that if they stayed in their jobs, their health and their lives would be in danger. I hate to say it, but they were right.

My assigned store location has closed on at least three days for unexplained emergency medical grade cleanings. Many staff have gotten sick and mysteriously not returned to work, and at least two workers at my store have tested positive for COVID-19. This disease isn't any less of a threat now than it was in early March: just yesterday my location closed because a coworker tested positive.

Even as major changes in our store were implemented with astonishing speed—i.e., limiting the number of customers inside the store, maintaining socially-distant queues outside—Trader Joe's refused to take steps to safeguard me and my coworkers. At my location, workers were told for a full month that we could not wear gloves or masks, even as customers increasingly took those safeguards. Management responded to staff concerns by saying that they could not provide everyone with masks because they were reserved for "healthcare workers on the frontlines." But they wouldn't even let us wear masks of our own until the corporate owner of Trader Joe's allowed it. We were even told that if we wore masks, it would be interpreted as an indication that we were too sick to work in the first place and we would be sent home—a thinly veiled threat to retaliate against us for taking basic steps to protect ourselves.

Eventually Trader Joe's required masks—basically, once the Governor required it—but they still aren't providing them in sufficient numbers. Instead, they're forcing us to dig into our own pockets to protect ourselves and customers. Workers currently get by with home sewn cloth masks passed and sold among each other and disposable dollar store quality masks from bodegas. No one wants to miss a shift during a pandemic, especially when most of us haven't even seen a stimulus check at this point.

You might ask: why do you keep working if it's such a dangerous environment? Unfortunately, my coworkers and I are scared to quit for fear of losing income while living paycheck to paycheck in New York City. Recent hires don't even have healthcare yet; longer-term workers are terrified to lose insurance in the midst of a pandemic.

So we keep working. We endure long commutes in subway cars from other boroughs to the store in Manhattan and often endure a miserable, even more unreliable, severely delayed trip home on the MTA as it currently "functions" after-hours. On nights when I leave work after midnight, between my 3 train transfers, it can take as long as two and a half hours to get home—a trip that would normally take 40 minutes. Other coworkers have been forced out of apartments by landlords worried they will bring COVID into their building.

We risk our lives, and the lives of those we live with and work with, by showing up to work in the middle of the pandemic. We keep working so that the people of this city can eat, and so that we can eat.

Meanwhile, Trader Joe's is flourishing. Every week we are told that we have broken new sales records. The store is selling so much that they've even shortened shopping hours so staff have more time to restock the shelves at night.

But they are not doing all they need to in order to keep us safe. And since early April, management stopped even holding staff meetings—so we no longer have a regular space to voice concerns.

That's why I was thrilled to hear that the City Council is proposing to institute just cause employment protections for the duration of this pandemic. With these protections in place, Trader Joe's could not fire me for speaking up and trying to make my workplace safe. Trader Joe's would have to listen and respect me.

I'm also pleased to see the City Council stepping up to ensure we are compensated fairly for the risks we are taking on—and recognizing the extra expenses we're bearing right now. Trader Joe's said they were going to provide us with a "bonus pool" to recognize the hazards we're facing in coming to work every day. But that "bonus" turned out to be a mere \$200/month, before taxes—i.e., about \$2/hour.

The Council's proposal, on the other hand, would provide just compensation that recognizes the value and danger of our work in this extraordinary time.

Right now, I earn \$17 per hour, so \$680/week *before* taxes, or \$2,720/month. After taxes, my take home pay is about \$1,820/month. I spend over half of that on rent alone. With the "bonus" I will earn barely \$2,000/month.

Under the City Council's premium pay proposal, for the duration of the emergency, I would take home an additional \$60 for every 8-hour shift I currently work. That is an extra \$300/week, or \$1200/month before taxes. That is serious money I can use to stay outfitted with PPE. It is money I can save that can go towards healthcare costs—in case I do get sick and can't work in this chaotic time.

Finally, I want to note that we at Trader Joe's are not unique in needing these protections. Before this job, I worked for many years as a residential aide in City homeless shelters. My former colleagues are on the front lines of this pandemic, and I hope they are also accounted for in this important conversation

Thank you for again for the opportunity to share my story with you today. I urge you all to stand with my colleagues and me and support this historic legislation.

Testimony of Louis Mark Carotenuto
President UFCW Local 2013
Before the New York City Council
Committee on Civil Service and Labor
In Support of Int. No. 1918-2020 – Premium Pay for Essential Workers
May 5, 2020

Good Afternoon. Thank you Chairman Miller, Speaker Johnson, and members of the City Council. I am pleased to submit this testimony in support of Int. No. 1918-2020, which would guarantee badly needed premium pay for essential workers.

Our union, UFCW Local 2013, represents 14,000 workers across the New York City metropolitan area. The majority of our union members are home health aides, CNAs, warehouse workers and food industry workers. All are especially essential during this time of crisis.

Essential workers such as home health aides are on the frontlines of the COVID crisis. They care for a high-risk population of elderly New Yorkers in assisted living facilities across the city. They are carrying a heavy workload, putting in extra hours since many co-workers are out sick with COVID, risking illness themselves, and shouldering the extra safety work necessary during the crisis. All of this without hazard pay for many of them.

Our warehouse workers and grocery store workers are keeping the economy running and delivering vital services to all New Yorkers. Most are earning subsistence level wages as it is, in this expensive city, while they are putting their own health at risk.

Most of our members are also facing tremendous economic strain with family members out of work, little savings and often facing new costs like buying their own PPE equipment when employers don't provide it.

Our essential workers need and deserve premium pay out of recognition of the vital work they're doing, and to help them weather this crisis. But premium pay should be required of all employers of essential workers – not just those with more than 100 employees. An exemption for employers with fewer than 100 employees would exclude thousands of workers who are performing the same tasks as employees in larger facilities, often times without proper PPE or sufficient staffing. These employees need hazard pay as much as, if not more than, other workers. And in the assisted living home industry, where executives often make in the mid or high six figures, there's no reason they cannot afford to provide extra pay for this essential workforce. We urge the City Council not to leave them out.



**WRITTEN TESTIMONY OF
THE UNITED FEDERATION OF TEACHERS**

**FOR THE
NEW YORK CITY COUNCIL
COMMITTEE ON CIVIL SERVICE AND LABOR**

REGARDING THE “NYC ESSENTIAL WORKERS BILL OF RIGHTS”

MAY 5, 2020

The United Federation of Teachers (UFT), representing more than 190,000 working men and women in the City of New York would like thank Chair I. Daneek Miller and all members of the Committee on Civil Service and Labor for holding a hearing on a legislative package of introductions and resolutions drafted by members of the City Council and collectively known as the “NYC Essential Workers Bill of Rights.” We would like to provide our input on the four introductions and two resolutions that constitute this important legislative package to better support and protect our city’s essential workers during the current public health and economic crises caused by the novel coronavirus.

Int 1918-2020 referred to as premium or hazard pay for essential hourly wage earners. Understanding the courageous and laudable service our essential hourly wage earners have and continue to provide our city and as a part of our city and state’s labor movement, the UFT supports the idea that essential hourly wage earners receive premium or hazard pay for their service. The City Council should, however, consult with all labor organizations across the New York City to ensure premium or hazard pay benefits are maximized to their full extent.

Int 1923-2020 colloquially referred to as just cause employment protection for essential workers. The UFT wholeheartedly endorses this legislation.

Int 1926-2020 commonly referred to as paid sick leave for gig economy workers. The UFT supports the City Council’s efforts to expand the city’s definition of employee to extend paid sick leave to gig economy workers.

T2020-6139 a pre-considered introduction to extend health insurance coverage for surviving family members of municipal employees who died as a result of complications related to COVID-19. The UFT along with its state and federal affiliates, NYSUT and AFT respectively, have launched an advocacy campaign targeting the New York State congressional delegation to ensure COBRA coverage for a period of time to families of public employees who were taken by COVID-19. We look forward to working with the City Council on this legislative initiative so that no family member of a deceased public employee goes without health insurance.

Res 1285-2020 a resolution calling on the New York State Legislature to pass and the Governor to sign legislation clarifying the test for classification of workers as independent contractors or employees. We believe that this is a valuable initiative, and appreciate the City Council's advocacy.

T2020-6145 a pre-considered resolution calling on the New York State Legislature to pass and the Governor to sign legislation that would automatically classify the deaths of all municipal employees who died from COVID-19 as line-of-duty deaths. We support the City Council's advocacy on this matter and recommend that the resolution include a reference to State legislation introduced by Assembly Member Peter Abbate A.10239 seeking to accomplish the goal of this resolution. Additionally, to ensure the call to the legislature and governor is as comprehensive as possible and all municipal employees are covered, we recommend the resolution make explicit reference to accidental disability retirement and accidental death benefits commonly referred to as "line of duty" benefits for the city's public employees.

The UFT thanks this committee on all members of the city council for this thoughtful legislative package in light of the current public health and economic crises caused by the novel coronavirus. As labor, we appreciate and applaud your commitment to our working men and women who risk their lives every day to keep us safe and moving forward.

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Testimony: UJA-Federation of New York
New York City Council Committee Civil Service and Labor
Honorable I. Daneek Miller, Chair

Hearing on: Intro. 1918, Intro. 1923, and Intro. 1926

Established more than 100 years ago, UJA-Federation of New York is one of the nation's largest local philanthropies. UJA's mission is to fight poverty; connect people to their communities and respond to crises both locally and around the world. UJA supports nearly 100 nonprofit organizations serving those that are the most vulnerable and in need of programs and services.

On behalf of UJA, our network of nonprofit partners and clients, thank you, Chair Miller and members of the Civil Service and Labor Committee, for the opportunity to provide testimony on Intro. 1918, Intro. 1923, and Intro. 1926.

UJA is supportive of increased pay and robust paid-time-off policies for front line workers responding to COVID-19; however, implementation of these items cannot adversely impact the bottom line or business operations of government-funded nonprofit human services providers, who play an essential role in ensuring the well-being of New Yorkers in this crisis.

