

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE
AND LABOR

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May 5, 2020
Start: 10:25 a.m.
Recess: 4:50 p.m.

HELD AT: Remote Hearing

B E F O R E: I. Daneek Miller
Chairperson

COUNCIL MEMBERS:

Adrienne Adams
Daniel Dromm
Farah N. Louis
Francisco P. Moya
Helen K. Rosenthal
Eric A. Ulrich
Brad S. Lander
Mark Treyger
Laurie A. Cumbo

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

Public Advocate Jumaane Williams

Tarek Kachakech
T-Mobile Employee

Rina Cummings
Amazon Employee

Saibou Sidibe
New York Taxi Worker Alliance

Louis Gomez
Behalf of Maria Hernandez

Lorelei Salas
Commissioner of Department of Consumer and Worker
Protection

Steven Banks
Commissioner of Office of Labor Relations

Gregory Anderson
Department of Sanitation

Ben Holt
Deputy Commissioner at DCWP

Steven Ettannani
DCWP Executive Director of External Affairs

Gloria Middleton
Local 1180

Oren Brazilay
President of NYC EMTs, Paramedics, and Fire
Fighters

Mark Henry
Local 1056

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

Paul Digiacommo
President of NYC Detectives' Endowment
Association

Tsedeye Gebreselassie
NELP

Katherine Wild

Christopher Mackrell
New York State Messenger and Courier Association

Amanda Bransford
Make the Road New York

Hugh Barron
NELP

Rebecca Miller
Workers of America District One

David Cohen
SEIU 32BJ

Frank Kearl
Make the Road New York

Cassandra Gomez
A Better Balance

Alyssa Lovelace
Home Care Association of New York

Brian Chen
NELP

Paul Sonn
NELP

Richard Blum
Legal Aid Society

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

Irene Lew
Community Service Society

Jessica Walker
Manhattan Chamber of Commerce

Samara Karasyk
Brooklyn Chamber of Commerce

Michael Brady
Third District Business Improvement District

Regina Myer
Downtown Brooklyn Partnership

Thomas Grech
President and CEO of Queens Chamber of Commerce

Katherine Bromberg
NYLAG

Kathy Febraio
CEO of New York State Association of Health Care
Providers

Prame Liaprama [sp?]
Woodhul Hospital Resident Doctor

Andrew Title
Greater New York Hospital Association

Rohit Gupta
CIR Union

Jay Peltz
Food Industry Alliance

Kathleen Reilly
New York State Restaurant Association

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

Youssef Mubarez
Yemeni American Merchants Association

Tarik Mubarez
Yemeni American Merchants Association

Avi Kaner
Supermarket Owner

David Katz
CEO of Foodtown Cooperative

Nasim Almontaser
Bodega Owner

MJ Okma
Human Services Council

Vincent Petraro
Metropolitan Parking Association

Kendra Hems
Trucking Industry

Michelle DeMott
Samaritan Daytop Village

Muzzy Rosenblatt
CEO of BRC

Terry Troia
Project Hospitality

Theresa Hassler
SEO Family Services

Jeff Scheuer

Nicole McVinua
Urban Pathways

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

Nadia Chait
Coalition for Behavioral Health

Eric Lee
Homeless Services United

Abbey Nyamekye
Center Community Services

Andrea Thomas
Sunnyside Community Services

Morris Dweck
D2 Stores

Mark Berger
Securitech Group Inc.

Peter Rescigno
New York Electrical Contractors Association

Dave Offerman
IEH Group

Lisa Griffith
Save New York City Home Care

Juan Correa
Restaurant owner

Diana Florence
Attorney

Richard Lipsky

Alberto Aguirre
Law Student

John Macintosh

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2 SERGEANT AT ARMS: Good morning,
3 everyone, and welcome to the Committee on Civil
4 Service and Labor. We ask that all Council Members
5 and staff take this time to turn on their video for
6 verification purposes. Please place any cellphones
7 and electronic devices to silent or vibrate. You may
8 submit your testimony to testimony@council.nyc.gov.
9 Once again, that's testimony@council.nyc.gov. Thank
10 you for your cooperation, and we will begin shortly.

11 UNIDENTIFIED: Good morning everyone.
12 Once again, I'd like to remind you-- welcome to the
13 Committee on Civil Service and Labor. We ask that
14 all Council Members and staff take this time to turn
15 on their video for verification purposes. Please
16 place any cellphones and electronic devices to silent
17 or vibrate. Once again, you can send your testimony
18 to testimony@council.nyc.gov. Once again, that's
19 tesetimony@council.nyc.gov. Thank you for your
20 cooperation. We'll begin shortly.

21 CHAIRPERSON MILLER: Good morning. I'm
22 Council Member Miller, I. Daneek Miller, and I'm the
23 Chair of the Committee on Civil Service and Labor. I
24 want to thank everyone for joining us this morning
25 for this very important committee hearing that is to

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be held-- first Civil Service and labor hearing to be held virtually and remotely. So, I want to thank everybody for joining us. I'd be remiss if I did not mention the reason why we are doing this virtually, obviously because of the COVID-19 virus that has afflicted our city and our nation. I often preface many of discussions and even hearings talking about the value of public employees and essential workers, and the value that they bring to the City of New York, that they're the reason why 65 million people visit each year. They're the reason why companies like Google, Amazon and others want to set up shop here in New York City. Over the past few months in the midst of this pandemic, our essential workers, our municipal workforce has demonstrated time and time again, above and beyond even the value that we had articulated in the past. So, today, in our opportunity to talk about a package of bills that protect the rights, protects and enhances the rights of those essential workers, those municipal workers that have served us in this time and those who will continue to serve us. I would like to welcome everyone again to this hearing. We will be doing a virtual hearing on an essential workers bill,

2 package. Today, we'll be hearing six pieces of
3 legislation that are intended to help ensure that New
4 Yorkers and New York City's most essential workers
5 are protected and are given the benefits that they
6 are deserving of after they have put themselves on
7 the line during this pandemic. First, we have Intro.
8 Number 1918 sponsored by Majority Leader Cumbo, and
9 City Council Speaker Johnson. It is a Local Law that
10 would require employers to pay premium pay to
11 essential workers. Then we have Intro. 1923
12 sponsored by Council Member Ben Kallos and Speaker
13 Johnson. It is a Local Law for just cause employment
14 protection for essential workers. Intro. 1926
15 sponsored by Council Member Brad Lander is a Local
16 Law that would expand worker coverage to independent
17 contractors in the City's Earned Safe Sick Time Act.
18 A pre-considered reso by myself and Council Member
19 Joe Borelli is a Local Law that would extend
20 survivorship and health benefits to the family of
21 those municipal employees who have passed due to
22 COVID-19 contacted during the course of duty. Then
23 we have reso. 1285 sponsored by Council Member Brad
24 Lander. This is a resolution calling on the state to
25 clarify the test and classification of workers as

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independent contractors. And then finally, we have a pre-considered resolution, again by myself and Council Member Borelli, calling on the state legislature to pass and the governor to sign legislation which automatically classifies deaths of municipal employees who died from COVID-19 as "in the line of the duty." This package of bill sponsored by myself and colleagues is a direct response to the challenges and the risks faced by essential workers over the past few months during this devastating time in our city. New York City has been the epicenter of COVID-19 pandemic with over 170,000 confirmed cases and over 13,000 deaths. To respond to the rapid unimaginable spread of the virus, New York State on March 20th, Governor Cuomo issued a New York State [inaudible] Executive Order. This Executive Order mandated that all essential workers be closed-- non-essential businesses be closed and gave guidelines on what should be labeled as essential business. Businesses that are considered essential remained open during the pandemic, and so their employees are essential workers must continue to work as well. As a result of many essential workers deal with drastically increased exposure to COVID-19 as part of

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their occupation, and forced to confront this risk daily. Basic essential workers are faced-- had faced heightened levels of exposure to COVID-19. They are overworked and often underpaid, and have little job security in some cases. Doctors and nurses who are considered essential workers have-- for example, been warned or even disciplined, even fired for speaking out against workplace concerns about the Coronavirus precautions inside of the hospital. In industries, in some industries there's not enough protection or personal protective equipment being supplied to protect the frontline workers, and certain businesses continued to put their essential workers at risk by not being transparent about the number of COVID cases that have occurred within the workplace. To compensate essential workers, for this increased personal risk and to provide additional financial security hasn't paid legislation-- has either been passed, introduced or proposed in multiple states, as well as by the Democrats in the U.S. Senate. The Council will hear legislation today mandating the hazardous pay for essential workers in New York City for the duration of the pandemic, taking into consideration the economic impact of such policies.

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Another primary issue for essential worker is whether they have sufficient protective and protections from employment termination during the crisis in New York State. It's an at-will employment jurisdiction, meaning that either employees or employer can terminate their working agreement at any time and for any reason, so long as the reason is not illegal or for no reason at all. An alternative to the employment at-will doctrine of that is just cause, in which an employer must provide a sufficient approximate reason for terminating employment. Today, the Council will hear testimony on legislation concerning just cause protection for essential workers. This bill would offer essential works an extra level of workplace protection against being fired or having their hours reduced without justification. Additionally, one of the largest groups of workers that are often left out of the conversation about worker protections and benefits independent contractors. Independent contractors are also known as "gig workers" facing unique set of challenges regarding employment benefits during this pandemic. Independent contractors having been some of the hardest hit economically since independent

1 contractors may not work regularly or consistently
2 for varying employer. They are often legally
3 classified as employees. Consequently, not legally
4 classified as employees-- Consequently, these workers
5 are unable to claim most benefits offered by
6 employers such as health insurance, unemployment
7 benefits, and pension plans. During the pandemic,
8 this has also made it difficult for independent
9 contractors to file unemployment benefits. In
10 today's hearing, the committee hopes to hear about
11 how to make certain that these essential workers are
12 protected and not forgotten during these
13 unprecedented times. Finally, on February 11th of
14 this year, the City Council extended health coverage
15 to families of all those municipal employees who have
16 died in the line of duty or who have died of an
17 illness or injury related to 9/11. Municipal
18 employees who are considered essential workers risk
19 exposure to the virus every day. As a result,
20 multiple have died from this illness while having
21 their city-- while helping their city. These workers
22 should not be treated differently from those
23 municipal employees who have passed away in the line
24 of duty in the past. The Council, thus, will hear
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2 legislation that would similarly classify the deaths
3 of municipal workers due to COVID-19 as line of duty
4 deaths and extend survivorship health benefits to
5 their families. The committee thanks the
6 administration, advocates and the stakeholders for
7 being present and testifying today. We hope to hear
8 from both sides on each and all of these bills in
9 order to improve all of the legislation and to
10 protect the city and its essential workers. I'd like
11 to thank my staff, Chief of Staff, Mr. Ali
12 [inaudible], my Legislative Director Brandon Clark
13 [sp?], and Senior Advisor Mr. Joe Goldblume [sp?].
14 I'd also like to thank essential staff, Committee
15 Counsel Nuzhat [sp?], and Elizabeth, John, and
16 welcome to the team, Thomas. And with that, I will
17 pass it over to Committee Counsel.

18 COMMITTEE COUNSEL: Thank you, Chair.
19 I'm Nuzhat Chowdery [sp?], Counsel to the Civil
20 Service and Labor Committee of the New York City
21 Council. We will now hear statement from the
22 sponsors of the legislation we are hearing today, as
23 well as from the Public Advocate. Please note that
24 opening statements will be limited to five minutes
25 each. Chair Miller will call the sponsors in the

2 following order, Council Member Cumbo followed by
3 Council Member Kallos, Council Member Lander, and
4 Public Advocate Williams. Please wait for the
5 sergeant to begin your time.

6 CHAIRPERSON MILLER: We will now hear
7 from Majority Leader Cumbo.

8 COUNCIL MEMBER CUMBO: Thank you, Chair
9 Miller, for holding this hearing today. New York
10 City's essential workers are putting their lives at
11 risk every day to keep our city running now ranging
12 from our nurses to delivery workers to pharmacy staff
13 to janitors to grocery baggers to store clerks.
14 These are the new soldiers, the frontline workers in
15 New York City right now. They are putting their
16 lives and that of their families at risk every single
17 day. As been noted, we have had more people in this
18 nation been taken from us by COVID-19 than in Vietnam
19 over the last 10 years. So we are facing a crisis
20 where individuals that decided that they wanted to
21 deliver food, individuals that decided they wanted to
22 work in our supermarket instantly transformed into
23 frontline soldiers keeping this city safe. Every
24 time they walk outside of their house, they have to
25 wonder are they going to contract COVID-19 and are

1 these going to be their last days. Many of them have
2 not had the benefit of being able to isolate from
3 their families. Many low-income families live
4 multigenerationally with their grandparents, their
5 parent, and their children all in one household with
6 no opportunities or options to stay safe in other
7 isolated spaces. In addition to dealing with the
8 same challenges as many of New Yorkers, essential are
9 reporting to work and keeping our city running. They
10 are making social distancing possible for so many of
11 the people that you see on this call, allowing us to
12 ta at home and to do the work that we need to. The
13 vast majority of these workers are women and people
14 of color. The communities that are getting hit the
15 hardest by this virus are also the ones on the
16 frontline. We owe these workers our applause and our
17 respect, but most importantly we owe them a pay that
18 is compensation for the work that they are doing and
19 for risking their lives every day. Essential workers
20 are now having to make decisions about how they can
21 utilize their income for a funeral or a family member
22 or someone that has passed away. They need to
23 provide funding for childcare because they may not be
24 able to allow their grandparents to watch their
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2 children. They have to make different arrangements
3 for transportation and so many other things. My bill
4 Intro 1918 would require large employers to pay
5 premiums to certain essential non-salaried workers
6 until the state of emergency is lifted. Any employer
7 of 100+ essential workers will have to pay the
8 essential worker premiums, 30 hours for less than
9 four hours, 60 hours-- 60 dollars for four to eight
10 hours, and 75 dollars for more than eight hours.
11 Now, we recognize that for many businesses many are
12 struggling during this time. We have heard from also
13 our not-for-profit organizations who are wondering
14 what type of impact this will have on their
15 organization. The wonderful part about a hearing is
16 that you have an opportunity to hear from people. I
17 think as human beings right now, we would all
18 recognize that hazard pay is essential, but we have
19 to figure out how to effectively do it. We look
20 forward to hearing your testimony. We look forward
21 to hearing your ideas. We want to be able to have a
22 bill that's going to make sure that we protect our
23 workers at this time. So your opinion and your
24 feedback is critical. So what we want to hear are
25 ways that you and your organizations or your company

1 have already started to provide hazard pay.

2 [inaudible] this could actually happen and what you

3 are willing to do and what you are willing to

4 sacrifice in order to meet us halfway. I want to

5 also make sure that we find the right balance,

6 because we cannot leave workers out in the cold.

7 Protecting and improving working conditions for those

8 is a moral imperative that we cannot ignore, and we

9 have seen states all across the United States who

10 have begun to institute policies for hazard pay such

11 as Vermont, Pennsylvania and many others, and

12 Massachusetts. So it's imperative that we do this

13 today, because equality is essentially what this is

14 about, making sure that many of the corporations that

15 have received bail-outs that they recognize that

16 human beings, people, need help and support at this

17 time the same way as a major corporation in order to

18 live their lives. So we thank the frontline workers,

19 the essential workers, and I'll just close by saying

20 this. I saw a sign that said "essential does not

21 mean expendable" and I think it's so critical that we

22 move forward recognizing that our frontline workers

23 are not expendable. They are human beings. They are

24 warriors. They are brave, and I have a senior--

2 SERGEANT AT ARMS: [interposing] Time.

3 COUNCIL MEMBER CUMBO: Okay. I'll
4 conclude my statements and wait for the question and
5 answer period. Thank you.

6 CHAIRPERSON MILLER: Thank you, Majority
7 Leader, and this is a different world as we see here,
8 kind of how these things go virtually. We appreciate
9 your testimony. We're now going to hear from bill
10 sponsor Bill Kallos.

11 COUNCIL MEMBER KALLOS: Clock starts.
12 Good morning. I'm Council Member Ben Kallos. You
13 can follow me on social media and join us on this
14 conversation @benkallos. Welcome to the new normal.
15 You're overhearing my daughter as we seek to both do
16 our jobs and elected life and also manage a family.
17 No one should lose their job for simply asking for
18 protective equipment during a pandemic. Our city's
19 essential workers are heroes and deserve to be
20 treated that way complete with job protections for
21 putting their lives on the line. We clap every day
22 at 7:00 p.m. for our workers on the frontline, our
23 first responders and healthcare workers, but we need
24 to do more than clap. We need to provide protections
25 for our essential workers. Since we have started

1 feeling the effects of this pandemic, multiple news
2 sources have reported incidents where essential
3 workers were fired as a retaliation for speaking out
4 about dangerous conditions during the pandemic. Most
5 notably, there have been doctors and nurses who have
6 been fired during a time where their skills are most
7 necessary. What did they do wrong? They asked for
8 PPE to not only protect themselves, but most
9 importantly their patients. Some healthcare
10 institutions have issued guidance to their workers
11 seeking to restrict their first amendment right to
12 free speech. Some of the guidance threatened workers
13 with termination if they dared communicate their same
14 request for PPE without approval from the executive
15 level staff that ignored their request in the first
16 place. Other frontline essential workers have not
17 been spared. Amazon fired warehouse workers who
18 spoke out against the lack of PPE at their locations.
19 All of these workers are putting their lives on the
20 line to ensure that we are healthy, safe, and fed.
21 They need to be free to speak out against unsafe
22 conditions without fear of retributions.

23 Introduction 1923 that I authored with Speaker Corey
24 Johnson and Council Member Landers creates just cause
25

1 protections for all essential workers, from those in
2 healthcare to those in our grocery markets or making
3 deliveries and everyone defined as such by executive
4 order or action by the Governor. Under this
5 legislation, essential workers would be protected
6 from retaliation or termination due to speaking out
7 or even asking for COVID-19 protections without a
8 just cause. The legislation would only apply during
9 a pandemic such as this one, and as I hope will be
10 amended during any future state of emergency. Though
11 I believe in this right even outside of an emergency,
12 this legislation is just during this pandemic. To be
13 clear, employers could still terminate employees for
14 cause such as lateness, missing shifts, or other
15 discrete job failures. Those making the unfortunate
16 choice of laying off or furloughing employees would
17 still be allowed to do so. But terminating or laying
18 off just one employee or a group of employees that
19 happened to ask for PPEs or who spoke out would be
20 protected. I want to thank Civil Service Chair
21 Daneek Miller, Speaker Corey Johnson, Council Member
22 Brad Lander, Majority Leader Cumbo, and our brothers
23 and sisters in labor for joining us in our fight to
24 protect our essential workers, thank you very much.
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COMMITTEE ON CIVIL SERVICE AND LABOR

CHAIRPERSON MILLER: Thank you much,
Council Member Kallos. We will now hear from Council
Member Lander.