Since early March 2020, UJA and its nonprofit network have proactively and responsibly worked to address the current health crisis. Human services nonprofit staff is considered essential; they serve older adults, individuals with disabilities, food insecure individuals and families, and children and youth, and work to help ensure these populations remain safe and supported in their homes. Some staff continue to provide in-person services, while others are required to report for site-specific tasks throughout the week. Many of these nonprofit workers are contracted with New York City to provide services, and their compensation is primarily dependent on government funding.

Intro. 1918 – Premium Pay for Essential Workers

Intro. 1918 aims to provide premium or incentive pay for essential workers. The bill, as written, neither exempts nonprofits from this proposal, nor does it provide necessary funding for them to comply with this proposal. Nonprofits reliant upon government funds cannot self-fund these mandated increases, and the ability to fundraise to support any salary enhancements in this crisis is limited. Additionally, costs related to COVID-19 response efforts, including Personal Protective Equipment (PPE), which is mandated by Executive Order but not supplied, have further stretched already thin budgets.

Any incentive pay policies should be comprehensive, fully funded, and implemented across all government-funded contracts in coordination with the City, State, and Federal governments. This would ensure that all essential workers receive additional compensation while creating clear payment guidance and funding sources.

Intro. 1918 seeks to address the immense need for enhanced pay for frontline workers at this critical time; however, without funding attached to this proposal, human services nonprofits will be unable to meet this mandate.

Intro. 1923 – Just Cause Rights for Essential Workers

Intro. 1923 creates an untenable situation for human services providers by preventing organizations from cutting hours or laying off workers except for performance-based reasons or misconduct without being subject to large fines. This legislation does not account for budget deficits nonprofits are currently managing, which are outside of their control. As the State and City continue to make unanticipated budget cuts, government-funded nonprofit providers will be forced to lay off or reduce staff hours.

Over 70% of recently surveyed New York City human services providers believe they will need to lay off staff due to lost and reduced government contracts, which were underfunded prior to the COVID-19 crisis. Additionally, nonprofits with more than 500 employees have been left out of the Small Business Administration's Paycheck Protection Program (SBA-PPP), further limiting financial relief and hindering efforts to maintain headcount.

Intro. 1923 bill defines essential employees to encompass everyone at an essential business, not just frontline workers, which is vastly different from other City and State guidance. This means that all human services nonprofits would be unable to cut back hours or layoff any staff, even if they lose City and State government contracts or discretionary funding due to the budget deficit.

Intro. 1926 - Expansion of worker coverage under the Earned Safe and Sick Time Act

Intro. 1926 grants paid sick leave rights to independent contractors and freelancers who were previously excluded from the Safe and Sick Time Act and will deeply impact human service providers.

Many human services providers rely on contracted workers for seasonal programs and to provide wellness classes or other specialized courses at senior centers and other sites under contract with the City. A March/April 2020 survey of 61 human services providers done by the Human Services Council showed that over 20% of reported staff fall outside full-time or part-time worker classifications and could be impacted by this bill.

The cost of providing expanded paid sick leave to independent contractors must be fully funded by the City to support government-contracted programs. Without these additional funds, the cost of human services nonprofits would cause financial ruin.

Recommendations and Conclusion

UJA supports increased pay and fair treatment of the human services workforce, who are critical to New York City's COVID-19 response and eventual recovery. We have long advocated for increased funding across all government contracts and pay-parity for this cohort.

Underfunded contracts and unfunded mandates have made it difficult for human services providers to be nimble and respond to increased need across New York both prior to and in the wake of COVID-19; Intro. 1918, Intro. 1923 and Intro. 1926, without the proper funding and carveouts for nonprofits, will bring the sector to a breaking point.

To fix this legislation, it is essential that Intro. 1918 and Intro. 1926 include funding for human services nonprofits to fulfill these requirements. Without funding, the financial stability of nonprofit human services organizations, who are coordinating immediate COVID-response services and long-term recovery supports, will be in jeopardy.

Intro. 1923 must also address staffing levels tied to government funds. Recent cuts to the City's Summer Youth Employment Program, with less than 24-hours notice, directly forced the sudden layoff of staff members. If Intro. 1923 had been in effect, it would have imposed fines on the impacted nonprofits despite the loss of that funding being outside of their control.

COVID-19 has brought the pay, benefit and protection needs of essential, frontline workers to the forefront. UJA-Federation of New York stands ready to work with you to meet the needs of essential workers and the human services nonprofits that employ them and coordinate COVID-related services.

Uniformed Sanitationmen's Association

LOCAL 831
affiliated with
INTERNATIONAL BROTHERHOOD OF TEAMSTERS



May 5, 2020

HARRY NESPOLI
President

DENNIS SCHOCK
Vice-President

MICHAEL BOVE
Secretary-Treasurer

THOMAS BACIGALUPO
Recording-Secretary

WILLIAM CORCORAN
Trustee

JAMES PARKER
Trustee

RONALD PRATTIS
Trustee

Dear Committee Chair Miller,

The streets are quiet and empty now. Most working people are home, protecting themselves and their families from exposure to the COVID- 19 virus. But each day my members – New York's Strongest – are out there doing their job, serving City residents. They willingly take the risk because they are an essential part of keeping this City functioning and healthy.

And then, for some, it happens—a cough, fever, even hospitalization. Some, unfortunately, die. The families of these Sanitation Workers not only suffer a loss of their spouse, father, mother, or partner, but they often lose financial stability as well.

The City Council now has before it two important legislative initiatives that would in some small way recognize the sacrifices these public servants make for their City. Each is vital and should be adopted. One bill would provide continued health coverage to the remaining family members. The other bill simply asks State Officials to enact legislation that will deem a death or disability resulting from COVID 19 a line of duty injury for pension benefit purposes.

While some will undoubtedly cite the costs of these measures, the real question before the City Council is: What is the value of a life sacrificed for the public good? What is the right thing to do?

Accordingly, I urge you to support each of these efforts to provide assistance to the families of Sanitation Workers and other public employees lost in this fight.

Harry Nespoli, President

Testimony on Behalf of UPS
To the NYC Council's Committee on Civil Service & Labor
Intro. 1918 & Intro. 1923
May 5, 2020

UPS appreciates the opportunity to comment on Intro. 1918, regarding pay premiums for essential employees, and Intro. 1923, regarding just cause employment protections for essential employees.

UPS is the world's largest package delivery company and leading provider of logistics services. We have been honored to be able to leverage our global logistics network to ensure that communities have what they need to combat COVID-19. Here in New York, UPS employees have worked tirelessly to deliver critical medical supplies, personal protective equipment (PPE), food, and household items to keep our neighbors safe. In March, UPS drivers completed five deliveries of corona-virus related supplies to the NYPD, including 1,000 face masks, 1,000 protective gloves and 448 drums of hand sanitizer. We were proud to work with the Mayor's Office to deliver medical gown fabric for New York City-based manufacturers to produce 400,000 hospital gowns. Additionally, UPS partnered with the City to deliver iPads devices to facilitate remote learning for students lacking technology resources. These are just a few examples of how UPS is using its capabilities to assist New York City's response to COVID-19.

Today, in the midst of the COVID-19 pandemic, UPS is handling over 636,000 packages daily for customers in the five boroughs, significantly over our typical capacity. More than ever, it is critical that our customers receive their packages on time. New Yorkers are counting on us for PPE, medical equipment, prescriptions, cleaning supplies, food, and other essentials. Every package delivered to someone's door is one less trip to the store, one less person who might contract the virus. However, COVID-19 has created unprecedented challenges for our delivery network; along with increased demand, our workforce has been dramatically reduced as employees must care for themselves and their families. Our average daily absenteeism rate has ranged between 20-30% in New York City during the pandemic; with the closure of overnight transit service beginning tomorrow, we expect that number to rise as workers face hurdles commuting for overnight shifts.

UPS' employees, over 5,400 of which are based in New York City, are the backbone of our company. Every day, our drivers are moving essential goods, maintaining the supply chain, and keeping our city operating. And in a world where social distancing often means "isolation," UPS drivers are sometimes the only friendly faces that some of our most vulnerable New Yorkers, such as the elderly, will see throughout their day.

Our commitment to our employees goes beyond the COVID-19 pandemic. UPS is proud to be the largest employer of Teamsters in the nation and to foster a workplace where part-time positions can evolve into life-long careers. We have worked with our partners in labor to ensure good wages, paid sick time, paid vacation, job protections and benefits for our employees.

Since the onset of COVID-19, UPS has taken additional precautions to protect the health and safety of all workers. We have developed social distancing guidelines and protocols that cover all aspects of UPS operations, increased cleaning and disinfecting of surfaces throughout UPS facilities, provided supplies for employees to disinfect their own workspaces such as vehicles as necessary, modified delivery procedures such as eliminating signature requirements to maintain social distancing, and implemented telecommuting/work from home policies where practical. UPS is also providing enhanced family medical and sick leave for employees to ensure that workers who are sick or need to care for a family member due to COVID-19 will continue to be paid.

The legislation being considered by the Council today will have significant adverse impacts on companies trying to maintain operations during the COVID-19 crisis. Intro. 1918 requires large essential employers to pay a premium of \$30-\$75 per shift to all essential employees. In addition to penalizing businesses that are already paying higher wages and overtime, this bill will force businesses to make difficult choices about maintaining levels of staffing and service. Further, Intro. 1918 does not account for the fact that the level of risk for essential employees varies greatly depending on industry and job functions. Guidance from the Occupational Safety and Health Administration (OSHA) outlines the occupational risk associated with specific essential job functions, ranking them from very high to low. The guidance also provides effective strategies to protect workers. UPS urges the Council to consider OSHA's guidelines in the determination of the need for hazardous pay, understanding that there is a wide range of risk between different types of essential workers. There are hundreds of types of workers that are categorized as being essential. However there is a wide range of job responsibilities and workplace environmental conditions that determine the levels of risk, with UPS employees classified by OSHA as a low risk. The OSHA guidelines recognize that those workers classified as having very high or high risk factors have a workplace situation and environment significantly different than those workers classified as medium or low risk.