SERGEANT AT ARMS: Clock starts now.

COUNCIL MEMBER LANDER: Thank you, Chair
Miller. You have been a true champion for our
essential workers and public workers for a long time
now, and obviously, everybody's seeing the need for
it these days. At 7:00 p.m. every night we go out
and we bang pots and pans and clap and cheer and
shout our gratitude to the nurses and doctors and
healthcare workers who are in our hospitals to the
grocery store clerks keeping us fed, factory and
warehouse workers, to food delivery workers; it
really is one of my favorite moments, one of the
really few good moments of this crisis, because we
genuinely are grateful, and I know everyone on this
call is grateful. But so many of those same workers
lack the basic workplace protections, sick-leave,
pay, and dignity that all workers need. Those food
delivery workers bringing you your takeout meals,
they don't have paid sick leave to take a paid day
off when they're sick. We saw Amazon workers fired
for speaking out so egregiously that even an Amazon

1 VP quit because he knows it wrong, and yet, nurses
2 and healthcare workers still have gag orders from
3 their hospitals. And you know, I think it's worth
4 noting that many of the lowest paid essential workers
5 would make more if they went on pandemic unemployment
6 assistance than being out on the frontlines of this
7 crisis. The pandemic has exposed the fragility of
8 our deeply unequal economy, workers who have long
9 been treated as disposable are now being cheered as
10 essential. Seventy-five percent of them are people
11 of color in hard-hit communities across the city, as
12 existing issues like lack of healthcare, overcrowded
13 apartments, inability to work from home now become
14 life or death risk factors. So that recognition of
15 gratitude is not enough. We owe it to these workers
16 who are risking their own health and the health of
17 their families, long-lasting protections, better pay,
18 paid leave, and job security. I'm proud to be the
19 prime sponsor of two the items on today's calendar.
20 Intro. 1926 would amend the definition of the
21 employee in New York City's Earned Safe and Sick
22 Leave Time Act to extend benefits to app-based and
23 other misclassified workers. Really, this is just
24 making sure that workers have the paid sick time that
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2 all workers need, because Uber and Lyft drivers, Door
3 Dash and Grub Hub delivery workers, handy cleaners,
4 boy, they don't need sick leave any less than you and
5 me, and we have it if we're W2 employees. Right now
6 they need it even more. Resolution 1285 would call
7 for this same set of people to be recognized by the
8 legislature as employees. At the city level we can
9 extend them paid sick leave, but that still leaves
10 them without minimum wage protections, healthcare,
11 unemployment insurance, workers' comp, and all the
12 other benefits of being an employee. I'm proud also
13 to be a pre-intro co-sponsor of Council Member
14 Kallos' bill, Intro. 1923 offering protections
15 against unfair firings, and he made very clear that
16 those workers who have gotten gag orders about
17 speaking out about what's going on in our nursing
18 homes and our hospitals-- have been essential not
19 just first responders but first reporters and making
20 it possible for us to pay attention to what's going
21 on. It's galling that they could be gagged or fired
22 for doing so, and we need to provide just cause
23 protection. To be clear, the goal is not to prevent
24 lay-offs, and sadly we know that some will be
25 necessary, but as Council Member Kallos just made

1 clear, if done fairly and not as targeted unfair
2 backdoor firings, they are allowed under the law, and
3 I know Council Member Kallos is open to working to
4 clarify this in the bill. I know a lot of the
5 attention will be to the pay premium bill, but I
6 think it's very clear as Council Member Cumbo said,
7 that those workers who are in low-paying hourly jobs
8 deserve something to get up and go do that health-
9 risking work, and the fact that they would be making
10 more on unemployment but are still willing to do it
11 is extraordinary. Let's recognize it. Now, we're
12 going to hear today from many employers with
13 concerns, and we're going to listen with open ears.
14 It is really hard right now to run a business or a
15 not-for-profit organization, and we have real
16 compassion for it. We appreciate the questions of
17 where the money will come from, how you know it's
18 covered, and how you can comply. So we absolutely
19 will work with you, but I'm going to ask you not just
20 to oppose the bills, but to ask us and help us answer
21 some simple questions. Do you believe that essential
22 workers all deserve paid sick leave, should not be
23 unfairly fired without notice or good reason, should
24 have whistleblower protections, and should get paid
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2 more than they would on unemployment. If no, then we
3 have a policy disagreement, but if yes, help us
4 figure out how to do it, because we owe our essential
5 workers nothing less. Thank you.

6 CHAIRPERSON MILLER: Thank you so much.
7 That was so eloquently put. Council Member Landers,
8 I am told that we have bene joined by our Public
9 Advocate. If he is available, I'd like to bring on
10 our Public Advocate to hear from him, Jumaane
11 Williams.

12 PUBLIC ADVOCATE WILLIAMS: Yes. Thank
13 you so much.

14 SERGEANT AT ARMS: Clock starts now.

15 PUBLIC ADVOCATE WILLIAMS: Can you hear
16 me?

17 CHAIRPERSON MILLER: Yes.

18 PUBLIC ADVOCATE WILLIAMS: Thank you so
19 much. My name is Jumaane Williams, Public Advocate
20 for the City of New York. Thank you, Chairman Daneek
21 Miller and members of the Civil Service Community,
22 the Speaker and the entire Council for holding this
23 hearing today to explore legislation to address the
24 relief packages and benefits of our essential workers
25 and municipal employees. I, of course, first, like

2 everyone want to take a moment to thank our frontline
3 and essential workers. These individuals are not
4 only maintaining the health and safety of New Yorkers
5 and keeping the city running, but they're also
6 putting their lives on the line while doing so.
7 There are currently over one million essential and
8 frontline workers in New York City. These are our
9 healthcare workers, our grocery and drug store
10 workers, our public transit workers, our postal
11 workers, our trucking and warehousing employees, our
12 New Yorkers working with the children, the homeless,
13 and family service industry, and our workers who are
14 providing cleaning services, as we know these workers
15 are overwhelming people of color. As was mentioned,
16 Governor Andrew Cuomo put a pause order in effect,
17 one that frankly was too weak, too late. It was not
18 bold enough, but with these orders that were put in
19 place by our leaders like Andrew Cuomo and Mayor Bill
20 de Blasio, they split this city into two, one where
21 people who could stay home and could have deliveries
22 made to them, and the other were for the rest of New
23 Yorkers who are 75 percent people more of color.
24 They were reclassified as essential workers, had to
25 go to work, were told they couldn't stay home, and on

2 top of that were told that you couldn't get any
3 protective equipment as you went to and from work.
4 And on top of that, were told that the communities
5 that you came from would not be tested even though
6 the virus was running rampant in those communities.
7 So we lift up all the voices in this socioeconomic
8 status, people who are suffering all over the city,
9 but we must lift up those who are suffering even more
10 and needlessly so because of the actions not just
11 from the President, but Governor Andrew Cuomo and
12 Mayor Bill de Blasio. To the extent that which we
13 protect, compensate and take care of these
14 individuals will be indicative of what we have
15 learned from this pandemic and will be a testament to
16 our humanity. This means providing relief packages
17 with premiums and employment protections, accurate
18 classifications for our independent contractors,
19 health insurance coverage for the surviving families
20 of municipal workers that pass away, as well as
21 acknowledging those deceased employees as line of
22 duty deaths. I think the packages being heard today
23 is a great step in the right direction and I applaud
24 the Council. As we take steps to ensure that the
25 essential workers are supported, we also need to

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ensure that our workers who have been laid off due to stay at home orders are just-- are also supported. Too many of our unemployed workers were not allowed to access their paid time off benefits when they were discharged by their employers. Their ability to use accrued paid time off hours would have enabled these workers to receive some form of numeration [sic] that are suffering financial hardship. And it's even more unfortunate that a significant amount of our laid off workers never had paid time off aside from sick leave, before the pandemic. For that reason, paid personal time is necessary now more than ever. My bill Intro 800 will amend the earned safe and sick time by adding 10 days of personal sick time, granting benefits to all employees. Hopefully, we can get this bill heard sometime in the future. While it is important that we provide financial relief or our essential workers, the City most also institute stronger social distancing guidelines, equitable distribution of facial masks and gloves, and ensure that public spaces are disinfected and cleaned properly and regularly. Only a comprehensive and precise approach will succeed in protecting those who cannot stay at home. As Public Advocate, it is

2 my duty to continue to be a bold voice for everybody
3 including our most vulnerable, and at the moment, our
4 essential and frontline workers are a significant
5 portion of the most vulnerable people in our city.
6 We can and we must clap, celebrate, have a parade
7 for, but that without any of these protections, I
8 don't think-- what our essential and frontline
9 workers need and must have. As was mentioned, we do
10 want to make sure we hear from our small businesses
11 and our business community, because they are
12 absolutely needed, but we have to do both at the same
13 time, and I believe a city as great as ours we can.
14 So thank you so much for the time. Peace and
15 blessing to everyone and their families. Love and
16 life. Thank you.

17 CHAIRPERSON MILLER: Thank you so much,
18 Mr. Public Advocate. Look forward to working with
19 you on Intro. 800, and this package of legislation,
20 this important package of legislation. Now I'm going
21 to shoot it back to Committee Counsel Nuzhat for some
22 house cleaning, rules and regulations.

23 COMMITTEE COUNSEL: Thank you. Before we
24 begin testimony, I want to remind everyone that you
25 will be on mute until you are called on to testify.

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After you are called on, you will be unmuted by the host. I will be calling on panelists to testify. Please listen for your name to be called. I will periodically be announcing who the next panelists will be. Before we hear from member of the Administration, we will hear testimony from the following four individuals: Tarek Kachakech, followed by Rina Cummings, followed by Saibou Sidebe, followed by Louis Gomez reading on behalf of Maria H. I will call on you when it is your turn to speak. I'd like to remind everyone, unlike our typical council hearings, we will be calling individuals one-by-one to testify. Council Members who have questions for a particular panelists should use the "raise hand" function in Zoom. You will be called on after the panelist has completed their testimony. We will be limiting Council Member questions to five minutes. This includes both questions and answers. Please note that for the purposes of this virtual hearing, we will not be allowing a second round of questioning. Thank you. For panelists, once your name is called, a member of our staff will unmute you and the Sergeant at arms will give you the go-ahead to begin after setting the timer. All testimony will

2 be limited to three minutes. Please wait for the
3 Sergeant to announce that you may begin before
4 delivering your testimony. We will first hear from
5 Tarek Kachakech. Please begin.

6 TAREK KACHAKECH: Hello everyone. My
7 name is Tarek Kachakech, and I am the Mobile Expert
8 at a T-Mobile retail store on the upper west side.
9 I've lived in New York City for the past two years
10 and I've worked in the wireless industry for almost
11 three years. I want to start by thanking Chairman
12 Miller and the Committee on Civil Service and Labor
13 for allowing me the opportunity to testify today in
14 support of the essential workers' bill of rights,
15 particularly the legislation giving essential workers
16 like me just cause protection. I should make clear
17 that only AT&T workers and a small number of Verizon
18 Wireless workers at five company-owned stores in
19 Brooklyn have the protection of a union contract.
20 Most Verizon Wireless and T-Mobile workers in New
21 York do not have [inaudible] protections that come
22 with the union contract. This means that my co-
23 workers and I have very little freedom in our
24 workspace to speak up during this pandemic. Being
25 voiceless holds serious consequences. I have always

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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 in helping my customers, it is often frustrating that being someone who respectfully voices any concern is considered a trouble-maker. It is particularly concerning in the middle of a pandemic. People need their phones to stay connected now more than ever. So our industry have 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, sometimes of whom do not respect social distancing. For someone near the beginning of the crisis I witnessed a customer repeatedly coughing and sneezing on 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 time when so many are losing their livelihood and we're facing an economy crisis

2 alongside the public health crisis. Although I have
3 not tested positive for COVID-19, all of my roommates
4 have tested positive. I made the choice to stay home
5 and avoid infecting my co-workers. Despite
6 sacrificing the pay, I also made this decision
7 knowing that it might be held against me the next
8 time layoffs come around. I'm hopeful deciding not to
9 expose my coworkers to this virus won't cost me my
10 job. This virus is forcing us to balance extremely
11 difficult decisions about our own health, endangering
12 our loved ones, and the need for a paycheck. I think
13 if we suspect we have the virus or live with someone
14 with compromised immune system, we should not be
15 forced to choose between staying home to protect our
16 coworkers or going to work to avoid being targeted by
17 our employers. Having just cause protection allows
18 us to utilize the rights and protection that we have
19 without fear of retaliation. It also allows us to
20 ask for the protections we don't have that we need
21 without the fear of retaliation. These are just a
22 few of the concerns I have about working during this
23 crisis. The legislation being considered today will
24 give essential workers like me the peace of mind--

25 SERGEANT AT ARMS: [interposing] Time.

2 TAREK KACHAKECH: Thank you so much for
3 your time and consideration. Do you want me to
4 continue? I'm sorry, do you want me to wrap it up,
5 or--

6 COMMITTEE COUNSEL: [interposing] I
7 believe that was time for you. Thank you for your
8 testimony.

9 TAREK KACHAKECH: You're welcome. Thank
10 you.

11 COMMITTEE COUNSEL: Are there any Council
12 Member questions? Now we will hear from Rina
13 Cummings.

14 SERGEANT AT ARMS: Time starts now.

15 RINA CUMMINGS: Good-- good morning. I'm
16 really grateful for the opportunity to give my
17 testimony. My name is Rina Cummings, and I've been
18 an Amazon employee since the warehouse opened here.
19 It's called JFKA [sic] on Staten Island, New York. I
20 am a single parent of two children, and I have been
21 working at Amazon for over a year and a half.
22 Recently, pending the COVID-19 epidemic, I decided to
23 take medical leave because that's a benefit I'm
24 entitled to. All of my coworkers are not entitled to
25 that benefit, unfortunately. So I'm here today to

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speak up on their behalf. I decided to take medical
 leave to protect my family because I am the sole
 bread-winner. Every day I get text messages from the
 warehouse stating how many people have been infected
 by the virus. I count up to 50+ in counting. Amazon
 had failed to protect us as far as PPE, equipment and
 other resources. I-- I am really grateful for all
 the efforts that are being made to help protect
 essential workers. Recently, even before the COVID-
 19 epidemic, working at Amazon, it takes a toll on
 your body. You have to stand up for 12-10 hours and
 do the same task in repetitive motion. We are techs
 [sic]. Actually, there's computers that track your
 every move. We are not robots. We are people and we
 very grateful for any legislature that'll take place
 to help protect essential workers. Also, Amazon has
 made billions of dollars during this crisis, but yet
 they still fail to protect our so-called essential
 workers, us. I know of coworkers who still have not
 gotten paid, even though they had positive diagnosis
 and they took their sick leave. I know of the
 constant retaliation. You're deemed a trouble-maker
 if you tend to speak out about any injustices or
 being unfairly treated. So I'm really grateful for

2 the opportunity that is presented here today, and I
3 hope everyone will think of the essential workers.

4 SERGEANT AT ARMS: Time.

5 RINA CUMMINGS: We are all of you and you
6 are all of us. Thank you.

7 COMMITTEE COUNSEL: Thank you. Are there
8 any Council Member questions for this panelist?
9 Council Member Lander?

10 COUNCIL MEMBER LANDER: Thank you very
11 much and thanks to both of the speakers so far for
12 speaking. Rina, thank you for being here. We know
13 that the work at JFKA is very grueling. I was out
14 there with you a couple of months ago. You mentioned
15 at the beginning that some Amazon workers lack even
16 the opportunity to take a paid sick leave. I'm
17 guessing you're referring largely to Amazon Flex, who
18 are some of the drivers who deliver and drive for
19 Amazon. I wonder, you know, if you kind of know of
20 any of them, or if you have a sense. It's my sense
21 they've become a very large employer of independent
22 contractors, and in addition to all the conditions
23 you're describing and the need for workplace
24 protections that there actually are a set of Amazon
25 workers who even lack the ability to take a sick day.

2 RINA CUMMINGS: Oh, yes, absolutely.
3 There's-- absolutely. There's workers in the
4 warehouse. If you work part-time you don't really
5 accrue sick time. You're not entitled to sick time
6 even though, you know, you have to-- they're
7 mandating you to work. They call MET, which is
8 mandatory extra time, on a weekly basis. So you're
9 working fulltime hours during an epidemic but you're
10 not entitled to sick time.

11 COUNCIL MEMBER LANDER: And then the
12 other thing I wanted to ask you about was I'm sure
13 you've seen that Amazon Vice President Tim Gray quit
14 yesterday,--

15 RINA CUMMINGS: [interposing] Yes.

16 COUNCIL MEMBER LANDER: [inaudible] at
17 the firing of Chris Smalls and other workers, and I
18 just wonder if you wanted to comment on that. It
19 says quite something to work at a company where even
20 a Vice President resigns over the--

21 RINA CUMMINGS: [interposing] Resigns,
22 absolutely. You know, I've always complained. I've
23 been protesting against Amazon since six months after
24 I got there, and I've been saying this, and--
25 sometimes it saddens me that it took this epidemic to

2 bring to life some of their business practices, but
3 I'll take what I can get. And I know Chris. I've
4 met Chris Smalls. He's a very nice man, and I
5 thanked him for standing up for people that he
6 doesn't even know. That says a lot about his
7 character, unlike what Amazon is making him out to be
8 in the pres. So, yes, I am aware of the situation.

9 COUNCIL MEMBER LANDER: Well, I want to
10 thank you because we're trying to pass a law that'll
11 give you and additional protection against being
12 fired for no reason and the way--

13 RINA CUMMINGS: [interposing] Reason--
14 absolutely.

15 COUNCIL MEMBER LANDER: [inaudible]
16 Knowing that that happens means you are showing an
17 awful lot of courage to come today and do this in
18 public. On behalf of the City Council, of your
19 coworkers, and the people in New York City, I just
20 want to say thank for the courage for doing it.

21 RINA CUMMINGS: Thank you. Thank you.
22 And I'm deeply moved by this opportunity. Thank you
23 so much.

24 COMMITTEE COUNSEL: Thank you. Now, we
25 will hear from Saibou Sidibe.

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SERGEANT AT ARMS: Time starts now.