Intro. 1923, which requires just cause employment protections, is also problematic, as it fails to account for existing collective bargaining agreements. If adopted, this bill would conflict with our existing requirements for probationary employment and disregard seniority provisions in our labor contracts.

UPS has always sought to be a productive partner with the Council to resolve complicated issues impacting the City and our delivery network. We urge the Council to work collaboratively with the business community to find solutions that are sustainable, practicable, and set our city on a course to economy recovery.



Testimony before City Council Committee on Civil Service and Labor
Remote Hearing
May 5th, 2020 | 10:00am

Good morning Chair Miller and members of the Committee. My name is Nicole McVinua. I am the Director of Policy at Urban Pathways. Thank you for the opportunity to testify today on Intro. 1918 and Intro. 1926.

Urban Pathways is a nonprofit homeless services and supportive housing provider. We assist individuals through a unique combination of street outreach, drop-in services, safe havens, extended-stay residences, and permanent supportive housing, which operate 24/7. We also offer a wide range of additional programming to meet the needs of our clients, including medical wellness and employment programs. Last year, Urban Pathways served approximately 3,700 New Yorkers in need.

Throughout the course of this pandemic, our programs have remained fully operational thanks to the dedicated frontline staff that have continued to work on-site to ensure the health and safety of our clients. Their commitment and dedication to those we serve have been nothing short of heroic, as they put their own health at risk to travel into work.

With that said, we fully support additional pay for essential, front-line workers. However, **in order for the premium pay for essential workers proposed in Intro. 1918 to be viable for nonprofits like us, it *must* include a requirement that City agencies who contract essential services out to nonprofit organizations cover this additional pay.**

Nonprofit human services organizations are chronically underfunded and have been fighting for higher wages for our frontline workers long before the current crisis, as the Human Services workforce provides essential work every day, not just during a pandemic. To place an additional unfunded mandate on nonprofits in the form of

premiums for essential workers would be an undue hardship, which could ultimately lead to a closure of vital programs in order for organizations to make ends meet. Therefore, **we urge the Committee to amend this bill to include that City agencies would be required to provide the additional funding needed to cover the costs of the premium pay proposed in their human services contracts.**

We also want to address a concern with **Intro. 1926** as proposed. While we support additional sick leave for employees during this time, we are concerned about a lack of clarity in the changed definition of “employee” in the current proposed legislation. **We recommend to the Committee that there be a clarification included regarding who is responsible for providing sick leave to subcontracted workers. The requirement of the provision of sick leave should be with the primary employer of the subcontractor, not with the organization who contracts out for a specific job.** The person working the contracted job at our organization would be working under the purview of the company or business who is subcontracting their employee to us and who would control the worker’s benefits, including sick leave. We want to ensure that we would not be responsible for additionally providing sick leave when working with a subcontractor.

Thank you for taking our recommendations into consideration for Intro. 1918 and Intro. 1926. We seek to work together with the Council to ensure that we and our fellow nonprofit human services providers can sustainably provide additional pay and sick leave to our essential workers as we weather this crisis.

My name is Alberto Aguirre and I am testifying on behalf on WAGE NY, a group with over 1100 members across NY focused on worker exploitation and wage theft in New York City. Thank you for this opportunity to address you today..

Wage theft and worker exploitation in the grocery industry is a real problem that has been exacerbated by the current crisis. Today's essential workers in some neighborhood grocers are being paid under the table, denied minimum wage and benefits, denied access to insurance and healthcare, denied overtime pay and now, faced with the impacts of the COVID-19 crisis, some of these same workers are not guaranteed access to personal protective equipment, fair wages and working conditions. These stores are less likely to follow social distancing guidelines, customer occupancy restrictions, and other safe practices.

These workers are equally as brave, diligent and essential as all of our other essential workers but they are often in even great peril.

This law, as currently written, will not help this situation. It exempts grocers with under 100 employees from having to pay the essential worker bonuses. Exempting smaller grocers from this law leaves many of the most at risk workers off the grid and out of luck once again. These are the workers least able to fight back, stand up for themselves and demand their fair share.

Before we enact a new law to benefit workers who are already earning the highest minimum wage in the United States, we must take action to ensure that ALL workers are getting properly and fairly compensated.

I oppose this proposed law and urge the city to take action to ensure that every essential worker gets the compensation they deserve and that no employer, regardless of size, is able to exploit any worker.



Testimony of Renee Sacks, Ph.D.

Executive Director

Women Builders Council, Inc.

City Council Committee on Civil Service and Labor

May 5, 2020, 10:00am

Now in its 16th year, the Women Builders Council is New York's leading organization dedicated to advocacy for women and minorities as well as the growth and development of women's leadership in the construction industry. WBC has been active in the recent New York State Re-Authorization of Article 15A and continues its conversations with New York State on the implementation of the new law – especially its impact on MWBEs.

WBC also has been an active supporter of New York City efforts to achieve equal standing with the state regarding several issues, discretionary awards and capacity building. Earlier in our history, WBC was the leading proponent of Local Law One of 2013 to ensure that women and MWBEs had equal standing in government procurements. In addition, three of our Executive Board Members and past presidents are active members on the Mayor's MWBE Advisory Board. And, our current president, Stephanie Burns serves as Chair of the NYC Department of Education Committee for the Construction Industry.

COMMENT ON INTRO 1918 AND 1923

The intention of all legislation is to expand the protection of all. However, unintended consequences can occur when legislation impacts on the ability of small and mid-size firms to sustain themselves. We find ourselves in this situation as a result of the proposals underlying Intro 1918, Premium Pay for Essential Workers and Intro 1923, Just Cause.

WBC maintains that both Intro 1918 and Intro 1923, while intending to protect and advance essential workers, are likely to create the unintended consequences of creating additional costs to construction industry firms who are already dealing with the burden of the increased costs of construction, as follows:

- **Intro 1918: Additional Premium Pay**

This bill proposes to add additional shift costs [premium pay] for construction workers who are already paid a higher prevailing wage than most other essential workers. In addition, union Collective Bargaining Agreements (CBA) and Project Labor Agreements set hourly pay schedules that meet higher wage standards than most other industries

In addition, additional pay in a union environment would not likely be applied 100 percent to the worker, but a significant portion of that additional shift pay would be paid to the union in terms of increased benefit requirements. Further, changes to shift costs would also require renegotiation of these CBA agreements across all trades.

Finally, the application of different wage rules depending on the size of a company will create a two-tiered compensation rate that will challenge small and mid-sized firms to attract and retain workers who could make additional pay if they worked for a larger firm.

For these reasons, as well as the spiraling costs of construction that are now mounting as a result of new social distancing work rules that will increase shifts and slow productivity, new health checks, PPE equipment costs, site sanitizing and other factors, WBC strongly encourages the New York City Council Members to carefully evaluate the real impact on the small to mid-sized businesses of the proposed Intro 1918.

▪ **Intro 1923: Just Cause**

The intention of Intro 1923 is to protect the worker; however the unintended consequence is the change in the employment relationship between an employer and employee and opens the door to potential litigation, employer liability and numerous other situations that can create inestimable hardships for a small to mid-size employer.

Construction projects fuel full-time employees who are well-paid and well-trained. However, the current COVID-19 crisis sets a new paradigm that has put projects on pause, reduced work and even removed work. As a result, temporary layoffs, furloughs and other workforce procedures are based on the simple realities of cash flow, running a project and worker availability.

In the union environment, there are clearly defined procedures for terminating an employee. However, in the non-union environment in which many small to mid-size firms, especially MWBEs find themselves, the ability to have an employee-at-will relationship with an employee is practical and permits employers to evaluate a worker on the basis of project need as well as performance.

Just Cause legislation now creates a new paradigm for documentation and other legal burdens that will grossly impact the ability of a small to mid-size employer to remain afloat and focused on keeping his/her firm alive during this challenging time, and especially during a time, where many office workers are working remotely and documentation required for this legislation may not be easily available.

Bottomline, creating a new employment standard during a pandemic is not what the construction industry needs, on top of the many new requirements related to health, safety, project delivery and additional costs not considered in current contracts.

WBC encourage the New York City Council to evaluate its legislative intent in terms of the unintended consequences that it may have on the viability and sustainability of an industry that is so impacted by the COVID-19 crisis.



18-35 Steinway Place
Long Island City, NY 11105

May 4, 2020

Hon. Corey Johnson
Hon. Jimmy Van Bramer
New York City Council
City Hall
New York, NY 10038

Dear Speaker Johnson and Council Member Van Bramer:

As a family operated, third generation, woman owned business, employing approximately one hundred New Yorkers (many of whom have been with our company for decades), I strongly urge you to reconsider the effects of Intros 1918, 1923 and 1926. While well intentioned and justified as “the right thing to do” to assist essential workers, these proposed bills if enacted in current form will undoubtedly have the opposite of its intended effect. I am certain, both for our company and for countless others, that this will lead to widespread additional layoffs, further economic distress, and send exactly the wrong economic message to so many struggling companies and its employees.

In spite of our roster of venerable New York foodservice clients (such as Peter Luger’s, the Marriott Marquis, Fairway Markets, and Le Pain Quotidien), the recent economic downturn has caused a dramatic decline in our business activity. In spite of receiving a PPP loan, much of our New York customer base remains shuttered. As one of the last remaining mid-size New York manufacturing companies, already operating at an extremely tight margin, we are barely managing to hold on at present. If this legislation becomes law, we will undoubtedly furlough a large number of employees who are depending on us to feed their families- and our long-term survival will be severely threatened.

We have been active in our local community for many years through the Long Island City Partnership, the Queens Chamber of Commerce, and many other local groups. When one of our major customers asked to return excess inventory, we coordinated a large return of thousands of pounds of coffee to City Harvest. We want to continue these activities. To do this, we need to remain viable. Our current actions are essential services, but hardly profitable. These legislative measures will put us, and hundreds of other mid-size companies, over the edge.

We have every intention of returning to full and profitable work in the coming weeks and months. More than thirty of our employees initially tested positive for the virus, and they have just returned to work after regaining their health. They value their jobs and want to produce product for New Yorkers to consume. We have been pleased to produce coffee for eight decades for thousands of New Yorkers each and every day. Our current business has been reduced to a small fraction of this volume, and the consequences of these bills are not sustainable, either in the short or long term.

We clearly understand how much everyone is sacrificing right now, and we truly value all of our essential workers. New York City needs to value the essential businesses that provide essential workers with earnings for food, shelter and basic necessities. Just as our employees need us as their safety net, New York City needs to sustain, not eliminate, its shrinking, yet vital, manufacturing community. I cannot urge you and the Council strongly enough to reconsider these proposals and consider alternate ways to express our well deserved thanks to our essential workers.

Sincerely,

Jonathan White

Jonathan White
Executive Vice President.

Testimony
of
Waste Connections of New York, Inc.
Before the New York City Council Committee
on Civil Service and Labor
Regarding COVID-19 Relief Package
including
Intro 1918 - Premiums for essential workers

Submitted to the
New York City Council
Honorable I. Deneek Miller
Committee Chairman

By
Andrew Moss, Government Affairs Manager
May 5, 2020



WASTE CONNECTIONS
Connect with the Future®

Waste Connections of New York, Inc. (“Waste Connections”) respectfully submits the following testimony regarding Intro 1918, which would superimpose additional compensation over and above our collectively bargained for union wage package for our essential workers.

About Waste Connections:

Waste Connections is a subsidiary of the only publicly owned and publicly listed company picking up waste and recyclables in New York City. Waste Connections and its affiliates serve more than seven million residential, commercial, industrial, and exploration and production customers in 42 states in the U.S., and six provinces in Canada. In New York City, we proudly service thousands of commercial customers with excellent customer service. The majority of our workers lives and works in New York City. We operate multiple facilities in Brooklyn and the Bronx as well as a Manhattan office.

What sets Waste Connections apart from others in the industry, and something we are very proud of, is our published statement of operating values that we endeavor to meet every day. Our first operating value is safety. We strive to assure complete safety of our employees, our customers and the public in all of our operations. Protection from accident or injury is paramount in all we do. Since entering New York City through acquisition in 2016, Waste Connections has achieved a 300% improvement in accidents and injuries. We are the safest waste and recycling company operating in New York City.

Our second operating value is integrity. We define integrity as “saying what you will do and then doing it.” We keep our promises to our customers, our employees and our shareholders. We do the right thing, at the right time, for the right reason.

Our third operating value is customer service. We provide our customers the best possible service in a courteous, effective manner, showing respect for those we are fortunate to serve.

Proposed legislation:

Intro. 1918 would force businesses with 100 or more employees to pay each hourly worker a premium of between \$40-\$75 per shift during the pandemic, above and beyond their current wages. Waste Connections has collectively bargained with two separate unions in New York City. This legislation would insert itself into these agreements and create a huge financial burden to a company that has seen an over 80 percent reduction in its customer base due to the COVID-19 pandemic.

Waste Connections immediately recognized the importance of the essential service we provide and increased the wages of every one of our drivers, helpers and mechanics by an additional \$2.00 per hour on day one of the crisis. We also increased the pay of our supervisors, customer service representatives and other frontline workers to recognize their efforts in ensuring consistent performance and customer service. These increases were to provide our people with additional income while maintaining a clean, safe city.

As our business contracted with many of our customers closing their doors without paying for past service, Waste Connections kept our employees on a lack of work shift for four weeks. We have in excess of \$1.2 million in receivables with over 6,000 commercial customers that cancelled services as on March 20th. We have also extended our employees benefits affected by COVID-19 until the end of July, covering all of our laid off employees' healthcare until hopefully business begins to return in the third quarter.

Our business operations are almost entirely dependent on other commercial businesses, most all of which have had to shut down. In other parts of the Country and State, we can collect residential and institutional garbage and recyclables. In New York City, however, the Department of Sanitation collects this material. This means that even while being deemed an "essential" industry, unlike grocery stores and pharmacies, we are operating with substantially less revenue. Perhaps this

legislation is aimed at those remaining businesses that are seeing their business increase due to everyone else shutting down? Unfortunately, our business is not one of those businesses. We are, however, in the crosshairs of this legislation's broad scope.

Adding this legislation's wage burden onto our existing cost structure is not fair, equitable or sustainable. Despite the steep drop off in work, our pre-pandemic fixed costs for our trucks, equipment, facilities, and office all need to be paid. These costs remain without the corresponding customer revenue. Despite our best intentions, we have already had to reduce our workforce to meet the drop in demand for our services. Even with this reduction, we are continuing to fund workers benefits for those furloughed workers until the end of July. Simply put, this law will require us to furlough additional workers to pay others the bonuses.

We urge the Speaker and Council not to pass any new legislation that causes further financial adversity for us or our employees. We understand the need to recognize all the people who have worked throughout this pandemic as employees in an "essential" industry. This legislation, however, casts too wide a net and needs to be tailored to exclude those essential businesses that are operating but at a much reduced capacity. Thank you for your consideration.



WSFSSH

CENTRAL OFFICE

2345 Broadway, New York, NY 10024 | T: 212-721-6032 | F: 212-721-6043

www.wsfssh.org

May 4, 2020

The Honorable Corey Johnson
Speaker
New York City Council
Via Electronic Mail

The Honorable I. Daneek Miller
Chair, Committee on Civil Service and Labor
New York City Council
Via Electronic Mail

Re: Intro 1918, Intro 1926 & Intro. 1923

Dear Speaker Johnson & Chair Miller:

I am writing on behalf of the West Side Federation for Senior and Supportive Housing, Inc. (WSFSSH.) WSFSSH is a 40 year old senior and supportive housing organization employing over 400 people. WSFSSH operates 28 buildings housing over 2,200 individuals, most of whose age and health places them at high risk during the COVID crisis. Because we operate on the front lines of the pandemic it has impacted nearly every aspect of our mission, changed most of our business and building operating practices, and already cost us over \$1.5 million dollars in expenses directly associated with the additional hiring and procurement necessary to keep residents and staff safe.

WSFSSH and our peers in nonprofit human service provision have been fighting for incentive pay for frontline essential workers since the onset of the COVID crisis, as we have been fighting for fair pay for our workers for years prior to the crisis. We appreciate that the Council shares our concern that workers be paid fairly, however we have grave concerns about the three pieces of legislation (Intro 1918, 1926, and 1923) as currently written. **We urge the Council to consider the impact these “unfunded mandates” will have on the many organizations like ours that are involved in daily delivery of life preserving services to vulnerable New Yorkers.**

First, Intro 1918 requires that large employers pay per shift premiums to essential staff. For WSFSSH, as with many other non-profits, these essential employees are typically funded under City service contracts. We have seen by current efforts to implement COVID-related incentive pay that the City’s contracting agencies have great difficulty in defining front-line staff, providing timely approval of plans, providing timely funding on a reimbursement basis, or even offering an assurance that COVID incurred costs can be recouped. The proposed legislation

would only further fragment an already inconsistent and unwieldy contracting process and subject us to costs without a funding source to pay them.

The second proposed bill, Intro 1923 would prohibit employers from discharging an “essential employee” without just cause. Importantly, the bill does not consider a reduction in an organization’s city/state/discretionary contract as a just cause, thus subjecting such employers to fines for related discharges. We are also concerned that the ambiguity in the bill’s definition of “essential” does not align with other City and State definitions. Penalizing nonprofits because of contract reductions is not a constructive approach to ensuring fair hiring and discharge, particularly when we understand that there will be federal, state, and local budget challenges that lie ahead.

The third bill, Intro 1926 proposes expansion of worker coverage under the Earned Safe and Sick Time Act. While most of our staff members are full time employees, we do rely on consultants to deliver certain scheduled services. Once again, our contract budgets to employ these consultants will not recognize nor fund these expanded benefits. The end result will be that we must pay these costs without any form of reimbursement mechanism.

In conclusion, we respectfully voice our opposition to these bills, because they sacrifice the financial stability and security of one important constituent group (nonprofit employers) for another (frontline workers). Both groups must be protected – not one at the expense of the other. We await an opportunity to work with the Council to address the needs of both.

Sincerely,

Paul R. Freitag
Executive Director

I'm a resident physician writing to you today regarding hazard pay

Dear NYC City Council Corey Johnson,

I am a frontline physician and I write on behalf of myself and fellow Housestaff officers (Interns, Residents, and Fellows) from H+H hospitals across the city to urge you to recognize our immeasurable services by providing us and other frontline health care workers hazard pay.

We serve the communities among the hardest hit by COVID-19 in New York and the country. In many cases, we are using our own personal resources to this fight and are risking our lives and those of our family members to meet this challenge.

Over 1,300 Housestaff petitioned H+H CEO Dr. Mitchel Katz to provide us with the hazard pay we need and deserve only to be told that while H+H supports hazard pay for frontline healthcare workers they cannot authorize it without your help. Now we ask you to show your support for our sacrifices--not only through words, but through action. Providing hazard pay for Housestaff physicians demonstrates that you and the City recognize our selfless commitment that we have shown and continue to show during this pandemic.

Sincerely,

Khristina Kopchuk

Kings County Hospital

kkopchuk@aol.com

Small Business Owners oppose Intros. 1918 and 1923

Dear Member,

Dunkin' Brands is a 100% franchised system comprised of small business owners / franchisees. As one of these franchisees, who own and operate over 250 restaurants employing over 5,200 hardworking New Yorkers, we oppose Intros. 1923-2020 (Just Cause) and 1918-2020 (Premium Pay). These bills seek to impose exorbitant costs on our already struggling businesses at a time when many can barely afford to keep their doors open.