SAIBOU SIDIBE: Hi, my name is Saibou Sidibe. I'm a driver, also an organizer with New York Taxi Worker Alliance. I've been driving since 2002, and right now I'm a part-time driver with Uber, and today I'm here to really tell the counselors [sic] of all the suffering all drivers are going through. We are working and we trying to feed our families. But with this Corona situation, the COVID-19 situation, drivers today are most exposed. They're the ones taking nurses to work. They're the ones taking all these frontline workers every day. We're exposed. Even pick up sick people to take them to hospital, make sure that they're, you know, they're positive or not. But the sad part is today you see drivers like we don't have anything. Like you have to work, you know. Drivers today don't have paid sick leave. They're even right now struggling for unemployment, those who decide to protect their family. You know, you stay home, there's no way you can get unemployment, and we know about 2018, you know, Labor Department pass a bill who really recognize [sic] all Uber drivers are unemployed. But today, it's been eight weeks. Drivers are trying to

2 apply for unemployment because this law, this
3 regulation is not implemented. The Labor Department
4 is not doing nothing, and drivers today are really
5 suffering. If you get sick, you cannot stay home.
6 Even if you stay home, you will still have to pay
7 your bill, because there's no way you can get
8 additionally money by staying home. Last time, I
9 have [inaudible] organize [sic] there. We calling
10 drivers to find out what is going on. We have a
11 driver last time he had to stay at the gas [sic]
12 station. He was tested positive because he had-- he
13 didn't want his family to get the disease. He stay
14 at the gas station and pass away, and they have to
15 come and pick him up. He was inside his car. He
16 decided to stay inside his car not to bring the risk
17 of the disease to his family. And it had-- because
18 he was doing that because there's no other option for
19 him to feed his family, because if he stay home
20 there's nothing, nothing, no money, no resource he
21 can get. So that's why we believe that basically
22 [inaudible] and also helping drivers to really be
23 able to get protected. That would be the best thing
24 for us. And as a driver we're also workers, and we
25 also have family, and the same way--

2 SERGEANT AT ARMS: [interposing] Alright.

3 SAIBOU SIDIBE: Okay. Thank you again
4 for letting me-- allowing me this opportunity to talk
5 to you.

6 COMMITTEE COUNSEL: Thank you. Are there
7 any Council Member questions at this time? Thank
8 you. Next we will hear from Maria H, whose testimony
9 will be translated by Louis Gomez [sp?].

10 SERGEANT AT ARMS: Time starts now.

11 MARIA HERNANDEZ: Hello? Can you hear
12 me? [speaking Spanish]

13 LOUIS GOMEZ: Good morning, my name is
14 Maria Hernandez, and I'm a member of the New York
15 Nail Salon Workers' Association which has over 800
16 active members. I am writing this testimony because
17 I would like to share my experience working at a web-
18 based manicure and pedicure company. The company
19 offers manicure, pedicures at parties, homes and
20 offices. Even though the company significantly
21 control the work relationship as setting prices,
22 scheduling, and assigning appointments, and
23 collecting and distributing payments, they classify
24 me as an independent contractor.

25 MARIA HERNANDEZ: [speaking Spanish]

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LOUIS GOMEZ: At first I thought this business model would be a positive change from having to sit inside a nail salon for 10-hour shifts. During these long shifts I and other workers are exposed to many health risks and bad working conditions and are often not provided with the proper protective equipment. Throughout my time in the industry, I like over 80 percent of my fellow nail salon workers also experienced wage theft. After all these bad experiences, I thought that switching to this new type of company would benefit my family and my health.

MARIA HERNANDEZ: [speaking Spanish]

SERGEANT AT ARMS: Alright.

COMMITTEE COUNSEL: Please continue your testimony.

MARIA HERNANDEZ: [speaking Spanish]

LOUIS GOMEZ: however, once I started working for this company, I quickly realized that I had miscalculated the benefits of this new type of business model. The upfront higher wages were attractive, but it came at a cost. I quickly found out that there were unforeseen health risks of doing manicures and pedicures in the homes and offices of

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clients. Having to do mobile manicures and pedicures without having the proper protective equipment such as elevated chairs to protect my back from pains or the proper lighting that protects from having to strain my vision immediately began to affect my physical health, but because the company classified me as an independent contractor I was not entitled to any benefits afforded to employees, in particular, workers' compensation and paid sick days, and the company took no responsibility for my health or the health of its other workers.

MARIA HERNANDEZ: [speaking Spanish]

LOUIS GOMEZ: My story is not unusual. Eighty-six percent of nail salon workers who are entitled to paid sick days are not actually receiving them, and we need the city to step up to make it clear that regardless of employee status we should be getting paid sick days. When workers are denied paid sick days, we have to decide between staying home and losing pay or going to work sick. This is not only a risk to our health, but also the risk of our clients and the general public. The Coronavirus pandemic has shown us that leaving workers unprotected damages public health. Most workers in our association live

2 in the area that have been hardest hit by the
3 pandemic and returning to business-as-usual when the
4 salons re-open is not a safe option. Workers must be
5 able to stay home when they are sick, and this bill
6 would provide some assistance, assurance that I could
7 take care of myself and my family without putting
8 others at risk.

9 MARIA HERNANDEZ: [speaking Spanish]

10 LOUIS GOMEZ: New York City can lead the
11 nation in protecting workers and public health by
12 passing Intro. 1926. Thank you.

13 COMMITTEE COUNSEL: Thank you are there
14 any Council Member questions? Council Member Lander?

15 COUNCIL MEMBER LANDER: Thank you. Just
16 one quick question, Maria. Thank you very much for
17 being here. We appreciate your taking the time. Do
18 you know any nail salon technicians who don't get
19 sick? Ever?

20 MARIA HERNANDEZ: No.

21 COUNCIL MEMBER LANDER: I didn't think
22 so. Thank you.

23 CHAIRPERSON MILLER: I want to thank the
24 panel for testifying here today. Your testimony is
25 very important to those that are before us, and

2 certainly we hear your plight. And with that, I'll
3 be sending it back to our Committee Counsel. I think
4 she will be introducing our next panel.

5 COMMITTEE COUNSEL: I will now call on
6 the following members of the Administration to
7 testify: Commissioner Lorelei Salas, Steven
8 Ettannani and Ben Holt from DCWP, Gregory Anderson
9 from DSNY, and Steve Banks from OLR. I will first
10 read the oath and after I will call on each panelist
11 here from the Administration individually to respond.
12 Do you affirm to tell the truth, the whole truth and
13 nothing but the truth before this committee and to
14 respond honestly to Council Member questions?
15 Commissioner Salas?

16 COMMISSIONER SALAS: I do.

17 COMMITTEE COUNSEL: Steven Ettannani?

18 STEVEN ETTANNANI: I do.

19 COMMITTEE COUNSEL: Ben Holt? Gregory
20 Anderson?

21 GREGORY ANDERSON: I do.

22 COMMITTEE COUNSEL: Steve Banks?

23 STEVE BANKS: I do.

24 COMMITTEE COUNSEL: Is Ben Holt still
25 there?

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COMMITTEE ON CIVIL SERVICE AND LABOR

BEN HOLT: Yes, I'm sorry, I trouble unmuting, but I do.

COMMITTEE COUNSEL: Thank you. Commissioner Salas, you may begin when ready.

COMMISSIONER SALAS: Thank you. Good afternoon Chairman Miller, and members of the Committee. I am Lorelei Salas, Commissioner of the Department of Consumer and Worker Protection. Today I'm joined by Ben Holt who is the Deputy Commissioner for the Office of Labor Policy and Standards, and Steven Ettannani, Executive Director of External Affairs. First of all, I just wanted to say I hope that you and your loved ones are staying safe and healthy during this crisis, and it is my pleasure to testify before the City Council today. 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

1 and keep New York City going. Our thoughts and
2 gratitude are with them, not only this past May Day,
3 but every day: thank you for the risks you have borne
4 to carry New York through this crisis. The crisis
5 continues to shine a light on the socioeconomic
6 inequality in the city. Workers in jobs with the
7 greatest exposure, such as healthcare, retail and
8 food industries, are from the communities of color in
9 our City, often immigrants, earning low wages. Many
10 have limited access to health insurance or paid
11 personal time for themselves to rest and recover, or
12 simply be with their families. This Administration
13 and the City Council have been at the forefront of
14 protecting workers. The Paid Safe and Sick Leave,
15 Fair Workweek, and the Freelance Isn't Free laws, to
16 name a few, are today, especially during this crisis,
17 helping. They are helping the worker who feels ill
18 to stay at home. They are helping the worker who
19 suddenly has their hours reduced. They are helping
20 the freelance worker who has a right to be paid for
21 their work. We are facing immense and unprecedented
22 challenges, though. As folks are aware, COVID-19 has
23 unleashed both public health and economic crises, and
24 the city and the state will face difficult fiscal
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1 times ahead. Despite this, the mission of my agency,
2 to protect and enhance the daily economic lives of
3 New Yorkers to create thriving communities, will
4 continue. Now, more than ever before. DCWP has, and
5 will continue to, enforce New York City's workplace
6 protections on behalf of essential workers on the
7 frontlines and non-essential workers either working
8 remotely or newly unemployed. During this crisis, it
9 is critical that these protections help to lessen the
10 burdens of the pandemic for our city's most
11 vulnerable workers. From the early days of the
12 crisis, our agency received more than a thousand
13 complaints and inquiries from New Yorkers regarding
14 their rights and protections, as well as their
15 obligations as employers. To respond to this high
16 volume, after the Governor announced New York State
17 on PAUSE, we worked quickly to adjust our capacity
18 and capability to work remotely, and cross trained
19 staff on intake procedures and new laws at the state
20 and federal levels so that we could continue serving
21 our role as a central hub for private sector worker
22 issues in our city. Paid Safe and Sick Leave, a
23 worker's right during this pandemic to stay home if
24 they or their loved ones are sick, protects not only
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1 sick workers themselves but their coworkers,
2 employers, consumers, and other members of the
3 public. During the pandemic, DCWP's Office of Labor
4 Policy and Standards developed new enforcement
5 procedures to respond to the unique needs created by
6 this crisis. Paid Safe and Sick Leave - a worker's
7 right during this pandemic to stay home if they or
8 their loved ones are sick - protects not only sick
9 workers themselves but their coworkers, employers,
10 consumers, and other members of the public. During
11 the pandemic, DCWP's Office of Labor Policy and
12 Standards (OLPS) developed new enforcement procedures
13 to respond to the unique needs created by this
14 crisis. First, we have implemented a fast-track
15 process to resolve COVID-19 related cases as quickly
16 as possible. Rather than using our traditional
17 enforcement process including requesting and
18 reviewing documents and other information that takes
19 time to collect, an attorney conducts quick fact-
20 finding, reaches out to the employer to inform them
21 of the claim, and presents their findings with the
22 aim of quickly resolving the worker's issue. This
23 approach can shorten the enforcement process
24 dramatically and facilitates obtaining restitution
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1 for workers and access to safe and sick leave. Since
2 February 17th, DCWP has secured more than \$150
3 thousand in restitution for workers. That is money
4 in the pockets of New Yorkers that need it most.
5 Second, DCWP has taken additional steps to ensure
6 that enforcement of workplace protections during the
7 current evolving crisis is equitable and in good
8 faith. As such, DCWP is exercising prosecutorial
9 discretion to ensure it is fairly taking financial
10 hardship into account when considering civil
11 penalties for small businesses. Instead, we are
12 prioritizing returning money owed directly to workers
13 and utilizing consent orders to promote future
14 compliance. This approach makes the best use of our
15 enforcement resources and accounts for the financial
16 strains all New Yorkers are experiencing. Third, DCWP
17 has adjusted its intake and referral practices to
18 ensure we are providing guidance and referrals on
19 both pre-existing and new state and federal laws
20 impacting workers and employers during this crisis.
21 This has been particularly important given the volume
22 of new information and laws relating to workers that
23 has emerged since March: state executive orders,
24 state and federal emergency sick leave benefits,
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2 expanded family leave, and expanded unemployment
3 insurance benefits among them. DCWP's written
4 guidance is a guidepost for workers and businesses
5 alike covering leave and benefit laws at the city,
6 state and federal level. This resource is available
7 on our website in more than 10 languages. DCWP
8 regularly distributes this guidance, and other
9 educational items, through social media, emails, and
10 virtual outreach events. We have continued our work
11 communicating with the community, stakeholder
12 organizations, and elected officials to mitigate
13 uncertainty through weekly briefings and tele-town
14 halls. Since March 12, DCWP has held a weekly
15 informational briefing for more than 340 worker
16 stakeholders to provide updates on the agency's
17 efforts during the pandemic. Overall, we have held
18 78 tele-town halls, conferences and "know your
19 rights" forums. Our staff will continue working
20 diligently to ensure New Yorkers know that we're here
21 to support them during this crisis and beyond. Every
22 hour of every day, essential workers are keeping our
23 city going: caring for the sick or elderly, preparing
24 and delivering food, and providing a range of other
25 critical services for New Yorkers citywide. Their

1 work supports all of us, and the bottom line is that,
2 without them, this city's problems would be even more
3 urgent. The Administration supports the intent of
4 the legislation under consideration today and we want
5 to work with Council to address the economic,
6 operational and legal concerns raised by these bills
7 at this unique moment while also not sacrificing
8 needed protections for workers. Turning to the
9 specific legislation at hand, Introduction 1918 would
10 provide premium pay to an estimated 800,000 essential
11 workers in New York City. DCWP echoes the call for
12 premium pay for our essential workers. However, we
13 believe that the Trump Administration has a
14 responsibility to New York during this time of
15 crisis, a responsibility to our workers and our
16 entrepreneurs, to provide this premium pay for those
17 who are on the frontlines of this pandemic. We
18 appreciate the Council's advocacy for workers, and
19 want to work with you to ensure our essential
20 businesses do not shoulder these costs on their own
21 and their workers receive premium pay for the risks
22 they are taking. The federal government must step up
23 and provide tangible economic support for premium pay
24 given the economic crisis that both essential workers
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1 and essential businesses are living through. Intro.
2 1923 would extend just cause job protections to more
3 than two million essential workers. DCWP believes
4 that just cause is a next step in innovative policies
5 that can protect vulnerable workers. However, at
6 this time, given the fiscal and operational strain we
7 are under as we focus on COVID-19 latest related
8 priorities, it would be challenging for DCWP to
9 absorb new regulatory responsibilities. That said,
10 we are willing to work with Council and discuss this
11 further. Intro. 1926, of the legislation under
12 consideration today, Intro. 1926 has perhaps the
13 longest-term impact by expanding the definition of
14 employee to cover additional workers under the city's
15 Paid Safe and Sick Leave Law. Our preliminary
16 estimates show that this legislation could extend
17 coverage to more than 140,000 workers. We would like
18 to work through the legislative process with Council
19 to ensure we are able to establish clear standards
20 for workers and businesses and a workable mechanism
21 for the new community of workers this bill
22 contemplates to be able to access their leave. We
23 also believe that this legislation serves as an
24 opportunity to update our Paid Sick Leave Law to
25

2 align with their recently passed state legislation.
3 Over the past months, our city has gone through
4 tremendous stress and we will likely continue to face
5 more trials and tribulations ahead. But we are
6 resilient, and we will come out the other side
7 stronger than ever. As I said at the beginning of my
8 testimony, I'm eager to continue our work advocating
9 for and protecting all New Yorkers, and particularly
10 the essential workers on the frontlines of this
11 crisis, workers like Tarek, Rina, Saibou, and Maria
12 who testified today who took time from their busy,
13 busy lives of taking care of their families and work
14 to be here and tell us what is happening in their
15 work spaces. I am grateful for their sacrifices and
16 the sacrifices and generosity of all New Yorkers
17 during time. Our essential workers are an
18 indispensable part of our city's efforts to flatten
19 the curve and stop the spread of COVID-19. Our thanks
20 go out to all of you, one body, all that is great
21 about this City. Chairman Miller, thank you for the
22 opportunity to testify and I look forward to
23 answering any questions you may have.

24 CHAIRPERSON MILLER: [off mic]

25 [inaudible] Commissioner, as usual. It's a pleasure

1 to see you in this time, and a pleasure to go through
2 with you, and absolutely look forward to your weekly
3 briefings. They've been very helpful, although I
4 would say that I know that you're agency like many
5 other city agencies have been absolutely overwhelmed
6 as you've been tasked with overly seeing these
7 protections of workers and workers' rights. With
8 that being said, I think that-- you're saying that
9 you support-- you find these legislation and policies
10 to be potentially uplifting and supportive of workers
11 and will enhance our essential workers in this time
12 of COVID-19. Just taking into consideration that this
13 a package of COVID-19 of bills, so let's frame it
14 within that context, and say that there is a-- these
15 things are time-sensitive, right? That people are in
16 the need for food and clothing and shelter, and these
17 protections right now. What is it that your agency
18 is doing specifically to expedite that? And kind of--
19 - I get that your agency is already overwhelmed, but
20 is there something that you're doing special? Have
21 you increased the workforce to address the COVID-19,
22 specifically, and how does that tie into the
23 legislation that's being introduced today, which I am
24

2 interpreting as a support from your agency and the
3 Administration.