We implore the Council to stop pursuing legislation that creates such a hostile business environment in New York City for small business owners like ourselves. It goes beyond reason to think that during this pandemic that has forced businesses to pause to help contain the virus, that now would be a good time to impose new costs and restrictions on the few businesses that are fighting to stay open, provide jobs and serve the heroes who are working to help keep our city healthy and safe.

Intro 1923-2020 ? Just Cause

Intro 1923-2020 seeks to prohibit wrongful discharge: ?An essential employer shall not discharge an essential employee who has completed such essential employer?s probation period without just cause.? As a community which employs thousands of New Yorkers, we can attest that we value our employees and invest considerable time, training, and resources into every new hire.

Our employees are the face of our business, and therefore one of the most important parts of the Dunkin' business model. We maintain high standards and train employees in customer service, food safety, and health procedures, while creating opportunity for further career development. According to the National Restaurant Association, nearly one-half of adults got their first job experience in a restaurant.

This legislation fails to account for the human aspect of the service industry. A positive attitude is the foundation of good customer service. If an employee is consistently rude to customers, how do we document that on paper to the satisfaction of a government agency? What types of ?progressive disciplinary?

measures are acceptable and for how long? Why is New York City government trying to micromanage small business owners?

This legislation could force Managers at restaurants like ours to keep staff employed who may:

- * cause food and beverage safety and health issues;
- * cause scheduling issues that impact fellow employees and impede customer service;
- * provide poor customer service overall;
- * bully others or create a hostile work environment; or
- * any other number of scenarios.

The legislation also limits our ability to reduce hours, which in the current environment may be necessary to keep our businesses open.

In addition, it creates uncertainty for employers and invites increased litigation, which is both costly and time consuming for a business operating on extremely thin margins.

Intro 1918-2020

Intro 1918-2020 requires businesses with 100 or more employees to pay each hourly worker a premium between \$30 - \$75 per shift during the pandemic. This legislation seeks to add debilitating costs to our restaurant operations during a time when we are doing everything we can to simply stay afloat. As it stands, franchisees are doing their part to stay open to serve essential workers like health care professionals, law enforcement and other first responders. Beyond that, many are already providing additional pay to their employees as a way to say thank you for their continued commitment and to help them provide for their families amid the pandemic.

The definition of "large essential employer" accounts for full-time, part-time, or temporary staff. Given that "the number of persons who work for an employer for compensation per week fluctuates," this legislation calculates business size by averaging number of persons who worked during the preceding calendar year. It is unrealistic to equate the previous year's labor needs to those of this year, when the New York restaurant and foodservice industry is expected to lose an estimated \$3.6 billion in sales and lay off 80% of restaurant employees by the end of April.

In summary, the New York City Council should understand that passing these bills will lead to more closed businesses and fewer jobs for New Yorkers. They will harm us, our employees, and our businesses, which we are trying to keep open in an already difficult environment.

We welcome the opportunity to discuss what it takes to own and run a small business.

Sincerely,

Mr. Daniel Novick
240 West 40th Street
New York, NY 10018-1510
dnovick@westsidedonut.com
(212) 395-9280

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We welcome the opportunity to discuss what it takes to own and run a small business.

Sincerely,

Mr. SHAHROOKH BODHANWALA
3520 Leverich Street C742
JACKSON HEIGHTS, NY 11372-3968
shahrookhmb@hotmail.com
(917) 373-7564

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We welcome the opportunity to discuss what it takes to own and run a small business.

Sincerely,

Mr. Sachin Shah
508 W 259th Street
Bronx, NY 10471-1601
sksmgmt@gmail.com
(201) 926-7105

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We welcome the opportunity to discuss what it takes to own and run a small business.

Sincerely,

Mr. Suhel Ahmed
850 8th Avenue
New York, NY 10019-6236
ahmedsuhel1@gmail.com
(917) 416-3773



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Testimony Submitted to the New York City Council Committee on Civil Service and Labor May 5, 2020

My name is Courtney A. Bennett and I am the executive director for the One Hundred Black Men of New York. Thank you for the opportunity to submit testimony to the Committee on Civil Service and Labor regarding the remote hearing it held on May 5, 2020.

One Hundred Black Men of New York is comprised of 175 of the most powerful men in and around New York City. Founded in 1963 by Hon. Judge Robert J. Mangum; hall of famer and Civil Rights Activist, Jackie Robinson; and Hon. David N. Dinkins, 106th Mayor of the City of New York, OHBM is champions the causes of New Yorkers who wish to be treated fairly but often lack the access, power or influence to be heard.

One Hundred Black Men opposes Int. No. 1923 and Int. No. 1918.

It is not an exaggeration to say New York City is facing unprecedented challenges. The COVID-19 virus has brought our city to a standstill with businesses shuttered, residents required to stay indoors, workers laid off and economic activity ground to a halt. These perilous times require all stakeholders – small businesses, large corporations, workers, and city government – to come together as was done in the 1970s during the City's fiscal crisis to find common ground to face the daunting health and financial challenges before us. Only by working together can we prevail against this invisible threat, and ensure that our city establishes a new, more prosperous normal that uplifts all of the city's people and industries.

We were therefore disappointed that the Council held a hearing on a pair of bills, Int. No. 1923 and Int. No. 1918, that while well intentioned, do not recognize the never before experienced strains that small and large businesses alike are facing in New York City. We oppose these bills, and call on the City Council and Administration to start from scratch, starting a new dialogue that invites in all participants from the beginning to discuss how we can help workers and businesses alike.

[Int. No 1918](#) would provide a pay premium ranging from \$30 to \$75 to non-salaried workers based on the length of their shift at work. While we salute the health care professionals, grocery store workers and other front-line workers, it does not make sense to require employers to pay workers more money at a time when they are trying to avoid layoffs and furloughs, and just stay afloat with the workforce they have.

Proponents say this pay premium only applies to companies with 100 or more employees so they can afford it, yet large companies based in New York City or with many employees here are greatly suffering also. For example, in the past week alone, Uber announced it will lay off 3,700 employees, or 14 percent of its workforce.¹ Lyft is laying off 17 percent of its workforce; AirBnB 25% or 1,900 workers. The city's largest real estate firms – Douglass Elliman and the Corcoran Group – have laid off employees or cut their pay.² New York City-based JetBlue is planning layoffs as passenger travel has dwindled to a trickle.³ Even Mayor de Blasio announced he will have to furlough or layoff city workers without federal aid.⁴

It therefore makes no sense to require companies who are struggling to maintain their workforce to pay more at a time when they can't afford to do so. The bill also fails to recognize the few industries that are profitable like grocery stores and online retailers have, in some instances, increased pay for workers. At a time when managing finances is so difficult, it's best for government not to impose new mandates and allow the few companies that can reward their workers do so based on their own discretion and assessment of their finances.

We also oppose Int. No. 1923. This bill is seemingly intended to help workers who feel they do not feel safe at work because of the virus, which we sympathize with, and have been disciplined by their employer for speaking out. Yet it fails to recognize that most employers have made a good faith effort to respond to unprecedented challenges by enabling workers to do their jobs from home where possible and provide protective equipment in short supply when they can obtain it and it is needed.

This bill does not address concerns workers have about the virus. Instead, it requires employers to justify to a third party like a city agency, court or arbitrator why a worker was fired, even while this third party can't be familiar with the details of the situation that transpired between the employer and employee in the workplace. The bill also requires employers to put in place new procedures for employees who are not performing adequately, including robust training and warning systems for wrongdoing, at the height of the pandemic. This will be very burdensome for businesses to put in place new procedures when they are simply trying to maintain their current operations with their workforce operating remotely. Businesses should not have be burdened with new regulations and procedures like this at a time when they are struggling to survive and facing difficulty just implementing what they used to normally do. Thank you for the opportunity to submit testimony. I hope the Council will not pass these bills and bring all stakeholders together to work together to develop solutions that can lift the City up during these trying times.

¹ <https://www.washingtonpost.com/technology/2020/05/06/uber-layoffs-silicon-valley/>

² <https://therealdeal.com/2020/04/03/layoffs-and-furloughs-hit-nycs-biggest-resi-firms/>

³ <https://www.businessinsider.com/jetblue-announces-layoffs-buyouts-restructuring-2018-7>

⁴ <https://www.ny1.com/nyc/all-boroughs/news/2020/05/06/mayor-de-blasio-says-city-may-need-to-furlough-essential-workers-if-federal-government-denies-relief>

Intro 1918

Dear Councilman Johnson,

Tomorrow the City Council will be holding hearings regarding Intro 1918 which proposes premium pay for essential workers. As a small business owner of 30 coffee shops in NYC I am greatly troubled and enormously opposed to this regulation. If this were to pass I am afraid I would have to lay off my employees, close my doors until the emergency is over and perhaps never be able to open them again.

Under this plan a worker who works 4 hours, which is typical for a part time hourly worker, would receive premium pay amounting to a *100% bonus*. (A \$15/hour worker who works 4 hours makes \$60. Add the \$60 premium as the Bill suggests and that worker has **doubled** their wage to \$120). There is no scenario under which coffee shops or other quick service restaurants can afford to hire workers at that rate. The only solution would be to close stores and wait for the EO to be lifted. Nobody wins in that scenario...neither the coffee shop owner, the employee nor the City.

Also, in the Bill it makes a special point of identifying "Chain Businesses". It combines all employees under common ownership of a group of stores in calculating the 100 employee threshold. That seems very unfair because, in essence, even though I might have 30 shops in NYC each one operates independently, with 15 or so employees. They may be owned by a common owner but each one must employ sound business practices in order to survive. I may own a number of shops (what you classify as a chain) but **I am still an independent small business person**, investing and risking my own money and succeeding or failing based upon my own individual efforts, just as any other mom and pop operation has to do. **Perhaps the 100 employee threshold should be defined as the federal government did for PPP eligibility. Defining it as 100 employees PER LOCATION would be much more reasonable.**

I ask you reconsider Intro 1918. I am sure that it was conceived with the best of intentions. But the unintended consequence of such a regulation would make it worse for many hard working New Yorkers. I, and many others like me, will be forced to lay off workers and potentially close our businesses forever. Now, more than ever, in the face of astonishingly high unemployment, New Yorkers need to keep their jobs. Thank you for considering my position.