4 COMMISSIONER SALAS: Thank you, Chairman
5 Miller, for your question and for your continued
6 support for the work that we do at the agency. So,
7 yes, we definitely support intent of the legislation.
8 As I mentioned, with respect to the different bills
9 we have certain concerns and would love to keep
10 talking to the Council about how to make them
11 workable. So, I'll say a couple of things. We have
12 not added any additional resources to our agency
13 during this crisis. What we have done, though, as
14 you have heard from by briefings every week, we have
15 been super, super busy handling the demand of
16 complaints around price gouging, and with respect to
17 the Office of Labor Policy and Standards, the
18 hundreds of calls and inquiries that are coming in
19 from workers and employers, right? Workers needing
20 to understand their rights, and that the various
21 levels of benefits with a different government, and
22 also employers who want to understand their
23 obligations. So we have prioritized enforcing the
24 laws, the key protections in the books right now in
25 New York City that will help workers. Both stay home

2 if they're sick, right? Paid Safe and Sick Leave has
3 been a very important life-saving benefit, right?
4 It's a benefit that we need to get complied with
5 right now, today, not two months from now, three
6 months from now. So what we have done is we have
7 adjusted our resources to make sure that we are both
8 being very responsive to workers, so we cross-train
9 staff to be able to respond to the avalanche of
10 intake inquires coming in, and making sure that
11 workers understood whether their rights are under
12 Paid Sick Leave, and also we have fast-tracked
13 handling of complaints filed with this emergency,
14 state of emergency period. So, for instance, our
15 investigators and attorneys work closely together to
16 make sure that once we get a complaint from a worker
17 who is not getting paid sick leave, that we
18 immediately reach out to the employer, that we
19 immediately try to get the case to our resolution,
20 right? We are prioritizing getting the worker their
21 paid sick leave benefit. We're prioritizing making
22 sure that their co-workers are also feeling safe when
23 workers, you know, get to stay home, to take care of
24 themselves, right? You know, and you know, in many
25 cases taking into account, it's more important for us

2 to get workers the benefit today and getting
3 employers in compliance. So we are definitely have
4 been able to adjust our resources to very responsive
5 to workers who want to make sure that with all of
6 these different levels of benefits that unfortunately
7 we have had state and federal action to provide
8 emergency paid sick leave, but it can be very
9 confusing for workers to navigate this process. So
10 we have become a trustee source of both information
11 in response to complaint, and we continue to make
12 sure that we are up to date in all the new
13 developments of the law so workers can get from us
14 what exactly it is that they have a right to do in
15 this time of crisis. Our guidance that we have put
16 together for both workers and employers has been
17 translated into several languages, because obviously
18 we know that a lot of the essential workers right now
19 provided services are immigrant New Yorkers who are
20 in the frontline and who need to understand what
21 rights are there to protect.

22 CHAIRPERSON MILLER: Thank you. So, one
23 of the things that I know that myself and many of my
24 colleagues have been receiving inquiries around kind
25 of navigating the minutia of government, city, state

2 and federal agency in particular that pertains to on
3 the new policies as relates to unemployment insurance
4 and things like that-- how do we-- I know it's on
5 this site. How do we navigate these new
6 opportunities for a non-traditional workers that are
7 now being included within some of these benefit
8 packages. What kind of support in real time is the
9 agency providing?

10 COMMISSIONER SALAS: So, we have
11 participated in a number of tele-town halls that had
12 been organized both by members of the committee,
13 members of the Council, by elected officials from the
14 state, and we have been also both being addressing
15 questions from traditional workers, right, who have
16 access to some of these benefits like Paid Safe and
17 Sick Leave laws and fair work laws, but also have
18 being in various [sic] work, we've had a large number
19 of free-lance workers, gig economy workers that have
20 participated and have-- been trying to understand
21 again, what access to benefits they have right now
22 during this time of crisis. And so traditionally,
23 free-lance workers and gig workers have not been able
24 to-- were not eligible for unemployment insurance
25 benefits, but now there is some important belief for

1 them. so that's been very important-- very, very
2 important piece of information to communicate to
3 workers, and we have tried to use both our strong
4 relationships with other community-based
5 organizations, and the freelance [inaudible] for
6 instance, and also work with other city agencies that
7 have very, very, like strong collaborative
8 relationships with these groups like the Mayor's
9 Office of Media and Entertainment, for instance, held
10 a couple of town halls just last week, and we had
11 over 1,000 freelancers sign on to each one of those.
12 So we know that that information is coming to
13 workers, right? Again, it is, you know, making sure
14 that free-lance workers know they can get
15 unemployment insurance benefit. They may not be
16 eligible for paid Safe and Sick Leave, right now,
17 right? But undocumented worker are eligible for Paid
18 Safe and Sick Leave. So they are-- it is-- it's very
19 confusing. It's hard to navigate, and again, our
20 goal is to make sure that this information is
21 accessible to workers, and that, you know, they don't
22 have to waste a lot of time just trying to figure out
23 by themselves what it is that's out there to help
24 them.
25

2 CHAIRPERSON MILLER: Thank you,
3 Commissioner. We have any questions from members for
4 the Commissioner?

5 COMMITTEE COUNSEL: I will now call on
6 Council Members for questions. I will remind Council
7 Members to use the Zoom raise hand function. I will
8 call on the members in the order they have used the
9 Zoom raise hand function. Council Members, please
10 keep your questions to five minutes. Sergeant at
11 Arms will keep a timer, and I will let you know when
12 your time is up. We will first hear from Council
13 Member Rosenthal followed by Council Member Lander,
14 and then Council Member Powers.

15 SERGEANT AT ARMS: Time starts now.

16 COUNCIL MEMBER ROSENTHAL: Thank you very
17 much. I actually want to defer to the sponsors of
18 the bills to ask the questions first, and I will go--
19 I'll go right after them, but it's important that we
20 hear from the sponsors first. Thank you.

21 COMMITTEE COUNSEL: Council Member
22 Lander?

23 SERGEANT AT ARMS: Time starts now.

24 COUNCIL MEMBER LANDER: Council Member
25 Rosenthal. And Commissioner and Deputy Commissioner,

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both, it's really good to have you here, and I want to appreciate the work that you've done over the last set of years building the Department of Consumer and Worker Protection in the Office of Labor and Policy Standards so it can show up in this time of need for our essential workers, and I'm grateful for what you guys are doing, and how fast-- it is to be able to do it in this time crisis, I know it's, you know, a big a challenge, so thank you. Let's see. Starting on the Safe and Sick Leave expansion, I appreciate your willingness to your general enthusiasm for the bill and your willingness to work with us to get the details right. Without going into too much detail, the bill takes the approach of using the ABC test to identify those workers whose work, you know, working conditions and work place are controlled by their hiring party and holding them responsible, whether they're Uber or Lyft or Door Dash or nail salon techs. Broadly, does that approach make sense to you as the way to cover the set of workers who need Safe and Sick Leave in New York City?

COMMISSIONER SALAS: Thank you Council

Member for the question and for your support for

1 workers and for the work that we do at the agency.
2 So, I actually think, you know, we heard from Maria
3 testifying as to the conditions in the nail salon
4 industry, and as you know, I used to work with the
5 Department of Labor and we've seen so many cases of
6 misclassification that it's no secret that many, many
7 workers are currently misclassified as independent
8 contractors when they really should be treated as
9 employees, and we're leaving it up to the courts
10 right now to make those decisions on a case-by-case
11 basis and ending sometimes with different
12 determinations. I think that this particular bill,
13 it provides for more guidance for both work persons
14 health [sic] and employers as to when a worker has,
15 you know, is under enough control by the hiring
16 company that they should be treated as employees. I
17 think that's the questions that we have are more
18 around the mechanics of how to make this bill work
19 when a workers is employed by several different
20 companies, right, and how to figure out the accrual
21 system for their benefits, and making sure that this
22 translates into a real benefit, that there's
23 sufficient accruals for the workers to take advantage
24 of.
25

2 COUNCIL MEMBER LANDER: Great.

3 COMMISSIONER SALAS: The last thing I
4 would say about that, though, is that, you know, we--
5 you know, mentioned that we had not hired any
6 additional individuals at the agency to handle the
7 incoming work, but we do have some vacancies in our
8 division of Office of Labor Policies and Standards,
9 which we are hoping to fill to be able to handle the
10 additional number of workers that would be covered by
11 this very important legislation.

12 COUNCIL MEMBER LANDER: So, that makes a
13 lot of sense to me, and that'll just be my second and
14 final question goes to the resources that you would
15 need to implement both the Safe and Sick Leave
16 expansion, but also the just cause legislation, and
17 'll just flag a few things and then get your
18 response. You know, what you said there, you have
19 some vacant lines in the Safe and Sick Leave
20 Division, but you'll need to be able to hire on them,
21 and so in budget advocacy we need to make the case to
22 the Mayor and work in budget to make clear that these
23 are essential positions that cannot be pegged. If
24 we're going to provide Safe and Sick Leave for
25 essential workers, then you need to have the staff to

2 be able to do it. I'm glad you can do that on the
3 liens you have, but they need to be able to be
4 filled, and got to make sure OMB doesn't try to peg
5 them. And then I guess I just want to ask you, and
6 Council Member Kallos may come back to this. you
7 testified when we had the hearing on the just cause
8 bill that would cover fast food workers, that you
9 thought it was as you said today, a good next
10 generation protection, but that you'll need the
11 resources to be able to stand that protection up, and
12 I guess it sounds like you're saying you don't have
13 those resources. You don't have any lines yet, you
14 know, both to do any rule promulgating and to then
15 have the staff needed for that just cause protection.
16 It seems to me the same thing is true. Like,
17 protecting essential workers is essential government
18 work, and so we'll need to make sure in the budget if
19 we want to pass these bills and provide these
20 protections, that you have the resources that would
21 be necessary to make them meaningful, and I'd
22 appreciate your response.

23 COMMISSIONER SALAS: So, with respect to
24 the just cause bill, certainly I said before three
25 months ago in a very different economy, right? I

2 said that we would need resources [inaudible] a new--
3 completely new program for us which would be the
4 arbitration program. So that's even more of our
5 reality right now, right? When the fiscal crisis is
6 affecting everyone including our city resources. So,
7 we certainly would need additional funding for that.
8 It's a program. You know, we have questions about--

9 SERGEANT AT ARMS: [interposing] Time.

10 COMMISSIONER SALSA: who would pay for
11 the arbitrators, who would pay for the translation.
12 So it's not work that we are currently doing, it's
13 not work we can just start with the enforcement
14 programs that we have, but would need to be part of
15 the consideration as to finalize the language in the
16 legislation.

17 COUNCIL MEMBER LANDER: Thank you very
18 much.

19 COMMISSIONER SALAS: You're welcome.

20 COMMITTEE COUNSEL: Council Member Powers
21 followed by Council Member Yeger.

22 SERGEANT AT ARMS: Time starts now.

23 COUNCIL MEMBER POWERS: Chair Miller,
24 thank you to Council Member Kallos, Lander, and
25 everybody else working on the legislation today. On

2 Council Member Lander's bill which is around the
3 essential pay, I want to thank him, I believe I think
4 him and others for their efforts to try to protect
5 workers here. We have heard from a number of those
6 who are employer-- about their [inaudible] concern
7 when you-- maybe size and also the scale of the pay
8 scale. I wanted to ask you-- just first category here
9 is what businesses would be covered by this? As
10 presently drafted, this is the Administration. Two,
11 any concerns or adverse impacts here? I do have
12 concerns that the size that we're representing right
13 now, I think there's a way to scale it up, that you
14 know, some of the grocery stores and others that have
15 been opened up right now, you know, there may be an
16 adverse effect to that. I wanted to ask, you know,
17 any concerns around impact or plus, and particularly,
18 can you define to us businesses you think [inaudible]
19 this applies to? And I'll start there, thanks.

20 COMMISSIONER SALAS: Sure. Thank you so
21 much for the question. So, let me just start by
22 saying that we certainly very much agree with sponsor
23 Cumbo on the needs to make sure that--

24 COUNCIL MEMBER POWERS: [interposing] Oh,
25 Laurie Cumbo, I'm sorry, yes.

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COMMISSIONER SALAS: To make sure that our essential workers who are providing this very important essential services are compensated accordingly, right? They are taking risks so that we can shelter in place and have access to what we need to keep ourselves healthy, and many of these workers are workers who actually don't have access to safety nets and the kinds of benefits that other workers do enjoy. So, certainly, we very much in the intent. I am sure you will hear directly today from the businesses and their concerns with having to take this on during this time of crisis. It is-- you know, we are in a unprecedented time, obviously, and I think that are questions around whether some companies, some businesses in New York that are operating under very thin margins would be able to break even or continue to operate if they have to now pay the additional premium pay. We are very much committed to continuing to pressure the Federal Government on this. I know that our Federal Affairs Office has been engaging with the congressional delegation and Senator Schumer to make sure that we are reviewing and supporting various proposals, and that we're hoping to see some movement on them either

2 today or tomorrow. I would just also add that from
3 the testimony of some of the workers we've heard from
4 today, there's-- it's no secret that there are some
5 well-established companies that are earning even
6 higher profits today than they were before, before
7 the crisis, right. And it seems to me like the--
8 it's very appropriate to require them to foot the
9 bill on the premium paid for their workers. I just
10 think that these type of decisions that are difficult
11 right now and that we want to make sure that we are
12 creating an environment where-- you know, we want
13 right now new businesses to take on additional risks
14 to provide the City with manufacturing of PPE that we
15 need. You know, there are some businesses had--
16 where food service restaruants are now only doing
17 takeout and delivery, right? And so--

18 COUNCIL MEMBER POWERS: [interposing] Just
19 out of respect for time, because I only have a minute
20 left.

21 COMMISSIONER SALAS: Sure.

22 COUNCIL MEMBER POWERS: So sorry to cut
23 you off. I just wanted to see if I could get--

24 COMMISSIONER SALAS: [interposing] That's
25 okay.

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COUNCIL MEMBER POWERS: ask one or two more questions. I share your concerns here which is that there are some employers here who are going to be, I think, adversely impacted, and they shouldn't have to shoulder-- and I-- a cost burden here, that it's going to be unsustainable and potentially have an adverse effect of, you know, making them reduce their shift sizes, reduce their headcount. Can you just talk to us about which businesses you think are covered by that bill? Businesses, practically speaking. I know we're not going to cover everybody, but it's over 100 employees that I think are open right now. So can you talk to us which industries or businesses, and also based on the ownership I think structured here, what industries or areas would be covered by that?

COMMISSIONER SALAS: So, from the legislation as drafted, I mean, all businesses that are providing essential services and their essential workers would be covered. We have questions about whether workers who-- the premium pay would be due to workers who are actually employed who are working physically at the job, you know, doing the workplace or workers who are providing the social services or

2 telecommuting. We're not sure the intent is to also
3 cover contractors,

4 SERGEANT AT ARMS: [interposing] Time.

5 COMMISSIONER SALAS: subcontractors of
6 these businesses, and so these are questions we also
7 have as to the extent to how we're defining essential
8 businesses, and it's something that is, you know, a
9 definition coming from the state, not from the
10 [inaudible]

11 COUNCIL MEMBER POWERS: Yeah, I
12 appreciate that. My time is up, but I will say I
13 think it is a good intention and it's a good program.
14 I think we will probably require federal funding in
15 order to be able to fully fund it, and it's hard to
16 ask some of the businesses right now that I think are
17 struggling to take on the burden of the cost, but you
18 know, I think Senator and others have discussed doing
19 this at the federal level with funding or have
20 federal funding for it. I think that's probably the
21 best route for this. So, thank-- and I apologize.
22 It is majority leader Cumbo's bill, and I apologized
23 for that, but the thanks to all for your time.
24 Thanks.

25 COMMISSIONER SALAS: Thank you.

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COMMITTEE COUNSEL: Council Member Yeger followed by Council Member Kallos.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER YEGER: Commissioner, thank you for being here today. I'm going to make a brief statements. I'm going to have some questions. our essential workers are healthcare, public safety, public transportation, our food workers particularly who show up whose business is running, and it's important to remember that the businesses that are serving food, the businesses that are serving essential goods, they're literally the last part of our economic engine of this city that are still functioning. They deserve our thanks, they deserve the benefits that they received, they deserve the pay, and they actually deserve the applause that they're getting every single day. They're keeping our shelves stocked. They're keeping our families safe. That can all be true and at the same time, Intro 1918 to be illegal for the [inaudible] for the City Council to react [sic]. Intro. 1918 sets up a minimum wage group. By any name, that's what it is. I requires an amount of pay based on the number of hours worked, and it makes it now lawful to pay less

2 than the amount that's stated in the law. If that's
3 not a minimum wage. I don't know what is. If an
4 employer-- if this is an accident, if it's in
5 [inaudible] law, an employer is paid less than what
6 is stated in the law, the employer would in essence
7 be violating a minimum wage theft. The City of New
8 York has no legal authority to enact a minimum wage
9 statute. That is completely, 100 percent
10 unquestionably and uncontrovertibly within the
11 province of the state of New York. How do we know?
12 Because the City wanted to raise minimum wage beyond
13 the 15 dollars, and it couldn't, and it didn't, and
14 in fact it was a negotiation that required that-- it
15 resulted in the City having larger and a higher
16 minimum wage than surrounding places, because the
17 city pushed hard to get it, but we could only get it
18 because Albany did it. Council Member Lander earlier
19 today asked a series of questions, and asked if we
20 can answer yes to those. I think it's possible to
21 answer yes to all those questions and still recognize
22 that Intro. 1918 is beyond the Council's legal
23 authority to enact. I want to say something else.
24 The last couple days of hearings, those who were
25 paying attention to my colleagues, there have been a

2 number of bills that have had great intentions that
3 have been with the purpose and intent of making life
4 better for the people of New York, and an incredibly
5 difficult moments in time, an incredibly difficult
6 moment in our history. People are suffering
7 mentally. They are both economically, financially,
8 obviously, but it's just [sic] people that they've
9 lost in terms of their neighbors, their friends their
10 family. Spiritually, our spirit is down in this
11 city. We do have to do things to make their lives
12 better. It is possible to want to do those things.
13 It is possible to find the things to do. [inaudible]
14 that there are some things we want to do that we
15 can't even do, and with only two minutes left,
16 Commissioner, I'll turn to you and ask you, have you
17 studied Intro 1918? Do you have a legal opinion from
18 your agency, from counsel to your agency whether or
19 not the City has the legal authority to enact this
20 statute?

21 COMMISSIONER SALAS: Thank you, Council
22 Member for your question. And so what I would say
23 right now is that the Law Department has been having
24 discussions and phone calls with the Council to
25 discuss any concerns with the language in the

2 legislation, so I am going to leave those discussions
3 through the Law Department and the counsel. They'll
4 be in the best place to hash out, you know, what
5 language seems appropriate.

6 COUNCIL MEMBER POWERS: I may,
7 Commissioner, and I only have a few seconds. I
8 appreciate the answer, but I do want to state the
9 following: That's not the best place for a law to be
10 written or law to be aired [sic], and with all due
11 respect and I appreciate what you're saying, for the
12 Law Department to have offline, off-the-books, secret
13 conversations behind the scenes with members of the
14 Council staff about how to draft the law while we're
15 sitting here having a hearing, and your agency can't
16 tell us whether you are legally allowed to enforce
17 this law if it were to be enacted. So to me, to be
18 perhaps not only your part, that leads to dereliction
19 of someone's duty, maybe us in the Council more than
20 everybody else. But the City-- the City's Corporation
21 Counsel is our lawyers, and we do deserve to have an
22 opinion from them or from you as to whether or not
23 this law will be enforced if it were to become law.
24 As I stand today, sit today, with 25 seconds left, so
25 you can take whatever time after the bell goes, I am

2 hearing that you are not able to tell us that you're
3 able to enforce it.