Thanks,
Lee Novick
Westside Donut Ventures

Essential Worker Bill of Rights

Speaker Johnson,

As the owner of a very small business here in Manhattan, one that has been in operation for over 93 years, I am writing to voice my concern over the impact of the proposed provisions of the Essential Workers Bill of Rights on my company. Quite simply it will put my company out of business.

We have managed to keep the majority of our employees on our payroll despite an approximate 60-70% decline of revenues. It has been extremely difficult but we have survived many challenges over our long history, including the Covid 19 pandemic. Despite the well meaning intent of the legislation, it will have the opposite impact if small businesses like mine can't afford to comply with it. It is a killer for small companies and it's employees. Perhaps the large corporation can somehow afford it but someone like me, with 15 employees, has no chance to survive it. I am also concerned about the provision that sets up a different test for employee classification than the one used by the state. It will set up multiple standards for us to follow.

I would ask that you oppose this legislation as written or limit the scope of it to large corporations. Small businesses and it's employees need all the help we can get. Thank you for your time.

Bobby Logan
President

40 West 37th Stre
New York, NY 1018
Phone: (646) 366-6800



**Testimony of Krystel Momplaisir, Pro Bono Scholar at
New York Lawyers for the Public Interest
to Committee on Civil Service and Labor on Tuesday, May 5, 2020
in support of the Essential Worker Bill of Rights Package**

Thank you for the opportunity to testify today in support of Intros 1918, 1923, and 1926. My name is Krystel Momplaisir and I am a Pro Bono Scholar at New York Lawyers for the Public Interest (NYLPI).

NYLPI is a civil rights law office and our Environmental Justice Program works to eliminate the unfair burden of environmental hazards faced by low-income communities of color. For the past several years, NYLPI has worked in partnership with sanitation workers and Teamsters Joint Council 16 to advocate for workers facing hazardous conditions on the job in the commercial waste industry. We have seen the danger facing workers in that dangerous industry before this pandemic – and the risk of retaliation and termination workers face when they speak up about it. We know the risks are so much higher – and for so many more workers – during the pandemic. It is in this capacity, as a partner in the worker's rights movement and in the environmental justice movement that we testify here today in support of the Essential Worker Bill of Rights package.

Essential workers should not fear for their lives or their livelihoods when they go to work. NYLPI supports all three bills in the package as the workers who are going out each day during this pandemic to bring us food, take care of the sick, clean hospitals and subways, drive trains and buses, collect our trash and more deserve hazard pay, expanded sick leave, and protection from retaliation. However, my testimony today will focus on NYLPI's support of the Just Cause Bill, Intro 1923. NYLPI supports the provisions of this bill because it is crucial that essential employees be able to speak up about the conditions in which they work, without fear of retaliation or termination.

The Just Cause Bill is important because it requires essential employers give sufficient cause to discharge an essential employer. NYLPI supports the fact that the definition of discharge includes termination, reduction of hours, and indefinite suspension. To deter essential employers from unjustly discharging essential employees, the bill requires such employers to engage in progressive discipline and requires written explanation upon discharging an employee. In addition, an essential employer may not consider discipline that is more than one year old in its decision to discharge an employee.

NYLPI supports that the bill establishes a private right of action for essential employees to assert their rights against unjust discharge through the arbitration process. This provision protects all workers who have to sign unfair arbitration agreements limiting or eliminating their right to sue their employers for workplace violations. The fact that the bill also allows for a class or collective action through arbitration, sends a strong signal to essential employers that discharging essential employees en masse will not be tolerated.

These provisions empower essential workers to speak out against unsafe working conditions, particularly during the fight against the COVID-19 pandemic. By safely speaking up, workers can protect their own as well as the health of their families and the public at large.

We join the essential workers of New York City and their families and advocates in asking that the bills be voted out of committee and taken up for a vote by the entire Council.

We thank you for your continued support and look forward to continuing to work with the Council to ensure that the Essential Worker Bill of Rights Package becomes law.

Krystel Momplaisir, Pro Bono Scholar
New York Lawyers for the Public Interest
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www.hanyc.org

Tuesday, May 5, 2020

Testimony from the Hotel Association of NYC (HANYC)

Dear Members of the New York City Council,

My name is Vijay Dandapani, and I am President & CEO of the Hotel Association of NYC, a trade association representing over 300 hotels in New York City.

As you are aware, the impact of COVID-19 on the hotel industry has been extreme. Nationally, the industry is seeing an impact as large as seven times greater than the impact from 9/11, and we are feeling this impact perhaps more intensely--and were feeling it earlier--here in New York City.

The impact of COVID-19 has created an untenable situation for the hotel industry in NYC, with hotels across the City closing, either permanently or temporarily, unsure if they will be able to reopen and rehire workers.

Despite these burdens, hotels are doing all they can to support the City's COVID-19 relief efforts. We are partnering with the City and providing hotel space, at cost, wherever we can help address a need. We have offered space for hospital beds to help with hospital capacity expansion, we are working with the Department of Homeless Services to provide rooms for homeless individuals in need of additional space, and we are providing rooms for healthcare personnel in need of a place to stay to safely quarantine. We will continue to work with the City to address needs as they arise, and we hope our efforts will contribute to the City's overall efforts to slow the spread and keep New Yorkers safe.

As an industry, we have always prioritized keeping our employees through crises, including both the financial recession of 2008 and the impact of 9/11. However, the severe impact of coronavirus is resulting in so many hotel closures that there is no way to avoid this impacting the hotel employee workforce, which just amongst HANYC membership consists of more than 50,000 employees across the City.

Imposing additional burdens on hotels at this time, including those that would be imposed through **Intro 1918** and **Intro 1923**, may have the unintended consequence of forcing additional layoffs and closures, given hotels' inability to afford to remain in operation.

Many of the protections outlined in **Intro 1918** are already afforded to hotel workers through labor contract agreements. HANYC's hotel workers are the highest paid in the United States, with a number of benefits including medical and dental plans for the individual and their family, pension plans, pre-paid access to counsel, and paid time off, and protections from employer retaliation and unjust firings.



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With the extreme impact of COVID-19 on NYC hotels, hotels cannot afford to go beyond their agreements in the middle of this crisis without risking further layoffs, closings, or defaults on their mortgages.

While the Council's intentions to protect NYC's workforce are admirable, and we wholeheartedly agree this should be a priority, Intro 1918 does not take into account benefits already afforded to hotels' workforce, nor does it take into account the negative impact that these additions would have on hotels' ability to employ workers at all during this period.

Intro 1923, too, would create duplicative processes that further burden hotels at a time when we are struggling to pay our employees and remain in operation at all.

As you know, tourism is a crucial economic generator for the City, and hotels are a vital part of that. In NYC, the tourism industry provides 291,000 jobs, and the tourists that this industry brings into the City bring with them a disproportionate amount of spending and economic activity, providing revenue to New Yorkers and a tax base for the City.

To get NYC's economy going again, we will need to get the tourism industry back to a place where it can provide the economic support it once did before the impact of COVID-19. To achieve this, hotels will need to be able to survive this crisis and reopen on the other side.

Although we are in agreement with the sentiment behind this legislation, both Intro 1918 and Intro 1923 would create undue burden for businesses at a time when hotels are already struggling to stay afloat through this crisis and to keep our employees.

Thank you.

Sincerely,

Vijay Dandapani

**Testimony of
Gloria Middleton, President
New York Administrative Employees
Local 1180
Communications Workers of America,
AFL-CIO**



Committee on Civil Service and Labor

Tuesday, May 5, 2020

Good afternoon Chairman Miller, Council Members, and Committee Members.

My name is Gloria Middleton, President of Communications Workers of America, Local 1180. My union represents 9,000 active City administrative and private sector workers, and almost 6,000 retirees. I am here today to speak about two proposals that have been put forth since the onset of the COVID-19 pandemic as a means of helping the survivors of deceased essential workers.

The first, T2020-6139, would provide health insurance coverage for surviving family members of municipal employees who died as a result of a complication related to COVID-19.

The second, T2020-6145, would automatically classify the deaths of all municipal employees who died from COVID-19 as line-of-duty deaths.

I do not feel the need to talk about the merits of either one of these proposals as I don't believe anyone on this virtual hearing – or anywhere for that matter – would argue the fact that essential workers who put themselves on the frontlines during this pandemic and paid the ultimate price are just as much everyday heroes as the doctors and nurses who treated patients.

In fact, what started out as a nightly 7 p.m. “Clap for Healthcare Workers” in New York City to show appreciation for everything our doctors and nurses are doing to treat and care for the tens of thousands of patients turned into New Yorkers applauding essential workers as well.

Why? Because it is our essential workers who are keeping buses and subways operational so those doctors and nurses can get to work. It is our essential workers **inside** New York City hospitals who are admitting patients, handing out face masks, cleaning and disinfecting, transporting patients, delivering meals, removing the deceased. Many of these are Local 1180 members. Some are members of other unions. But it does not matter

because all are essential workers who daily come face to face with COVID-19. Many survive. Some do not.

I have essential workers from the Department of Correction who work on Rikers Island... essential workers who work at SNAP centers ... and essential workers who every single day work with the escalating number of our city's homeless population who are some of the most susceptible to COVID-19.

Our essential workers are the behind the scenes heroes. The ones who far too often do not receive the proper respect or accolades. Their deaths should undoubtedly be classified as line of duty and their surviving spouses should be more than entitled to receive their health care benefits as a result.

Funding these proposals is another matter, however, and I am well aware of the costs involved in doing so. But, it's not like we, as a city, have not been down this road before in very recent history.