4 COMMISSIONER SALAS: No, that is not what
5 I said, but I did say that the Law Department and the
6 Council are working to make sure that whatever
7 language ends up in the bill is-- it passes legal
8 muster. And I would say, we are, you know, used to
9 having legal challenges due to many of our laws in
10 the books, but we have to-date been able to actually
11 survive a lot of those, you know, challenges. I am
12 confident that we will arrive at good language.

13 COUNCIL MEMBER POWERS: My time is up. I
14 thank you so much, Commissioner. Thank you for being
15 here. I'll have more questions for future witnesses.
16 Thank you [inaudible].

17 COMMISSIONER SALAS: Thank you.

18 COMMITTEE COUNSEL: Council Member Kallos
19 followed by Majority Leader Cumbo.

20 SERGEANT AT ARMS: Clock starts now.

21 COUNCIL MEMBER KALLOS: Thank you to the
22 Chair and to everyone involved in this hearing. I
23 want to also thank Council Member Rosenthal for
24 deferring to sponsors. I asked that she be put back
25 on the list since she was initially first right after

2 Council Member Cumbo, another sponsor. Commissioner
3 Salas, in your testimony, you raised hesitation
4 regarding just cause legislation. My daughter is in
5 the background. This is the new normal, but so just
6 to figure out where we have commonality. So
7 Commissioner Salas, if a person is working as an
8 essential worker and they don't have access to PPE
9 and their employer is out there saying, oh, no, no,
10 we're giving access and that that employee is safe.
11 Would that employee have a protected right to ask for
12 PPE?

13 COMMISSIONER SALAS: Yes. So, I just
14 want to make clear that I testified about three
15 months ago now on a just cause bill that was even
16 broader than what we're looking at today, and fully
17 in support of that, right? And so I'm not changing
18 my testimony with regards to the benefits and
19 protections.

20 COUNCIL MEMBER KALLOS: Okay. And then
21 the-- so then the-- your testimony you said it would
22 be challenging to absorb the new regulatory
23 responsibilities. Can you just expand on that
24 further for no longer than 30 seconds?

2 COMMISSIONER SALAS: Absolutely. So, I
3 think that the intention of this legislation is a
4 great one, and you want this to be real benefit to
5 workers, and not attaching resources to a new set of
6 laws. An arbitration program would certainly take
7 significant resources, and it's not something that
8 already is in place at the agency. It would be
9 completely new for us and their arbitration, yes.

10 COUNCIL MEMBER KALLOS: Okay.

11 COMMISSIONER SALAS: That's where the
12 costs are.

13 COUNCIL MEMBER KALLOS: Does your agency
14 have investigators?

15 COMMISSIONER SALAS: We do have
16 investigators.

17 COUNCIL MEMBER KALLOS: And your agency
18 regularly appears before OATH on violations?

19 COMMISSIONER SALAS: Absolutely.

20 COUNCIL MEMBER KALLOS: What if the
21 legislation were to move the Arbitration Unit and
22 Mediation Unit over to OATH so that you can continue
23 to act as an investigatory and prosecutorial body and
24 have a judicial body handling the arbitrations and
25 any cases?

2 COMMISSIONER SALAS: You know, I believe
3 that there's definitely discussions we can have to
4 make sure that this ends up being a strong, strong
5 bill, but also takes into account the resources that
6 it will take to happen. So, yes, I mean, I think
7 that that seems like already something that we were
8 currently doing, right, appearing before OATH. So,
9 it feels like a more feasible program for us to take
10 on, but I would love to keep having the discussions
11 because the devil is in the details obviously.

12 COUNCIL MEMBER KALLOS: And I guess one
13 other thing, the-- your agency already has a lot of
14 workers' protections that you're overseeing, whether
15 it's paid sick or others. We've gotten a lot of
16 outreach from anyone who runs a business from for-
17 profit to nonprofits, and their concern is if they do
18 an across-the-board furlough or they're only doing
19 delivers so they have to lay off the wait staff, or
20 they're a-- whatever it is. They're a big company or
21 a small company, they're a nonprofit doing business
22 with the City. The City cuts SYAP, now they have to
23 lay off all their SYAP staff, and they're concerned
24 what happens now. People can just drag me into DCA
25 over anything or anything, and I have to prove why

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what have you. Can you just share how you currently deal with regulations and how you would deal with something like just cause, where just the employer says, "Okay, within seven days, this is the reason? It was a furlough because of the pandemic; it was because you were late XYZ." How that's dealt with at other portions of your agency?

COMMISSIONER SALAS: So, I would say-- I echo what Council Member Lander mentioned about this, the legislation needed to include some language that makes it-- give some flexibility for situations like the one you just described, right? With the lay-offs may be financially necessary to maintain the business afloat. But in reality, we are used to handling retaliations cases sadly way too often. We've had over close to 800 retaliation cases at the agency in the last few years, and that means a lot of workers are getting tired of losing their jobs because they're peaking up about their rights. So, certainly, these are the kinds of cases we're used to hearing and we're used to resolving, and today, especially now, understanding the financial--

SERGEANT AT ARMS: [interposing] Time.

2 COMMISSIONER SALAS: companies have, we
3 are making sure that we are prioritizing again,
4 getting workers relief, and in many cases that just
5 employers to come into compliance quickly, right?
6 And it's not-- we're not seeking to get civil
7 penalties right now. It's--we understand that
8 there's financial stress, so we're trying to be very
9 thoughtful in our approach to enforcement.

10 COUNCIL MEMBER KALLOS: Thank you.

11 COMMISSIONER SALAS: You're welcome.

12 COMMITTEE COUNSEL: Next we'll hear from
13 Majority Leader Cumbo followed by Council Member
14 Adams.

15 COUNCIL MEMBER CUMBO: Thank you. I'm
16 having a little technical difficulty. Can you hear
17 me?

18 COMMISSIONER SALAS: Yes, clearly.

19 COUNCIL MEMBER CUMBO: Alright. Thank
20 you. I just wanted to follow up. I wanted to first
21 thank all of the workers who have testified. Your
22 courage is incredible, and you are essentially the
23 civil rights leaders of our time and today, and your
24 courage will make it better for many others. I
25 wanted to go back to questioning in terms of looking

2 at the minimum wage. When I first came into the City
3 Council, it was the City of New York that forced the
4 conversation that forced ultimately what became the
5 15-dollar-an-hour minimum age. It's the fight that
6 began in City Hall, in fast food restaurants, in
7 McDonald's, in Burger King, in Wendy's. Shutting
8 those restaurants down here in New York City and
9 brining this issue to the forefront certainly brought
10 about a change that is permeated throughout New York
11 State as well as this country. And so my question,
12 you mentioned in terms of the federal government's
13 response in terms of with Intro 1918, what other
14 opportunities or spaces or places can we see with
15 particular legislation enacted. Where else could the
16 support come from? And I also wanted to follow up.
17 How do you think not-for-profits-- what
18 responsibility do you believe, the city, the state or
19 the Federal Government or not-for-profits have in
20 terms of implementing 1918?

21 COMMISSIONER SALAS: Thank you. Thank
22 you for the question, and thank you, again, for
23 speaking up on behalf of all our heroes in New York.
24 Certainly, I think that, again, this is a moment
25 where we can take the advantage that there are

1 conversations being had right now on both sides of
2 the aisle about including some kind of hazard pay,
3 premium pay in the next upcoming stimulus bill. So,
4 I think, you know, we should definitely continue to
5 put pressure there, because it is about local workers
6 responding to a national crisis, right? This crisis
7 is much bigger than New York City and we need the
8 help. We need the workers to get paid accordingly,
9 but we also want to make sure that some of the
10 businesses that are struggling to keep up and stay
11 open that don't see this as incentive or continuing
12 to doing business in New York City. I think that you
13 are absolutely right that these are moments where the
14 City can be leading, not just with legislation, but
15 also with being very vocal. You saw the response,
16 the quick response we got this time from the state
17 and local governments to implement paid sick leave
18 laws, right, that weren't in the book for a long
19 time. Only the City had paid sick leave protections
20 for the last like five, six years, and it's such a
21 life-saving benefit. So this is the moment when we
22 need think about what else, what other protections
23 need to be had for workers who are providing these
24 key essential services. They will contribute to our
25

2 public health, right, and our long-term financial
3 stability in the City. So, I think that the
4 legislation also-- as proposed, 1918, yes, I mean
5 there's a question about how not-for-profits would be
6 able to take on this additional burden because my
7 understanding is that, you know, obviously there
8 will be funding required for that. So everything
9 will take money, and I think that is a question
10 really for us, for you, for the Council and for the
11 Administration to make decisions as to where can we
12 put in the few resources that we have right now and
13 invest to build-- and rebuild stronger.

14 COUNCIL MEMBER CUMBO: Have you seen any
15 collaborations between private industry with city,
16 state, and federal entities to create a space where
17 hazard pay or what I also call essential pay could be
18 created so that entities are working together so that
19 the, I guess for a lack of better word, the burden of
20 providing workers with essential pay doesn't fall on
21 one particular entity exclusively?

22 COMMISSIONER SALAS: So, I would say that
23 some of my sister agencies have been much more
24 focused on this, the effort of making sure that we're
25 thinking creatively about where are other sources of

2 funding that we could get to help with the needs that
3 we have right now in New York City, right? So, for
4 instance, I know just a couple of weeks ago there was
5 an announcement that the Mayor's Office of Immigrant
6 Affairs was able to identify private funding that
7 will be designated for those families in New York
8 City that don't currently have access to--

9 SERGEANT AT ARMS: [interposing] Time.

10 COMMISSIONER SALAS: benefits. So there
11 are definitely opportunities, and I know the Small
12 Business Services Office is also thinking about where
13 are the gaps in funding for small businesses in New
14 York City. May be too small to qualify for any type
15 of federal loan program or grant program. So,
16 certainly we need to continue to have discussion and
17 partner closely with the private sector and the
18 foundations in this.

19 COUNCIL MEMBER CUMBO: Thank you.

20 COMMITTEE COUNSEL: Council Member Adams
21 followed by Council Member Rosenthal.

22 SERGEANT AT ARMS: Clock starts now.

23 COUNCIL MEMBER ADAMS: Thank you very
24 much and thank you to the Chair for this very
25 important hearing. Thank you to all of my

2 colleagues for your legislation. Something for us
3 all to take a look at, to protect our very valuable
4 workers who have indeed been ignored during this
5 pandemic. So, Commissioner, it's good to see you.
6 I'd just like to probe a little bit deeper into the
7 questioning that the majority leader just asked
8 regarding 1918 and the impacts on nonprofits. How do
9 you see improvement to this legislation surrounding
10 nonprofits, nonprofits that have since the pandemic
11 have been extending themselves to their workers
12 already providing more overtime wages, etcetera,
13 nonprofits who are fundraisers themselves. How do
14 you see this bill impacting them, and what
15 suggestions if any, would you have to approve it?

16 COMMISSIONER SALAS: Thank you so much
17 for the question, and I wish I could say I have a
18 great answer for that. I'm not sure that I do. I
19 mean, maybe some colleagues in my office can jump in
20 and help me out here. The one thing that I would say
21 is that-- we, as an agency that already contracts
22 with several nonprofits, right, as vendors who
23 provide very, very essential services through our
24 Office of the National Empowerment. For instance, if
25 we tax preparation services and the financial

2 counseling work, which right now are-- we find it to
3 be venues where people in our communities are able to
4 access information they need, and it's super
5 important that we continue to provide those services
6 to our vendors. Certainly there isn't a plan right
7 now to add additional funding in the budget to then
8 pass on to these vendors, right? And so if the
9 legislation includes them as providing essential
10 services, being essential businesses, I'm not really
11 sure what would happen. I'm not sure that they'd be
12 able to meet these premium pays and compensate their
13 own workers. I don't have an answer--

14 COUNCIL MEMBER ADAMS: [interposing] Would
15 you ever recommend-- I'm sorry, Commissioner. Would
16 you ever recommend that nonprofits be excluded from
17 the legislation?

18 COMMISSIONER SALAS: I haven't-- I mean,
19 just for financial resources, I would say that it
20 would play-- it definitely will place the strain on
21 the city, right, it would come back to the city. So
22 I'm not sure that I have a better answer than that
23 right now.

24 EXECUTIVE DIRECTOR ETTANNANI: And
25 Council Member, this is Steve Ettannani. I think all

2 of these questions are extremely well-founded and
3 well-articulated, but it really just underscores the
4 need for the Federal Government to step in.

5 COUNCIL MEMBER ADAMS: Absolutely.

6 EXECUTIVE DIRECTOR ETTANNANI: That I
7 think solves so many of these problems, and you know,
8 I give a lot of credit and kudos to this
9 Administration in terms of working with our
10 congressional delegation to ensure that any second,
11 third order, or fourth order stimulus packages from
12 the Congress include premium [sic] pay.

13 COUNCIL MEMBER ADAMS: I couldn't agree
14 with you more, and being from southeast Queens with
15 Chair Miller, we are very much in touch with our
16 Congressman, Congressman Meeks, who has been a
17 champion for us and continues to do so. So I
18 absolutely agree with you, and thank you for your
19 testimony.

20 COMMISSIONER SALAS: Thank you so much.

21 COMMITTEE COUNSEL: Karen [sic]
22 Rosenthal? Sorry, Council Member Rosenthal, and then
23 we will go back to the Chair.

24 SERGEANT AT ARMS: Clock starts now.

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COUNCIL MEMBER ROSENTHAL: Thank you so much. I really want to thanks the Speaker and Chair Miller for having this incredibly important hearing. Government has a critical role in protecting and supporting all of these workers. I want to thank the bill sponsors for initiating these critical discussions, and I really want to thank the workers. Maria from the New York nail salon workers and the others who took the time to testify this morning to lay the ground work for the necessity of this legislation. I am in full support of the intent of this legislation, and I want to continue the line of questions that Council Member Adams just brought up. We must confirm that all nonprofit providers who have a contract with the city and are providing essential frontline services are fully funded to cover the cost of these expenses. Now, I understand the response about waiting for the Federal Government to come through with the money, and however, as I've said repeatedly, you know, of course we have to be efficient with our resources, our revenues are down around 10 billion dollars. However, the City cannot be intimidated into passing an austerity budget. Funding to support the ideals of these bills must be

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guaranteed by all levels of government so that the nonprofit providers who are the frontline essential workers along with grocery store, nail salon, the workers at Amazon, and including the additional staff that will be needed by Commissioner Salas' agency as you mentioned for the increased demand for financial empowerment services as we move along here. I strongly urge that we collaborate with the human services sector in either amending these bills as they are the ones who directly support our city's most vulnerable by supporting domestic violence survivors, people with disabilities, people who are undocumented, people who are homeless and hungry, or we have to add the funding as a critical component as a part of this legislation. We cannot financially burden these organizations anymore that we already do. So what I'm really wonder is if there's a representative from the Administration here at this hearing who can tell us the City's plan to address the impact of this legislation on our New York City nonprofit human service provides, and I would like to hear from them their willingness to support financially this critically important legislation.

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COMMISSIONER SALAS: Council Member Rosenthal, this is Lorelei Salas. I appreciate your question and your concerns. You stated exactly-- you put on the table all of the issues that need to be addressed. And I have-- you know, obviously I believe these questions are better answered by our Office of Management and Budget, but I am not sure that we have anyone on the hearing today who can answering these questions.

COUNCIL MEMBER ROSENTHAL: No, Commissioner, I very clearly-- I was clear in my question in noticing that you're not the person who could answer it, but the Administration knew we were having this hearing. It's a sort of obvious question, and I just want to clarify that the Administration did not have anyone prepared for this hearing to answer that question. Is that accurate?

STEVEN ETTANNANI: So, Council--

COUNCIL MEMBER ROSENTHAL: [interposing] [inaudible] put you in the position to answer that question.

STEVEN ETTANNANI: So, Council Member, this is Steve Ettannani. I think part of the concerns that the Commissioner and DCWP have outlined

2 with the legislation is really getting a grap [sic]
3 on it--

4 SERGEANT AT ARMS: [interposing] Time.

5 STEVEN ETTANNANI: I think this hearing
6 is an incredible venue to articulate what are--- what
7 is the scope and breadth of this legislation. What
8 is Council's intent, and then establishing that
9 intent and then having a work-back including a fiscal
10 analysis? That makes sense so that we're not
11 choosing winners and losers in this crisis, and most
12 definitely we do not want our nonprofits, as the
13 Commissioner mentioned, that we have contracts with
14 that deliver so many critical services to New Yorkers
15 being on the losing end of that. So I think this
16 hearing is an incredible venue for us to get the
17 scope and intent form counsel, and then doing a work-
18 back from there to ensure that if this passes into
19 law that we have robust services and that all
20 employees equally on the frontlines are getting the
21 pay that they deserve.

22 COUNCIL MEMBER ROSENTHAL: Thank you.

23 COMMITTEE COUNSEL: We have one more
24 Council Member question, Council Member Ulrich.

25 SERGEANT AT ARMS: Clock starts now.

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COUNCIL MEMBER ULRICH: Hi there everybody. I hope everybody can hear me and everybody's in good health. I've been listening to the hearing since we started, and I just want to thank the Chairs for putting this together and for everybody's input and participation. I've been listening to all the testimony, and I just have a few questions about the bill that I'd like to be addressed and then offer my point of view if I can and see what the Administration thinks about it. As far as, you know, I represent a district in Queens that is comprised of many small businesses that have been adversely affected by not only COVID, but many of whom are still struggling to recover since Hurricane Sandy. And I've heard from a number of these small business owners. Many of them are women and minority-owned businesses or immigrant-owned businesses, and their concern about the impact that some of this legislation would have on their ability to remain in business in the future, God forbid we are faced with another pandemic such as the COVID crisis that we are in right now. You know, the concern I have regarding the language of the bill is a little bit more specific. I think it says in there

2 that this will go into effect during a-- is it a
3 declared state of emergency? Can the Committee
4 Counsel or the bill sponsor clarify that point for
5 me? Like, at what point does this kick in for the
6 benefit? Can somebody clarify that? Is that clear?
7 Is it a mayoral executive order? Is it a state
8 executive order, federal disaster declaration? You
9 know, what constitutes the duration or the start of
10 the pandemic or the crisis?

11 COMMISSIONER SALAS: Is there someone
12 from the Council who wants to address this?

13 COUNCIL MEMBER ULRICH: Well, I guess,
14 alright, maybe I'll let somebody look into that while
15 I sort of digress here. The other concern I have is
16 that, you know, so many of these businesses operate
17 on such a thin profit margin and they're struggling
18 as it is. I think adding another unfunded mandate on
19 top of all the other regulations and taxes and things
20 that they're already responsible for would deal a
21 devastating blow to their ability to stay in
22 business. As it is right now, I've spoken to a lot of
23 businesses that have closed as a result of this
24 crisis that are not going to reopen. I think in the
25 outer boroughs in particular, in Brooklyn, in Queens,

2 in the Bronx, Staten Island, we will see a lot of
3 businesses that don't reopen when they're allowed to
4 reopen, because they didn't qualify or get the PPE
5 loan, or because they were operating on such a thin
6 profit margin before this whole thing started that
7 when this happened it really just bankrupt them, or
8 because their employees went and found other jobs
9 because they needed to work and now they can't go
10 back to the place here they used to work. That is a
11 real crisis that a lot of small businesses are facing
12 right now in the city, and I understand the
13 intentions of these bills is to help the frontline
14 workers and the people that have been there for us,
15 but I don't want that to have such a negative impact
16 on a small business community in the city, that they
17 are not able to fully recover, and as a result when
18 we fully reopen the economy-- and God willing that
19 happens soon, and God willing we get a vaccine, and
20 God-willing things get back to "normal." That those
21 businesses will be able to open. I don't think a lot
22 of them will be able to reopen, because I've spoken
23 to so many of them, and they're concerned about their
24 situation now, and they're very concerned about some
25 of the impacts that these bills are going to have on

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their ability to stay in business during a crisis and then continue to stay in business thereafter. So, I'm very concerned about it. I think the nonprofit community is very concerned. I know my colleagues have expressed that already. That's a real concern that people have. There seems not even to be a mechanism in the bill for a business or an industry to get a waiver, okay, if a certain percentage of their revenue is totally relying upon government contracts for instance or grant money or other things like that. There's no waiver. There's no opt-out. It's pretty much this broad stroke of, you know, we're going to impose these unfunded mandates on all these industries and all these businesses throughout the city. I just think it's very, very-- I think it-- again, the intentions are good. I just think it's very problematic for the business, the small business community, not the big guys, not the big corporations. But for the small business community in the city that are already struggling. I don't think that this is going to be very helpful to them, and I just want to say that on the record and express that, and I would like some of those specific

2 concerns about the language of the bill addressed, if
3 I can--

4 SERGEANT AT ARMS: [interposing] Time.

5 COUNCIL MEMBER ULRICH: [inaudible] by
6 the committee counsel.

7 COMMISSIONER SALAS: Council Member
8 Ulrich, I would just say quickly that at least with
9 respect to Intro. 1918, the essential business is
10 defined by the Executive Order from the State, from
11 the New York State Department of Economic
12 Development. I do think that in the legislation is
13 not is clear when this-- this particular legislation
14 will sunset, but I know that the City Council
15 Committee working on this can give you more.

16 COUNCIL MEMBER ULRICH: [interposing] Is
17 there anybody from the Committee Council or the bill
18 sponsor that can address that point. You know,
19 exactly when does the pandemic start? When does it
20 end? You know, that's a real concern and something
21 that I think has to be clarified in the bill. I
22 guess nobody's able to answer that right now, but I
23 want to thank the Chairs again. I want to thank the
24 sponsors of the bill. Again, I think it will have an
25 adverse effect on the small business community. I'm

2 hoping that we can reconsider some of the finer
3 points of the legislation. If the City really wants
4 this to happen, the City should pay for it and
5 reimburse the small businesses for implementing the
6 bill and not impose it on them in such a draconian
7 way. But again, I want to thank everybody and I look
8 forward to hearing everybody else's comments.

9 COMMITTEE COUNSEL: Council Member Cumbo?

10 COUNCIL MEMBER CUMBO: Thank you so much.
11 Council Member Ulrich, this bill was based primarily
12 on the Governor in terms of the timing. So when we
13 look at it, we're looking at it from the time and the
14 place in which Governor Cuomo issued Executive Order
15 202.6 or New York State on Pause [sic], which
16 mandated that all nonessential businesses be closed
17 and also delineated guidelines for what should be
18 labeled an essential business. So, this particular--
19 if you're referring to 1918, the timing is working, I
20 would say at this point, roughly with the Governor's
21 office in terms of how they are mandating when
22 closures happen and when we restart. So this was
23 basically based off of Governor Cuomo's pause. But
24 what I also want to say is that the challenge that we
25 continue to deal with is that while you stated that

1 many businesses are going to after we reopen or come
2 back online, that a lot of businesses are going to
3 find that they're closed. But my challenge is, if we
4 continue to do business as usual, not giving workers
5 their protections, and we're going to come back and a
6 lot of workers are going to be dead. So, it's really
7 this very real situation in terms of a closed
8 business or a dead staff or dead employee. I think
9 what we're hearing in terms of what a lot of people
10 are discussing today is that there needs to almost be
11 a bifurcation of this legislation in terms of -- we
12 recognize that the mom and pops cannot sustain or
13 survive with this legislation as was mandated, but we
14 have to be able to look further and beyond that, and
15 it was discussed in many ways that the larger giants
16 like the Amazons of the world who are making a lot of
17 money, we need to figure out how do we capture them
18 in this legislation, while also figuring out more
19 creative ways to assist those organizations who do
20 have essential workers but have not financially
21 benefitted at this time. So, these questions are
22 definitely helpful in guiding us how we can come to a
23 stronger understanding of what type of legislation we
24 need to pursue.
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COUNCIL MEMBER ULRICH: Thank you for that.

CHAIRPERSON MILLER: Thank you, Council Member Ulrich, and I didn't get a chance to but I certainly want to acknowledge the members of the committee that are here and the timeliness of the members of the committee, and did notice that Council Member Ulrich all the way from the great borough of Queens was the first one at the hearing along with the Queens colleague, which doesn't usually happen when we're traveling the hour and a half throughout the City. So, I want to acknowledge Council Members Ulrich, Adams, Rosenthal, Lewis, and Moya of the committee. We were also joined by Council Members Kallos, Yeger, Powers, Cumbo, and Danny Dromm as well. If I missed anyone, someone joined the line, I will shout you out. I certainly want to thank you all for participating in the hearing, and looking forward to hearing from Commissioner Banks on the Pre-considered Reso as well. If-- with that, you can call the roll for the rest of the folks that are testifying.

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COMMITTEE COUNSEL: Yes. We will now hear from Steve Banks. Begin your testimony whenever you're ready.

COMMISSIONER BANKS: Thank you. Thank you, Chair Miller and members of the Committee on Civil Service and Labor for convening this important hearing. My name is Steven Banks, and I serve as the First Deputy Commissioner and General Counsel at the New York City Office of Labor Relations. I'm here to discuss the Pre-considered Intro. That would provide health insurance for the surviving spouses and children of city employees who dies from COVID-19 complications. First, on behalf of Commissioner Campion and Mayor de Blasio, I want to express the appreciation and gratitude to all city employees who've answered the call of duty during this global pandemic. It can't be overstated how important public employees are and have been in assisting the resident of the city in a time of great, great need. From the healthcare workers and first responders who continued to report to the frontline of this crisis each and every day to those who are working from home to ensure that many different types of city services can continue uninterrupted. It's without question or

1 debate that the entire workforce has stepped up and
2 has served the city with distinction. Each death of
3 a city employee is a terrible loss for our extended
4 380,000 member family, and we mourn the loss of each
5 city employee who's fallen victim to this virus,
6 which just magnifies the ongoing tragedy that's
7 affecting all aspects of city life. With respect to
8 the bill in question, the City appreciates the bill's
9 intention, but believes that a different type of
10 framework needs to be established that appropriately
11 compensates the families of our heroes who have
12 continued to work during this pandemic. We believe
13 that the appropriate initial forum for this topic,
14 and some have mentioned it before, is the U.S.
15 Congress and our Congressional delegation. COVID-19,
16 as others have said during this hearing, is a
17 nationwide issue, and cities and states throughout
18 the country need the Federal Government to step up
19 and fund a benefit to compensate those who are left
20 behind. The need for federal intervention is
21 particularly acute in light of the major budgetary
22 challenges facing the city and many other
23 municipalities in the aftermath of this pandemic. As
24 the Mayor has said, discussions are ongoing about
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2 federal assistance to states and localities,
3 including the stimulus packages that have been
4 referenced earlier this year, and we want to look at
5 taking care of the heroic efforts of our essential
6 workers, and we're hopeful that that assistance is
7 secured for their workers and their families in the
8 upcoming weeks. Proposals for action by the Federal
9 Government have been suggested or advanced and many
10 deserve very serious consideration. An example of an
11 appropriate congressional action is the bill proposed
12 by representatives Nadler and Rose which would expand
13 the eligibility for the public safety officers'
14 benefit program to include a COVID-19 diagnosis as a
15 federally compensable injury. Last year, the cash
16 payment under that federal program was approximately
17 360,000 dollars per family. Another example that has
18 been suggested is the creation of a compensation fund
19 similar to the 9/11 victims compensation fund to
20 address the long-term needs of survivors of city
21 employees who have passed away. Such a construct
22 also merits a very serious consideration and we look
23 forward to working hand in hand with our New York
24 City congressional delegation and supported by the
25 families, our labor partners, you the City Council to

1 advocate for and to ensure passage of a viable
2 mechanism of a federal level to ensure that families
3 are protected. Apart from the open question of
4 federal assistance, the current draft of the pre-
5 considered bill prevents-- presents some
6 administrative hurdles. Mechanically, under the
7 current law, all applicable survivor health benefits
8 flow from approved accidental death benefits by an
9 applicable pension system, whether that's NYCERS or
10 the Police Pension Fund or the Fire Pension Fund,
11 whichever pension system is applicable, and that's
12 based on a finding that an employee's death was
13 approximate result of an accident or injury sustained
14 in the performance of duty. That includes deaths
15 related to 9/11 as the pension system would make this
16 determination based on state law and the presumptions
17 contained therein. As drafted, an additional
18 category for COVID-19-related deaths would be added
19 that would be unrelated to any pension benefit and
20 would require a separate analysis in order to
21 determine eligibility. The Office of Labor Relations
22 Employee Benefits Unit processes health insurance
23 applications, but does not have the personnel or
24 expertise of the pension systems including medical
25

2 review boards of licensed physicians to determine
3 whether a particular death resulted from "a
4 complication related to the Coronavirus disease" as
5 is indicated in the bill. In addition, it's unclear
6 in the bill whether the addition of this category for
7 survivor health benefits would require any causal
8 relationship, even by presumption, with the
9 individuals' employment. I want to thank you again
10 for holding a hearing on this very important topic
11 which has sadly impacted too many of New York City
12 employees' families. I want to again express the
13 appreciate and gratitude to all city employees who
14 have answered the call of duty during this global
15 pandemic and to mourn those who we have lost, and we
16 will continue to do all we can to support our
17 workforce and the family of those who have passed
18 away. We recommend that federal action be taken as
19 soon as possible as it represents the most
20 appropriate initial focus of this important effort
21 that would provide a solution on a broad nationwide
22 scale. We look forward to working with the Council,
23 the families, labor, as well as our partners at the
24 state and federal level to follow a path that
25 thoughtfully addresses the important topic of

2 compensation for the families of employees who have
3 died from COVID-19, and I want to thank you for the
4 opportunity to testify today. Thank you.

5 CHAIRPERSON MILLER: Commissioner Banks,
6 I appreciate your testimony. I also appreciate your
7 monetary concerns and the fact that what we've seen
8 in the past in particular dealing with 9/11, the
9 lives that we lost and the compensation from 9/11,
10 there was a-- obviously there's a droga [sic] and
11 other monies that were responsible for those monetary
12 compensations. But historically, I think over the
13 past six year, five or six pieces of legislation that
14 provided for health benefits for surviving dependents
15 of members killed during the line of duty, most
16 recently NYPD Traffic Enforcement, DOT, DEP, and
17 others. So, my question is very specifically about
18 these benefits, and it is the committee's
19 understanding that the source of the survivor's
20 health benefits provided for two deceased family
21 members under Local Law 32, formerly Intro. 785, was
22 the General Fund, and I know you mentioned something
23 about individual pension funds, but I would like to
24 dive in that as well. Is that-- as a matter of
25 clarity, those last five that we did introduce in the

2 Council and the Mayor signed and passed into law,
3 which provided benefits for those survivors,
4 surviving family members, were they not from the
5 general fund?

6 COMMISSIONER BANKS: Yeah, thank you,
7 Council Member Miller. I can clarify that. You
8 know, the reference that I made for the pension
9 systems in my testimony was about the determination
10 that a given incident, accident, situation that caused
11 an employee's death is eligible for, you know,
12 initially the pension benefit, and then the health
13 benefit would flow from that. So that's the current
14 structure that we have for both in accidental death,
15 generally, and for 9/11 as well. The applicable
16 pension system would make the determination as to
17 eligibility, and the health benefits would flow from
18 that. So, that was the issue that I raised about the
19 pension system. The source of the money for the
20 health insurance coverage is not something that I'm
21 intimately familiar with, but I can certainly follow
22 up and get back to you on that, you know, within the
23 next day or two.

24 CHAIRPERSON MILLER: That would be good,
25 because I think that that is the primary concern

2 here, obviously with-- not the prime-- I take that--
3 certainly not the primary concern, because obviously,
4 we've demonstrated in the past that we've fired these
5 workers while they're providing services for our city
6 and our municipality and we should provide them
7 certainly in their death when as result of their
8 actions they were-- you know, they perished in the
9 line of duty or having contracted a disease or a
10 sickness by virtue of work. So, do you know that
11 there-- you know what, I appreciate the fact that you
12 said that you're going to get back, because I do have
13 a number of questions that you may or may not be able
14 to answer as it relates to the cost of the benefit
15 and where that cost would lie? Is it a shared cost?
16 Certainly, we cannot put a cost on healthcare. And
17 the other thing is, in this moment what happens is
18 that, you know, before we find ourselves-- before we
19 come out of this pandemic, there are families that
20 are going to find themselves without benefits because
21 they lost their loved one. And certainly that is not
22 something that the City wants on that-- to bear.
23 [inaudible] families out there whose loved ones have
24 sacrificed, made the ultimate sacrifice, and we
25 cannot provide health benefits for them in the

1 interim. And I don't foresee-- by the way, that's a-
2 - anything monetary would merely pay for Cobra [sic],
3 an extension of the benefits. I think that it is the
4 responsibility of the city to be able to continue
5 those benefits, as we have done in the past. So
6 maybe it would be easier if you could explain how the
7 healthcare benefits are paid for for 9/11 survivors.

9 COMMISSIONER BANKS: Sure. So, you know,
10 I-- first of all, I think that we agree with you on
11 the need for a compressive set of benefits for these
12 families, and that's why we're, you know, very
13 clearly calling on the Federal Government to step up
14 and provide a comprehensive package of benefits.
15 Before I get to the 9/11, which you had just asked
16 about, you know, in terms of issues across, you
17 know,-- I can tell you that the employer's cost for a
18 family health insurance plan under the city's program
19 is a little over 22,000 dollars a year. And then
20 obviously, the overall cost would be dependent on age
21 of individual spouses and independents and, you know,
22 the number of individuals who would be eligible as
23 well. In terms of 9/11, you know, what I mentioned
24 earlier is that the current set of benefits includes
25 federal, state, and city, right? So, the Federal

1 Victim's Compensation Fund was originally
2 established, and then, you know, codified later and
3 made permanent more recently, and that provide a
4 series of benefits at the federal level. At the
5 state level there are pensions statutes regarding
6 individuals who met the eligibility requirements by
7 working on 9/11 or shortly thereafter and have
8 contracted a certain enumerated diseases or illnesses
9 thereafter. And at the City level, the health
10 insurance flow from that pension determination. So
11 that's-- you know, one of the issues that I raised is
12 the consideration of this bill in the absence of any
13 pension consideration leaves the question of who
14 would make the determination of eligibility at this
15 time, and that's one distinction with the 9/11
16 situation. But ultimately, the 9/11, the primary
17 benefit is a federal benefit which we think is an
18 appropriate analogy here, although the situation, you
19 know, as we sit here today in May we're still kind of
20 in the middle of it, and we don't know when sadly,
21 you know, the effects of COVID-19 we expect are going
22 to continue in the coming weeks and months. So,
23 unlike 9/11 which was an initial event and the clean-
24 up, we're still in the middle of it, but I think that
25

2 the series of benefits that are provided for 9/11
3 victims and families is an appropriate place to look,
4 and there are definitely some analogies to draw
5 there.

6 CHAIRPERSON MILLER: So, we also have a
7 resolution for the state legislators to pass and the
8 governor to sign which would provide pension benefits
9 as well. Although, I would not necessarily want to
10 rely on the pension system to have to make that
11 determination considering the minutia of NYCER and
12 how long it would take for actually to be able to
13 deliver these pension benefits, these health benefits
14 to surviving family members. To date, how many New
15 York City employees have succumb to COVID death that
16 you know of?

17 COMMISSIONER BANKS: Yeah, I think it's
18 approximately 245, and obviously, every single one is
19 a tragedy. I mention, you know, we have sort of
20 380,000-member family of city employees. So, you
21 know, we've been getting reports through City Hall
22 from the agencies, and it's about 245 employees.

23 CHAIRPERSON MILLER: Have you begun to
24 dissect how many were in the line of duty or how many
25

2 were actually job related? Do you have a percentage
3 or do you have any idea what that number would be?

4 COMMISSIONER BANKS: No, I'm not aware.
5 I mean, as you know, since this pandemic began this
6 city has really pivoted as is obvious from the fact
7 that we're doing this hearing by Zoom, right? The
8 city has pivoted in terms of its employment where we
9 have many employees who are working from home. We
10 have teachers who are doing their teaching remotely.
11 I'm working from home right now. The breakdown of
12 those employees who are still reporting to work sites
13 and the timing of the contracting of the virus as it
14 relates to that 245 is not something that we've
15 looked at.

16 CHAIRPERSON MILLER: Okay. So, I know you
17 said that the current course for a family benefit is
18 about \$22,000, and that's on the high end. I know in
19 February the last legislation that we did was about
20 8,900 and they were not family benefits.