We only have to look back to Sept. 11, 2001, and the battles we went through with the federal government in getting them to cover the costs associated with treating our first responders. It was a years-long process that ultimately ended with a large portion of funding coming from the federal government.

This time around, the process must not take years. It needs to be immediate. The federal government needs to step up to the plate and do what's right for the state hardest hit by the COVID-19 pandemic not only in number of cases, but in number of deaths and economic devastation.

New York City is the epicenter of all of this. We are the also a gateway to the rest of the country. Millions of travelers enter our country through New York City. Millions more come here as tourists. Millions call New York City their home.

It is the federal government's responsibility to step in and fund these proposals so survivors of our essential workers who died while on the job,

serving their city, their state, and their country, are afforded the benefits they would have received had their spouses not sacrificed their own lives for the sake of others.

Dear Members of the New York City Council,

Thank you for having me. I am here to provide a testimony as it relates to Bill 1923-2020 (“Just Cause” Termination Protection for Essential Employees).

My name is Juan Correa and I am the co-owner and operator of two Peruvian restaurants in NYC until recently collectively employing over 90 staff members, a vast majority of them first and second-generation immigrants. I am also a founding member of ROAR a coalition of NY restaurants advocating for relief for our industry as we struggle to survive with the implications of this terrible crisis.

As you may know, NYC restaurants employ over 850,000 workers and, is one of the important providers of revenue for the City and the State. We are integral to the fabric of our society, and as we speak today, we are struggling to understand whether our Local, State and Federal Governments will find mechanisms that give us a fighting chance at survival. Should nothing be done, we estimate that approximately 75% of the restaurants in NYC will close, with the associated calamitous consequences.

NYC restaurants already operate in one of the most heavily regulated environments in the nation, with some of the highest labor and occupancy costs and some of the strongest competition in the world. A large proportion of new restaurants in NYC do not survive its first year of operations, and those that do, in spite of the perception of success and glamour, operate on razor-thin margins and very little room for error.

Importantly, until the onset of the COVID crisis, restaurants in NYC had faced an extremely competitive labor market. Hiring and retaining competent talent had proven to be extremely challenging, due to factors such as, curtailments to immigration and loss of talent to other cities and other industries.

In such an environment, when a small restaurant operator finds a good, strong and hard-working employee, he/she will do everything within the scope of their possibilities to retain that individual.

Bill 1923-2020, if passed, will have a series of negative effects and unintended consequences that will ripple through our industry and the economy of our beloved city.

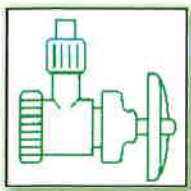
A small restaurant’s ability to quickly adapt to demand and to general market conditions is essential to its survival. Because of our cost structure and regulations impacting us, we need to have the flexibility to control the size of our labor pool. Simply put, if we do better than expected, we then hire more employees to help us address that demand, but if we do worse than expected, we need to reduce our staffing levels so that our businesses are viable. A constant labor pool/cost irrespective of needs will only yield two things: (i) poor quality of food and service, and, (ii) a string of bankrupt restaurants!

We foresee that Bill 1923-2020, if passed, will have many of the following effects resulting in structural loss of jobs and unemployment:

1. Many operators struggling to re-open their restaurants will likely decide NOT to do so, and exit the industry in NYC or all together, **with the associated permanent loss of jobs**
2. Those operators that decide to re-open their restaurants will do so tentatively and perhaps with a revised business model that reduces the number of staff members required, therefore **negatively impacting the number of jobs created/recovered by the restaurant industry**
3. New operators to the market or those seeking expansion opportunities will look at other markets that provide them with a more flexible and friendlier environment, **thus reducing job creation in NYC**
4. The pool of potential employees for the restaurant industry will dwindle over time as a result of the above, **and NYC will continue the slow bleeding of talent to other cities**

Dear Members of the City Council, I am here to implore you not to pass Bill 1923-2020 and further, to help us get back on our feet. The operating environment that we face over the next year or longer is daunting, with significantly curtailed demand levels and increased cleaning, sanitation and operating costs. Thus far, we have been left on our own in our negotiations with our landlords. Insurance companies have once again turned their backs on us and our bills (even when closed) continue to mount. We will need every bit of help, luck and flexibility to remain in business.

Dear Members of the City Council, we are small business owners not billionaires. We are doing our best to protect and help our staff, and in a vast majority of matters we are fully aligned and have constructive and respectful working relationships. This is the time to make sure that we can rebound and create jobs, not further burden us with legislation that will inevitably hurt our prospects.



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May 6, 2020

Office of Council Member I. Daneek Miller
172-12 Linden Blvd.
St. Albans, NY 11434

Re: Intros. 1918, 1923, 1926

Dear Sir:

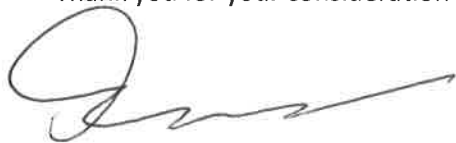
As a small business owner in St. Albans, NY, I urge you to re-think and oppose the City Council's approach to the COVID-19 pandemic that is reflected in Intros. 1918, 1923 and 1926. While well-intentioned, these bills would hinder already suffering small businesses and their employees from being able to operate by imposing additional costs during an unprecedented pandemic that is decimating our economy. As businesses continue to struggle, we should focus on providing them with help rather than saddling them with more unfunded mandates and regulatory burdens. We currently have eight employees on staff and depending on customer demand, from time to time we have to reduce hours in order to keep everyone working. We've been fortunate to remain open as we are considered an essential business but we were only able to do emergency repair work so we reduced hours but managed to keep everyone on the payroll. We don't know when we will be fully operational again.

All New Yorkers are experiencing the impact of the pandemic, not just workers identified in this legislation. The vast majority of employers are doing everything possible to protect and support their employees and to continue to serve their customers. The proposed legislation suggests that business owners and employers are willfully failing to meet their responsibilities, which is neither fair nor accurate.

There is certainly a need for New Yorkers to come together to heal our city, protect its most vulnerable residents and workers, and rebuild our economy and tax base. Employers are your allies in these efforts, not the enemy. We ask that the proposed legislation be withdrawn and replaced with a collaborative effort to tackle the enormous challenges before us.

Please support me and other members of our business community by opposing these bills.

Thank you for your consideration and attention to this matter.

A handwritten signature in black ink, appearing to read 'Eric Lawrence', with a long, sweeping horizontal stroke extending to the right.

Eric Lawrence,
President

Testimony by New York Legal Assistance Group (NYLAG)
before the New York City Council Committee on Civil Service and Labor
Regarding Proposed Legislation Concerning Premium Pay
May 5, 2020

Chair Miller, Council Members, and staff, good afternoon, and thank you for the opportunity to speak about Intro 1918 in reference to premium pay for essential workers. My name is Katherine Bromberg, and I am a Senior Staff Attorney in the Employment Law Project at the New York Legal Assistance Group (NYLAG). The New York Legal Assistance Group (NYLAG) uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-wage workers, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-income members of the LGBTQ community, Holocaust survivors, veterans, as well as others in need of free legal services.

The Employment Law Project represents workers in employment discrimination, wage and hour, and unemployment matters in City, State, and Federal agencies, as well as in litigation. At present, our practice has shifted to assist the growing number of employees

suffering the effects of the COVID-19 pandemic. Of those employees, the vast majority are essential workers who are largely ineligible for many of the legal benefits that other workers are able to take advantage of, such as unemployment insurance benefits and the Federal Families First Coronavirus Response Act. We most frequently hear from workers with pre-existing conditions who nonetheless put their lives on the line to help and protect all New Yorkers.

It is for this reason NYLAG strongly supports the passage of Int. No. 1918, which provides premiums to many essential workers. NYLAG commends the City Council for taking swift action to address this pressing issue and for holding this hearing.

Grocery store, health care, restaurant, sanitation, postal employees, as well as others in the service industry, continue to report to work in order to provide essential services and enable the rest of the City to stay home. They take care of our most vulnerable populations, including nursing home residents. Many of these workers have had to work harder than they ever have in their careers to ensure that the City's needs are met. Some of these workers have jobs where infection with COVID-19 is all but inevitable, and most are risking their health by taking public transportation to and from their jobs each day.

But even as essential workers are providing critical services at considerable risk, they include some of the most underpaid employees in our society. In fact, many low-wage

workers make less than individuals on unemployment, who are benefiting from the \$600 a week bonus from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

To add insult to injury, although they are often at risk of infection by continuing to report to their jobs, most of these workers cannot quit their job and still receive unemployment, even if they quit out of a concern about their health. Because of this, many low-wage workers may have no choice but to continue working, despite fear for their safety as well as concerns over exposing their families to the virus. This is particularly precarious where low-income households include older relatives living in close quarters, which is so common across many of the hardest-hit New York City neighborhoods.¹ Most low-wage workers have no ability to afford healthcare services if they do end up getting sick.

Significantly, 70% of the City's essential workers are people of color—for example, over 40% of transit workers are Black and 60% of cleaning workers are Hispanic. A recent analysis by the NYU Furman Center showed that New York City “neighborhoods with the higher rates of COVID-19 have lower median incomes [and] higher shares of residents who are Black or Hispanic.”² Due to systemic and historical racism and poverty, which make access to affordable care difficult, Black people have a much higher rate of illnesses, such

¹ Kinder, Molly, “COVID-19’s essential workers deserve hazard pay. Here’s why—and how it should work.” *Brooking Institution*. <https://www.brookings.edu/research/covid-19s-essential-workers-deserve-hazard-pay-heres-why-and-how-it-should-work/> (April 10, 2020.)