21 COMMISSIONER BANKS: Yeah, so that's
22 around-- around \$9,000 a year is the amount for
23 individual coverage. So, obviously, which one would
24 be applicable is dependent on how many dependents the
25 employee would have left. Our current cost for an

2 individual plan is about \$9,000, and for a family
3 plan is about \$22,000, and a family plan would apply
4 if there's two or more people on it.

5 CHAIRPERSON MILLER: Right. Could you
6 just as a matter of clarity what would be considered--
7 - it-- as mentioned in other legislation, and I know
8 you were listening intently as how we define
9 essential workers. How do we now define line of
10 duty? Would you be willing to leave that
11 determination solely to the presiding pension system,
12 or should the city play a role in that in providing
13 not just access to information to determine that, but
14 ultimately, you know, in that judgement of whether or
15 not the person had lost their life due to COVID-19?

16 COMMISSIONER BANKS: Yeah, so what I will
17 say that I think under any structure it should be a
18 medical determination, right? I think that often
19 these questions about the connection between an
20 incident or an accident and what caused someone to
21 die is, you know, is very specifically related to
22 what happened. So, I know that each pension system
23 has a medical review board that looks at cases
24 whether they're disabilities or claims for an
25 accidental death benefit and makes those decisions.

2 So they certainly have the capacity, and that's kind
3 of the structure we've used before is that there's a
4 determination made by the pension system that
5 someone's eligible, for example, for an accidental
6 death benefit, and then the health benefits would
7 flow from that. So, you know, whether it's that
8 structure or another one, I think that you need
9 licensed physicians to be able to make an educated
10 connection between the job and the injury or illness.

11 CHAIRPERSON MILLER: Okay. Are there any
12 additional benefits that would be due a municipal
13 employee by virtue of what is considered to be an in-
14 the-line-of-duty death?

15 COMMISSIONER BANKS: I mean there
16 certainly are, you know, leaving where COVID falls
17 aside and you mention that there are, you know, is a
18 resolution that talks about some of these state
19 bills, you know, there are existing benefits which
20 apply to, you know, what's commonly known as an
21 ordinary death. If someone dies while they're in
22 service, right, without having retired, or if it's a
23 line-of-duty death, the benefits are different.
24 There's layers of benefits depending on a number of
25

2 factors, but there are benefits in place whether it's
3 an ordinary death or a line-of-duty death.

4 CHAIRPERSON MILLER: Do you know the
5 difference in the two? Could you explain?

6 COMMISSIONER BANKS: Yeah, I mean, just
7 broadly speaking, the ordinary death benefit is
8 generally a lump sum and is commonly three times the
9 employee's salary that will be paid to the surviving
10 family if someone, you know, happens to have died
11 while in act of service. Line-of-duty death benefits
12 are generally flow for a longer period of time as a
13 replacement for a pension benefit. It might be in
14 some instances 50 percent of the employee salary or
15 100 percent of the employee's salary, and that would
16 flow to a beneficiary for the remainder of the
17 beneficiaries' life. So, that's the general
18 difference, and there's a lot of nuances in the state
19 pension law depending on tier and classification and
20 all that sort of stuff.

21 CHAIRPERSON MILLER: Is there a
22 difference between uniform forces and the non-uniform
23 employees?

24 COMMISSIONER BANKS: Yeah, I don't want
25 to speak out of order. I believe that there are

2 difference, but it ultimately might depend on the
3 tier as well. So, I mean, if there's a specific
4 comparison or question that you have, I could take
5 that back and do a little bit of research, but I
6 believe there are differences between some uniform
7 staff and some civilian staff, but there's going to
8 be other nuances as well.

9 CHAIRPERSON MILLER: Yeah, you know, that
10 is-- it's important to the committee as we move
11 forward and we want to know, because quite frankly we
12 know that the makeup of the city workforce,
13 particularly those who live within the confines of
14 New York City are people of color, and there are, as
15 we have seen in the past, there have been pension
16 disparities as-- that have manifested themselves in
17 times of crisis. As in so many others, as in people
18 who-- which is the reason why we did the 9/11
19 extended which extended it to the non-uniform
20 services. So we just want to make sure that we're
21 capturing the universe of public servants and not
22 treating-- and treating everyone equitably as we move
23 forward. I'm going to-- I would just ask that, you
24 know, that we set some time aside to really drill
25 down on the nuances of this legislation along with

2 Commissioner Campion, but I'm pretty sure that my
3 colleagues have other questions about this
4 legislation, and I'll just pass it onto them for now.
5 But certainly, I want to again reiterate that it is
6 important that we take into account who those
7 frontline workers are, who those municipal employees
8 are that are being impacted. Quite frankly, it is a
9 lot different from what we've seen in the past, who
10 is answering the call, unlike 9/11 and suffice to say
11 we have lost already three times the folk that
12 perished during 9/11, and certainly this is not a
13 comparison, but it is putting us as a municipality on
14 notice that we have right now about 13,000 families
15 that have passed that have been impacted, and as you
16 said, at least 245 of them, [inaudible] workers. How
17 do we address that? How do we not just compensate,
18 but recognize those fallen heroes for their services
19 and by ensuring that surviving dependents would have
20 the quality of life that they would have been able to
21 provide. So--

22 COMMISSIONER BANKS: [interposing] Thank
23 you, and we agree, and you know, like I said during
24 my testimony, I think having the Federal Government
25 step up and do what's necessary during what's a

2 nationwide pandemic would really be appropriate to
3 achieve the goals that you just mentioned Council
4 Member Miller. So, we appreciate your efforts in
5 that regard.

6 CHAIRPERSON MILLER: Yep. Again, and I
7 just-- I would just be remiss if we did not highlight
8 those individuals, you know, those individuals who
9 Mr. Has Malik [sp?] [inaudible] the EMT who passed
10 last week who served in 9/11 and then was forced to
11 continue to work and served as an instructor at Fort
12 Totten, because you know, benefits are different and
13 not equitable. That dedicated public servant
14 continued to serve, and we want to make sure that his
15 service in 9/11 and certainly his service during
16 COVID-19 does not go unnoticed and unrewarded, and
17 there's many Idris Bays [sic] n our community and
18 throughout our city and we want to recognize that the
19 work that they've done, the value that they have
20 brought to the city, their dedicated sacrifices to
21 humanity are simply compensated for, and that's what
22 we're trying to accomplish here with this. Anyway, I
23 want to hear from my colleagues who have questions.

24 COMMITTEE COUNSEL: Is there any Council
25 Member questions for this panel? Please use the Zoom

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"Raise Hand" function at this time. Seeing no questions, we will now turn to public testimony. Once more, I'd like to remind everyone that unlike our typical council hearings, we will be calling individuals one-by-one to testify. Council Members who have questions by a particular panelist should use the "raise hand" function in Zoom, and you will be called on after the panelist has completed their testimony. For panelists, once your name is called, a member of our staff will unmute you and the Sergeant at Arms will give you the go-ahead to begin after setting the timer. All testimony will be limited to three minutes. Please wait for the Sergeant to announce that you may begin before delivering your testimony. The first four panelists will be: Detective Paul Digiacomio, Gloria Middleton, Oren Barzilay, and Mark Henry. I will now call on Detective Paul Digiacomio.

SERGEANT AT ARMS: Time starts now.

COMMITTEE COUNSEL: Gloria Middleton?

SERGEANT AT ARMS: The detective appears to be muted. This is Sergeant at Arms, Raphael Perez, we're still not picking you up, detective.

2 Can we please call the next witness until we can
3 figure out the issues with the detective?

4 COMMITTEE COUNSEL: Gloria Middleton?

5 SERGEANT AT ARMS: Time starts now.

6 GLORIA MIDDLETON: I'm ready. Can
7 everyone hear me?

8 SERGEANT AT ARMS: Yep.

9 COMMITTEE COUNSEL: Please begin.

10 GLORIA MIDDLETON: Good afternoon,
11 Chairman Miller, Council Members, and Committee
12 Members. My name is Gloria Middleton, President of
13 Community Workers of America Local 1180. My union
14 represents 9,000 active city administrative and
15 private sector workers and almost 9,000 retirees. I
16 am here today to speak about two proposals that have
17 put been put forth since the onset of the COVID-19
18 pandemic as a means of helping survivors of deceased
19 essential workers. The first 2020 6139 would prove
20 health insurance coverage for surviving family
21 members of municipal employees who died as a result
22 of a competition related to COVID-19. The second
23 2020 6145 would automatically classify the deaths of
24 all municipal employees who died from COVID-19 as
25 line-of-duty deaths. I do not feel the need to talk

2 about the merits of either one of these proposals, as
3 I don't believe anyone on this virtual hearing or
4 anywhere for that matter would argue the fact that
5 essential workers who put themselves on the
6 frontlines during this pandemic and paid the ultimate
7 price, are just as much everyday heroes as the
8 doctors and nurses who treated patients. In fact,
9 what started out as a nightly 7:00 p.m. clap for
10 healthcare workers in New York City to show
11 appreciation for everything our doctors and nurses
12 are doing to treat and care for the tens of thousands
13 of patients turned into New Yorkers appointing
14 essential workers as well. Why? Because it is our
15 essential workers who are keeping buses and subway
16 operational so those doctors and nurses can get to
17 work. It is our essential workers inside New York
18 City hospitals who are admitting patients, handing
19 out face masks, cleaning and disinfecting,
20 transporting patients, delivering meals, removing the
21 deceased. Many of these are Local 1180 members.
22 Some are members of other units, but it does not
23 matter because all are essential workers who daily
24 come face-to-face with COVID-19. Many survive, some
25 do not. I have essential workers from Department of

2 Correction who work on Rikers Island, essential
3 workers who work at SNAP centers, and essential
4 workers who every single day work with the escalating
5 number of our city homeless population who are some
6 of the most susceptible to COVID-19. Our essential
7 workers are the behind-the-scenes heroes, the ones
8 who too often do not receive the proper respect or
9 accolades. Their deaths should undoubtedly be
10 classified as line-of-duty, and their surviving
11 spouses should be more than entitled to receive their
12 healthcare benefits as a reason.

13 SERGEANT AT ARMS: Time.

14 GLORIA MIDDLETON: Funding these
15 proposals is another matter. However, and I am well
16 aware of the cost involved in doing so. It's not
17 like we as a city have not been down this road before
18 in any recent history. I agree that funding should
19 come from Federal Government to help sustain this.
20 It is the Federal Government responsibility to step
21 in and fund those proposals so survivors of our
22 essential workers who died while on the job, survive
23 in the city, their state, their country are afforded
24 their benefits they would have received had their

2 spouses not sacrificed their own lives for the sake
3 of others. I know my time is up. I could go on.

4 COMMITTEE COUNSEL: Thank you. We will
5 now hear from Oren Barzilay.

6 SERGEANT AT ARMS: Time starts now.

7 OREN BARZILAY: Good afternoon. Thank
8 you Committee members. Thank you, the Chair Miller,
9 and all the Council Members. My name is Oren
10 Barzilay. I'm the President of the Uniform EMTs,
11 Paramedics, and Fire Inspectors of New York City Fire
12 Department. I don't have a written testimony, but I
13 came here today in support of all the Intros and
14 Resolutions. FDNY EMS and Fire Inspectors have lost
15 six members due to COVID-19, one as a result of
16 suicide. I ask that we continue pushing forward with
17 the line-of-duty death benefits. We cannot forget our
18 men and women who made the ultimate sacrifice. The
19 city owes this to them, owes it to their family.
20 Nobody that was call in to duty whether it's fire,
21 EMS, Police, Sanitation, MTA, all essential workers
22 should be recognized for sacrificing their life. I
23 just hope that we don't wait 18 years as we did for
24 September 11 benefits. Many of these people's
25 families have lost passed and still haven't seen any

2 benefits. We need to be aggressive and push forward
3 that benefits will be available for everyone. I'm
4 also asking that the Council continue to pushing for
5 sick leave benefits. As of now, they're only
6 entitled to 14 unchangeable days for sick leave. Our
7 members have been out longer than 14 days. This
8 illness, this virus sometimes takes five, six weeks
9 to make you feel better. We have people-- we have
10 over 1,300 members who have suffered from COVID-19.
11 They're back to work because they don't have the
12 time. Some have stayed out, but they're not getting
13 paid. So, anything that you guys can do to help us
14 would be greatly appreciated. And just to echo what
15 some of the other members have said, we are here for
16 the long-haul. We're here to support each other, and
17 I thank you all for bringing this to the forefront.
18 Thank you.

19 COMMITTEE COUNSEL: Thank you. We will
20 next hear from Mark Henry.

21 SERGEANT AT ARMS: Time starts now.

22 MARK HENRY: Thank you Chairman Miller
23 for this opportunity to present on behalf of the
24 Amalgamated Transit Union of 1056. I am Mark Henry,
25 Chair of the New York State Legislative Conference

2 Board and President Business Agent for Local 1056.
3 Our work is primarily New York City transit workers,
4 serving parts [sic] of Queens, the Bronx and
5 Manhattan. We're not able to shelter in place as
6 many were able to, which meant their risk factor
7 increased tremendously. Transit workers in general
8 are all exposed to all sorts of dangers, but now with
9 this virus, it made those dangers even worse. We
10 were reclassified from regular workers to essential
11 workers, and then eventually emergency workers. So,
12 we endured a lot and unfortunately, the mental
13 strain, physical strain of not knowing what's in
14 front of us has caused its toll. Sadly, we have lost
15 eight members, and even this morning I lost another
16 member to this virus. These families, these
17 countless friends, these coworkers have been impacted
18 to levels that no one I believe can understand the
19 gravity or the long-term effects that it will have on
20 these families. The actions, unfortunately, of our
21 agency was slow to respond, taking guidance from the
22 CDC, or the World Health Organization put our members
23 at risk, and doing so we lost lives. We understand,
24 you know, the financial burdens that are involved
25 with this, but we also understand that these

2 individuals paid the ultimate sacrifice when it came
3 to work. They came to do their job for the City of
4 New York, the State of New York, and we are
5 essentially in full support, Chairman Miller, of your
6 legislation calling on the law to engage, also engage
7 the Federal Government that would automatically
8 classify these deaths of municipal employees who have
9 died from this virus as in the line of duty, and to
10 provide some relief to these families that have lost
11 their patriarchs. They have lost their sole
12 providers. They have lost their heads of household
13 to this virus as a caveat for health insurance for
14 those families during this time. These families
15 deserve that as heroes working for the City and State
16 of New York. I thank you again for the opportunity,
17 and I wish everyone please be safe, stay protected,
18 and please wear your mask. Thank you so much. I'm
19 here for any questions.

20 CHAIRPERSON MILLER: Is Paul back? Paul?
21 [inaudible] Endowment? We can call him when he
22 becomes available. Okay. I just-- once again, I want
23 to--

24 PAUL DIGIACOMO: [interposing] Muted.

2 CHAIRPERSON MILLER: There you go. You
3 can hear me now? There you go.

4 PAUL DIGIACOMO: Okay, are we okay now?

5 CHAIRPERSON MILLER: Absolutely.

6 PAUL DIGIACOMO: Alright, thank you.

7 Good afternoon Chair Miller and members of the
8 Committee on Civil Service and Labor. I am Detective
9 Paul D? I'm President of the New York City
10 Detectives' Endowment Association. I have the
11 privilege or representing more than 17,000 active and
12 retired New York City Detectives. I submit this
13 testimony as part of the pre-considered introduction
14 to extent medical benefits to the surviving families
15 of municipal workers who have died to the COVID-19.
16 The pre-considered resolution calling on New York
17 State Legislature to pass the law to classify all
18 such deaths as line of duty deaths. I would like to
19 begin by recognizing the dedication and sacrifice
20 doctors, nurses, and all of the healthcare workers
21 and our first responder brothers and sisters in the
22 NYPD, FDNY, EMS, as well as Corrections, Sanitation,
23 Transit, and all others that are out there every day
24 ensuring the health and safety of New Yorkers. I
25 want to also extend our sincere condolences to the

1 families of all of those who have been taken away by
2 this horrible virus. We have lost five of our
3 brother detectives. We understand your loss and
4 share your grief. COVID-19 is a silent invisible
5 bullet that kills and has proven to be far more
6 dangerous and deadly than any terrorist attack or any
7 criminal. It knows no boundaries and has no limits.
8 Our members understand we would be subjected to risk
9 when we join our ranks. Despite this knowledge, we
10 commit by swearing and fulfilling the oath, protect
11 and serve. Upon taking that oath we commit ourselves
12 to be among those who run towards danger and others
13 running to safety. The world saw our commitment on
14 September 11, 2001 at its aftermath. As our members
15 who are among those who searched through the pile at
16 ground zero, later on the Staten Island Fresh Kills
17 [sic] Landfill [sic], as well as the city morgue
18 looking for any signs of those who were lost,
19 anything to bring comfort and closure to the families
20 of almost 3,000 victims. Today, while our city is on
21 lock-down and our neighborhoods are told to shelter
22 at home, our members have been out there fulfilling
23 that oath. These five have paid the ultimate price.
24 Detective Cedric Dickson, 22-year veteran of the
25

2 NYPD, was the first member of the Department to be
3 taken away by this virus. He leaves behind two
4 daughters. Detective Robert Cardona [sp?], a 19-year
5 veteran, was stricken with cancer in the aftermath of
6 9/11 leaves behind an eight-year-old son. Detective
7 Jack Palameri [sp?], a 23-year-old veteran, leaves
8 behind wife Patricia. On April 13th, we lost two of
9 our brother detectives, Detective Jeffrey Scalp
10 [sp?], 14-year veteran, who leaves behind a wife and
11 three daughters, and the most heart-breaking of all,
12 Detective Raymond Abier [sp?], 19-year veteran of the
13 Department leaves behind a wife and two babies--

14 SERGEANT AT ARMS: Time.

15 PAUL DIGIACOMO: He's two years old, and
16 his sister is a five-month-old infant who will never
17 see her father. This being the darkest time in
18 history for the rank of detective in the NYPD, losing
19 five members in a two-week period to the silent
20 killer, the Coronavirus. Just as we protect the
21 surviving families of detectives struck down by
22 perpetrator's bullet, we must protect those families
23 who fall victim to COVID-19. We urge you to approve
24 expeditiously the pre-considered bill and resolution
25 in order to fill the sacred obligation owed to the

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families of detectives Dixon, Cardona, Palameri, Scalp, and Abier. I leave you with this final thought: these detectives who tragically died were not only putting themselves at risk as they shared [sic] the New Yorkers across the City, they were likely to bring this deadly virus home to their loved ones. In fact, some of them did. And as we have this hearing today to ensure the families of our fallen get everything that they so much need, they currently have no health benefits to help them as they fight a sickness that took their husbands, father, or son. Our heroes in New York City deserve to have those loved ones taken care. They certainly earned it. Please take this all into consideration in your decision. Appreciate your time, and thank you.