² “COVID-19 Cases in New York City, a Neighborhood-Level Analysis.” *The Stoop: NYU Furman Center Blog*. 10 April 2020. <https://furmancenter.org/thestoop/entry/covid-19-cases-in-new-york-city-a-neighborhood-level-analysis>

as diabetes and heart disease, that can exacerbate COVID-19 symptoms and even lead to death.³

While many white-collar workers have the ability to work in the confines of their home, we are effectively forcing mostly blue-collar workers to put their safety at risk on our behalf. The passage of Int. No. 1918 would demonstrate the City's genuine appreciation for the employees who are delivering our most crucial and time-sensitive services. While Congress has passed a number of COVID-19 packages, they have still failed to provide hazard pay to frontline workers.⁴ To fill that gap, states and localities have been advocating for change and taking action. For example, on April 20, 2020, Governor Cuomo proposed that frontline workers should get a 50% bonus.⁵ In addition, Kanawha County, West Virginia; Birmingham, Alabama; and Augusta, Georgia have already approved hazard pay for certain essential workers.⁶ In the absence of imminent federal or state legislation to provide essential workers premium pay, New York City should step up and fill this role.

³ Goba, Kadia, "New York City's Coronavirus Essential Workers Are Overwhelmingly People Of Color." *BuzzFeed News*. <https://www.buzzfeednews.com/article/kadiagoba/coronavirus-new-york-brooklyn-essential-workers-black-poc> (April 21, 2020.)

⁴ Senate Democrats introduced a bill that would provide a pay increase of \$13 an hour. Bolton, Alexander, "Senate Democrats propose \$25,000 hazard-pay plan for essential workers." *The Hill*. <https://thehill.com/homenews/senate/491547-senate-democrats-propose-25000-hazard-pay-plan-for-essential-workers> (April 7, 2020.)

⁵ Wagner, Meg, Hammond, Elise & Rocha, Veronica, "Coronavirus pandemic in the US." *CNN*. https://www.cnn.com/us/live-news/us-coronavirus-update-04-20-20/h_3ede7cod2d1c0eeb8ffc5ffa5226d89 (April 20, 2020.)

⁶ Soto, Isabel, "Hazard Pay During COVID-19." *American Action Forum*. <https://www.americanactionforum.org/research/hazard-pay-during-covid-19/#ixzz6LDYmvdBm> (April 10, 2020.)

Still, many of the organizations that employ essential workers, such as healthcare workers, are nonprofit organizations that already exist on a razor-thin budget. With major funding cuts threatened in both the City and State budgets this year, margins are even smaller and many nonprofits are concerned about having to implement service cuts. Nonprofit organizations cannot afford to implement Int. No. 1918 without the promise of funding from New York City. It is unfair to force unfunded mandates on nonprofits, especially given the current circumstances, and funding for protections necessary for essential workers is critical to include in these bills.

New York City should be celebrating these heroes, who have gone above and beyond to provide us with goods and services and enabled us to flatten the curve. We applaud the City Council for advocating on behalf of these essential workers to ensure they are paid commensurate with the risk they are undertaking.

I want to once again thank the Committee for inviting me to testify today. I am happy to answer any questions.

Respectfully submitted,

New York Legal Assistance Group

Dear Speaker Johnson,

My supermarket has remained open throughout this horrible pandemic. we are struggling to stay afloat as business has dropped more than 30% yet we still remain open to provide people with their food and to continue to provide my employees with an income to live.

adding unfunded pay to my employees will just hurt me and wont make it worth it to stay open and provide employment at all, which will just add to the unemployment rolls.

as it is now we are providing pay as mandated under the cares act. taxes to be deducted will just be a band aid at the time of tax filing but needs to be actually paid now. the council doesnt seem to realize that most employers are hard working people just like their employees and are just oing to be drowned most businesses arent owned by jeff bezos

I urge you to re-think and oppose the City Council's approach to the COVID-19 pandemic that is reflected in Intros. 1918, 1923 and 1926. While well-intentioned, these bills would hinder already suffering small businesses and their employees. They seek to impose additional unfunded government mandates and prevent employers from making vital business decisions during an unprecedented pandemic that is decimating our economy. As businesses continue to struggle, we should focus on providing them with help rather than saddling them with more unfunded mandates and regulatory burdens.

All New Yorkers are experiencing the impact of the pandemic, not just workers identified in this legislation. The vast majority of employers are doing everything possible to protect and support their employees and to continue to serve their customers. The proposed legislation suggests that business owners and employers are willfully failing to meet their responsibilities, which is neither fair nor accurate.

There is certainly a need for New Yorkers to come together to heal our city, protect its most vulnerable residents and workers, and rebuild our economy and tax base. Employers are your allies in these efforts, not the enemy. We ask that the proposed legislation be withdrawn and replaced with a collaborative effort to tackle the enormous challenges before us.

Please support me and other members of our business community by opposing these bills.

Thank you for your consideration and attention to this matter.

Sincerely,

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FOR YOUTH DEVELOPMENT®
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**New York City Council
Committee on Civil Services and Labor
Honorable I. Daneek Miller, Chair**

Testimony of YMCA of Greater New York

**Hearing on: COVID-19 Relief Package
Intro. 1918 – Relief Package for Essential Workers
Intro. 1923 – Just Cause Employment Protections for Essential Workers
Intro. 1926 – Earned Safe and Sick Time Act
May 5, 2020**

Good day, my name is Michael Rivadeneyra, I'm the Senior Director of Government Relations for the YMCA of Greater New York, and I will be testifying on behalf of the YMCA. Thank you, Chair Miller and the Civil Services and Labor Committee members, for the opportunity to testify on the series of bills known as the COVID-19 Relief Package: Intro. 1918 of 2020, Intro. 1923 of 2020 and Intro. 1926 of 2020.

The YMCA of Greater New York is committed to empowering youth, improving health, and strengthening community. Prior to the COVID-19 pandemic and Governor's Executive "Pause" Order, our organization had over 4,000 employees who worked to help people make positive changes in their lives and in their communities. With 24 YMCA physical branches and more than 100 community sites across the city, the Y is among the city's largest providers of human services spanning from infancy to adulthood — and an important anchor, convener, and catalyst for transformational change in underserved communities. Unfortunately, due to the pandemic we have lost staff members to COVID-19. I would like to take a pause to remember them and all those we have lost to COVID-19.

As a human services provider, many of our employees have been deemed essential workers. We have exercised our due diligence to provide accommodations and create conditions to keep our employees safe and healthy. However, similar to many other nonprofits, we struggle to secure sufficient PPEs and remain financially solvent.

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YMCA OF GREATER NEW YORK | Where there's a Y, there's a way.

We agree that essential workers, our frontline human services staff, need to be protected and properly compensated. Essential pay and additional earned time off will require substantial government funding. Ideally the funding would come through a Phase 4 Federal Stimulus package that would allow nonprofits with over 500 employees to benefit from the Payroll Protection Program (PPP) and allow all PPP recipients to include an essential pay/incentive pay to be part of the PPP calculation. If the Federal government fails, then the State and City should develop their own Stimulus plan to save nonprofits and provide for essential workers. Without government funding these laudable pieces of legislation create an unfunded mandate, financially burdening employers struggling to survive during the COVID-19 pandemic. We recommend that nonprofits be temporarily exempt from Intro. 1918 and Intro. 1926 until adequate government funding is secured.

We also appreciate the spirit of Intro. 1926 to protect essential workers from retaliatory practices. However, the legislation as written, requiring just cause as means for terminating an essential worker, ignores scenarios in which termination is based on budgetary constraints. The human services sector has unfortunately furloughed or laid off many essential workers, predominately due to funding and revenue loss. We recommend narrowly tailoring the legislation to prohibit retaliatory actions, and offering nonprofits facing budget constraints leniency and consideration.

As a reminder, City contracts pay roughly 80 cents on the dollar of funded programs' cost. This pre-existing funding gap has made it difficult for our sector to be nimble and respond to crushing and growing needs across New York in the wake of COVID-19. Enacting these bills without funding for city-contracted human services workers will bring providers across New York to a breaking point. Year after year you hear countless voices from the human services sector talking about how underpaid and undervalued our workforce is due to underfunded contracts and unfunded mandates. Lack of funding for the COVID-19 Relief Package would only compound already rising expenses as a result of COVID-19 and lead to more furloughs, layoffs and decreased access to vital services.

We cannot pit providing human services workers with the support and benefits they deserve against ensuring that human services institutions are financially stable enough to provide vital services now and in the coming months.

Thank you so much for fighting for workers across New York City, we look forward to working with you to address these urgent concerns.

If you have any questions, please contact Michael Rivadeneyra, Senior Director of Government Relations, at mrivadeneyra@ymcanyc.org or 212-630-9717.

Please Help Save My Business

Dear Council Member Johnson,

I know many business owners in New York City who have spent the past weeks and months working tirelessly to care for both their customers and employees during the COVID-19 crisis. I am confused and disheartened to see that some members of the city council seem intent on making them close their doors for good by placing additional burdens on employers during these unprecedentedly trying times. I ask you to oppose all the legislation that is deceptively titled the "Workers Bill of Rights."

New York's business community is doing its absolute best to continue to employ as many employees as possible, but simply do not have the money to provide "premium pay" of \$40 to \$75 per employee per shift. I do not understand where the sponsors of the bill think that money will come from at a time when Coronavirus and the stay-at-home order have caused economic activity and revenues to plummet?? I am also disheartened to see that some are using this crisis as an opportunity to ram through so-called "Just Cause" legislation (Intro 1923) that would take away businesses' ability to make staffing decisions, and may leave them with no choice but to shut down completely and face costly litigation.

The businesses that hundreds of thousands of hardworking New Yorkers have worked for years to build - and which employ millions of New Yorkers - are in serious danger. These are not matters the city council or government has a right to be intervening in, especially at a time of crisis like this where New Yorkers are doing their best to react and respond rationally and freely to this pandemic in a way that maximizes their chances for survival through this. Government interventions like these misguided bills will only make matters worse by violating the constitutional rights of business owners to operate their properties and livelihoods as they deem best to respond to this crisis. Please stop doing more harm to our city's ability to recover and our people's ability to get back to work quickly by rescinding and opposing Intros 1918 and 1923.

Regards,
Chris Bush
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