CHAIRPERSON MILLER: Thank you, Mr.

President. And thank you to all of these presidents that representing these frontline municipal workers, these New Yorkers that have continued to sacrifice and represented those who have made the ultimate sacrifice. I do want to kind of say that I've had the opportunity to work with each one of you as well as some of your predecessors, and I know that

2 immediately in the aftermath of 9/11, you know, we
3 went to work, and as Oren said it took 18 years. In
4 some cases it took less, but the resiliency of the
5 men and women representing these labor unions and
6 these workers are resilient in doing so, and we have
7 to be equally resilient in doing this. And so we
8 will use the work that we've done in the past,
9 certainly rely on what we're doing. This is an
10 extender of the work that we did in this past
11 February, extending 9/11 benefits, and hopefully this
12 is the framework and the catalyst for how we ensure
13 that the families of those that were lost have the
14 benefits that give them the quality of life that they
15 so richly deserve, and as well as the pension piece.
16 I know that I could continue, depending on your
17 continued support, be it here or in Albany.
18 Certainly, going to continue to look forward to
19 working with each and every one of you, and thank you
20 to all of your members for the work that you do each
21 and every day, the sacrifice that are being made, and
22 my office in the Committee of Civil Service and Labor
23 remains open for conversation and to work with each
24 and every one of you, as well as the members of the
25 New York City Council. It is always a pleasure to

2 work with those who are serving our community and
3 give our city such value. So, thank you, and I don't
4 know if any of my colleagues have questions. If not,
5 we'll go on to the next panel.

6 COMMITTEE COUNSEL: The next panelist
7 will be Katherine Wilde [sp?], New York State
8 Messenger and Courier Association, Tsedeye
9 Gebreselassie-- excuse me if I've mispronounced that--
10 - and Amanda Bransford. Also, a reminder to all
11 Council Members, if you have a question for any
12 individual panelist, please use the raise hand
13 function on Zoom. Katherine, you may begin your
14 testimony.

15 SERGEANT AT ARMS: Time starts now

16 KATHERINE WILDE: Thank you. Thank you.
17 the business community circle shares the compassion
18 that's been expressed here by the Council Members and
19 the legislation, and the tragedies over the loss of
20 so many of our first responders and city workers,
21 transit workers, and this is something really
22 important, but as I listen to the testimony, the
23 analogies to 9/11-- we don't have the same kind of
24 support from the rest of the country and from
25 Washington D.C. as we had after 9/11 when an attack

1 on New York was described as an attack on America,
2 you would think that the virus is almost our own
3 fault in terms of its impact. Yet, New York City has
4 suffered 28 percent of the deaths in the entire
5 country. We are the city in the world most impacted
6 by this virus. We're facing now a real challenge to
7 our future, the future not just of our economy, but
8 our ability to keep people located here. Our
9 competitiveness with other states, we've got a real
10 challenge ahead of us, and in our experience in 40
11 years with the partnership working on a series of
12 challenges starting with the municipal crisis of the
13 1970s and rebuilding the neighborhoods in the 80s, in
14 our experience ethics means that all parts of the
15 city have to come together. This isn't about pitting
16 workers against employers. It's not about tenants
17 against landlords. This has to be all of us on one
18 page fighting for the future of our city. We're not
19 going to have the resources to simply solve all the
20 problems with government subsidies. We're going to
21 have to work together and use a combination of public
22 and private resources to do that. At this point, we
23 think the legislation needs to be rethought that's
24 been proposed in terms of the impact on business,
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1 employers, workers. That conversation needs to take
2 place. We have to figure out what we're going to do.
3 We're going to have half a million lost jobs. We
4 have already 726,000 people have applied-- New York
5 City residents have applied for unemployment. You've
6 got a huge displacement in our economy, and we can't
7 do business as usual in terms of coming up with the
8 solutions to deal with it. We're prepared to sit down
9 with the Council and work closely with you. It's
10 organized labor. Its community organizations with
11 advocates to figure out solutions. We then we have
12 to be as innovative as the solutions we came up with
13 in the 1970s and 80s to come out of this kind of
14 crisis. The dimensions are just enormous, and no one
15 should under estimate that. So I'm hoping that you
16 recognize that employers are doing what they can, and
17 these are employers large and small to keep their
18 employees, to give them health insurance on furlough
19 to support and provide bonuses. There's a lot of
20 effort going on, but people are stretched very thin.
21 We're going to lose tens of thousands of businesses
22 in this process. It's going to be very hard to
23 rebuild our city and our neighborhoods, and we're
24 going to have to do it together. Thank you.
25

2 COMMITTEE COUNSEL: Thank you. Next we
3 have the New York State Messenger and Courier
4 Association.

5 CHRISTOPHER MACKRELL: Can you hear me
6 now? Hello, good morning-- good afternoon. Thank
7 you for the opportunity to speak today. My name is
8 Chris MacKrell. I'm past President and Co-Chairman
9 of the Government Affairs Committee for the New York
10 State Messenger and Courier Association, which is a
11 nonprofit organization working for the advancement
12 and interest of the Messenger and Courier Association
13 in the State of New York. We have been doing that
14 since 1945 [sic]. we are [inaudible] we support and
15 are grateful every day for additional compensation
16 and benefits for the staff of our essential workers,
17 but we have serious concerns related to 1918 as it
18 relates to the economic impact to the average small
19 business or average business. [inaudible] In its
20 simplest form, 1918 [inaudible] weekly cost of \$37,5-
21 - [inaudible] this level of additional cost is just
22 unmanageable for the average business in an already
23 downturned economic time. We also have concerns as
24 it relates to 1285, but we also would like to offer a
25 solution that could easily support some of the

1 concerns that the Council has which relates to
2 misclassification. We as industry association have
3 for years since 2006 when we worked out an
4 arrangement with the Department of Labor that says
5 all bikers and workers-- bikers and walkers in the
6 State of New York should be and are classified as
7 employees. our members currently treat all of their
8 staff who are bikers and walkers as employees, and we
9 encourage the Council to take a look at the New York
10 State Department of Labor guidelines for the
11 messenger and courier industry that clearly outline
12 very, very specific requirements and information on
13 how to classify individuals as independent
14 contractors and how to manage those who are-- truly
15 should be employee. We also have some concerns
16 related to the just cause, but based on some of the
17 comments heard today, we encourage the Council to
18 expand the terms for just caused to make sure that it
19 is clearly understood. Like, not only the workers
20 themselves, but the businesses that will be-- have to
21 manage the process. The last sections relates to the
22 extension of health benefits or sick pay to
23 independent contractors. The concern that this has
24 raised is if the city-- if the council extends that,
25

2 you'll put hundreds of companies who use independent
3 contractors in violation of both New York State DOL
4 laws, New York USDL [sic] laws, and the IRS as it
5 relates to the classifications and processes and
6 procedures we use--

7 SERGEANT AT ARMS: [interposing] Time.

8 CHRISTOPHER MACKRELL: to determine
9 employee status. I appreciate the time and the
10 opportunity to present this information, and we would
11 make members of the New York State Messenger and
12 Courier Association available as you further discuss
13 this process, provide input and information. Thank
14 you.

15 COMMITTEE COUNSEL: We have a question
16 from Majority Leader Cumbo.

17 SERGEANT AT ARMS: Time starts now.

18 COUNCIL MEMBER CUMBO: Hi, can you hear
19 me?

20 CHRISTOPHER MACKRELL: Yes, ma'am.

21 COUNCIL MEMBER CUMBO: Thank you.

22 CHRISTOPHER MACKRELL: How are you today?

23 COUNCIL MEMBER CUMBO: Thank you so much
24 and I appreciate your testimony on behalf of the
25 Messenger and Couriers that are all throughout New

2 York City right now. My question is-- throughout the
3 state, rather. My question is, while you have
4 concerns with Intro. 1918, I saw in others you had
5 some suggestions. Do you have some suggestions in
6 the way of hazard pay, and forgive my ignorance on
7 this, but also, has your-- have your messengers and
8 couriers, as well as your overall organization, is
9 this an industry that has been hit hard during COVID,
10 or is this an industry that has done about the same
11 or better?

12 CHRISTOPHER MACKRELL: Overall, as a
13 general industry, you have winners and losers, I'll
14 be honest. You have some organizations that have ex-
15 - had the opportunity to expand certain levels of
16 their business, but you have also organizations and
17 companies that [inaudible] messenger throughout New
18 York in between the boroughs that are seeing up to 90
19 percent increase in revenue. As it relates to hazard
20 pay and/or incentives, a lot of members who have
21 increased for-- are still out there in the
22 marketplace providing essential services on a day-to-
23 day basis. [inaudible] and are [sic] have adjusted
24 hourly pay and have provided additional compensation.
25 A lot of them are putting together special programs,

2 handing out gift cards, providing all kinds of other
3 incentives, which would be-- which is a normal course
4 of us operating and trying to operate a successful
5 business, and encouraging your staff to be, you know,
6 supportive of what we're trying to do. So yes, a lot
7 of our members are currently providing "hazard pay"
8 or incentive pay to make sure that they continue and
9 recognize their commitment to not only us, but the
10 people [inaudible].

11 COUNCIL MEMBER CUMBO: Would you say
12 there are more [inaudible] at this time--

13 CHRISTOPHER MACKRELL: [interposing] No,
14 wouldn't say-- would say there's more losers
15 unfortunately, than winners.

16 COUNCIL MEMBER CUMBO: Okay, thank you.

17 CHRISTOPHER MACKRELL: You're welcome.

18 COMMITTEE COUNSEL: You have a question
19 from Council Member Lander?

20 COUNCIL MEMBER LANDER: Thanks very much,
21 and thank you for being here to testify. I just want
22 to-- maybe correct two things about intro 926 and
23 make sure I understand what you're saying correctly.
24 So, first, to be clear, it would not require anyone
25 to provide health insurance as you said in your

2 testimony. Just paid safe and sick leave under New
3 York City's exciting earned safe and sick leave law,
4 it doesn't make people employees for other state or
5 federal provisions. We would not have the power to
6 do that if we wanted to. All we do here is extend
7 the safe and sick leave law and require people to
8 comply. We've required people to not steal wages from
9 independent contractors. We provided a law that
10 required people to pay Uber and Lyft drivers a decent
11 wage. None of those put people in conflict with any
12 state or federal laws. So I guess I'd urge you to be
13 glad to take more offline and understand why you
14 think that, but I'm confident the way we're doing
15 this just relates to complying with the local safe
16 and sick leave law and would not put you into any
17 conflict with other state or federal laws.

18 CHRISTOPHER MACKRELL: As it relates to
19 that, there's a clause that was initially used
20 [inaudible] classification of independent contractor
21 versus mis-classified, or employees and [inaudible]
22 calls what initially was labeled as similarly [sic]
23 situated [sic], which basically says if you're
24 providing similar benefits or services to your
25 statutory employees and you provide those to your

2 independent contractors; therefore those independent
3 contractors are now to be deemed employee. So--

4 COUNCIL MEMBER LANDER: [interposing]
5 There's a lot of evidence they already should be
6 being deemed employees, but I don't believe that
7 extending safe or sick leave would put you in any
8 worse condition for it. That's why we support res.
9 1285 that clarifies this at the state level.

10 CHRISTOPHER MACKRELL: Basically what
11 we're looking there to do is just have obviously more
12 input, understand specifics of the rules, how it
13 would apply to our members and obviously independent
14 contracts in general. As I mentioned, we feel very
15 strongly that there are probably more than 25 to
16 30,000 people in the state, individuals in the state
17 of-- in New York City specifically, they're
18 misclassified by the "gig" economy. Those
19 individuals based on these guidelines, as I
20 mentioned, should be, and should always have been
21 classified as employees. I encourage the Council to
22 take a look at those guidelines and see if there's
23 opportunity to implement them-- to take care of "the
24 low hanging fruit." It's there. It's available.
25 It's been in place since 2016.

2 COUNCIL MEMBER LANDER: Thank you very
3 much for the testimony. We look forward to following
4 up.

5 CHRISTOPHER MACKRELL: Thank you.

6 COMMITTEE COUNSEL: Thank you. I'll next
7 call on Tsedeye.

8 TSEDEYE GEBRESELASSIE: Hi. Can you hear
9 me?

10 SERGEANT AT ARMS: Time starts now.

11 TSEDEYE GEBRESELASSIE: Hi, thank you.
12 My name is Tsedeye Gebreselassie. I'm an attorney at
13 the National Employment Law Project. I'm actually
14 submitting this testimony on behalf of a worker who
15 I'll call Barbara Smith, because she wished to remain
16 anonymous. She feared retaliation if her employer
17 knew she was testifying in support of Intro 1918.
18 I've worked as a home healthcare aid for a number of
19 years at a residential assisted living facility in
20 New York that services several hundred elderly New
21 Yorkers. I work fulltime, 40 hours a week, and earn
22 15 dollars an hour. I'm also a member of the United
23 Food and Commercial Worker Union Local 2013, which is
24 pushing to improve conditions in my facility. It's
25 always been a tough demanding job, but now during the

2 COVID crisis it's like a war zone. Many of the
3 residents have contracted COVID, more than 30 have
4 died. Many of the staff including myself have come
5 down with COVID and have been out sick from work, and
6 at least one of my colleagues has died. It's
7 devastating for me and my colleagues to be losing so
8 many of the residents that we care so deeply about.
9 Although I believe the executives who run the
10 assisted living facility are well-paid, we have not
11 received any raise or any additional pay during this
12 crisis. Not only are we putting in longer hours than
13 ever since so many of our colleagues are out sick,
14 we're forced to take on a lot of new work, and our
15 employer is not providing us with the safety
16 equipment that we need. We are given only flimsy
17 disposable masks. In fact, originally we were forced
18 to wear garbage bags instead of gowns. As a result,
19 I and my other colleagues have been forced to locate
20 and purchase with our own money our own protective
21 equipment such as fabric masks. The strain is
22 extreme. I've already had COVID myself as I had
23 mentioned. I infected one of my sons, and I am
24 terrified of infecting my other son. It's never been
25 easy for me to pay rent making 15 dollars an hour,

2 but now the situation is dire, and my family has been
3 forced to go to the food pantry to get groceries,
4 which we never had to do before. Essential workers
5 like myself never asked for this, and calling us
6 heroes is not enough. We need and deserve extra pay
7 and to be adequately protected for the work that we
8 are doing. Paying an additional premium pay would
9 make such a tremendous difference for me, and I just
10 want to say too that protecting workers who speak up
11 about dangerous conditions is equally important.
12 Until people started complaining, my employer was not
13 providing PPE equipment and is still not providing
14 the right equipment. Until workers feel safe
15 speaking up about dangerous working conditions, we
16 will never be able to control this crisis. Thank you
17 so much for the opportunity to testify today.

18 COMMITTEE COUNSEL: Thank you. We have a
19 question from Council Member-- sorry, Majority Leader
20 Cumbo.

21 COUNCIL MEMBER CUMBO: Thank you, and I
22 apologize so much for the loss of your colleague as
23 well as the work that you all are doing right now. I
24 know it's a tremendous loss to also lose the people
25 that you are working with and caring for. My

2 question is, what would hazard-- you outlined this a
3 bit, but to get more into the weeds of it, what would
4 hazard pay, or as I say, essential pay do for you?
5 What would that do in terms of your ability to
6 continue to work during the COVID-19 outbreak? How
7 would it assist you and what would it enable you to
8 further do?

9 TSEDEYE GEBRESELASSIE: Well, I think in
10 talking to-- you know, I don't-- I obviously don't
11 want to speak directly for this anonymous worker
12 beyond the testimony that she provided; however, you
13 know, I do think that there are increased costs.
14 Like, she mentioned the fact that she had to go out
15 and purchase her own PPE equipment, which is, you
16 know, something that we shouldn't tolerate, but while
17 workers have to do it, that's extra money that
18 they're not being compensated for. The increased
19 grocery costs, the increased, you know, family
20 members being out of work and still having to help
21 provide for them, those are all very tangible
22 immediate costs that people are facing.

23 COMMITTEE COUNSEL: We have another
24 question from Council Member Yeger.

25 SERGEANT AT ARMS: Time starts now.

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COUNCIL MEMBER YEGER: Thank you
[inaudible] and delivering that moving testimony. I
have just a few questions, and I recognize that you
may not be able to speak directly to the worker's
experience. But you indicated that she's a member of
a union, and I'm curious to know how the int--
because I think it's awful that somebody would be
working in an assisted living facility, which is
essentially a healthcare provider, and not be
provided with equipment. What did the-- did the
worker file a complaint with her shop steward, with
the union itself to try to resolve that because that--
she should never have to go out in an environment
where she works in a healthcare facility and buy her
own personal protection equipment.

TSEDEYE GEBRESELASSIE: Yeah, I don't
know the answer to that direct question. I mean, I
do know that-- I mean, it's not just her, right? I
mean, healthcare workers in numerous facilities,
hospitals, nursing homes, assisted living facilities,
doctors, nurses, all sorts of professions are not
receiving adequate equipment and a lot of them are
buying it on their own or using garbage bags or
everything like that. I mean, I think for this

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particular worker making 15 dollars an hour, that's almost prohibitive costs given all of the other essentials that she has to buy.

COUNCIL MEMBER YEGER: I couldn't agree more, and I think it's outrageous that she had to do it, but my specific question is we've all heard the horror stories of people in the healthcare industry who had to go out and get their own equipment or were using makeshift equipment, but in your particular instance we're talking about, I believe, a worker who is part of collective bargaining, has a contract, has the protections that organized labor provides, has a union backing her up, has a shop steward on site, and I'm curious to know how that all worked out to her benefit. I think it would help us a lot to understand what it is that is going on beyond the scope of this hearing which is not related specifically to that, but we want to know, I think, what's going on when a worker tells their union that their employer is not treating them properly in this environment.

TSEDEYE GEBRESELASSIE: Again, I can't answer specifically what-- because I don't know the

2 answer. You know, Intro. 1918 would obviously
3 protect all workers, union and non-union alike.

4 COUNCIL MEMBER YEGER: Actually, Intro
5 1918 would not protect anybody--

6 TSEDEYE GEBRESELASSIE: [interposing] Oh,
7 I'm sorry. I'm sorry. Yeah.

8 COUNCIL MEMBER YEGER: Intro. 1918 would
9 create a new minimum wage scheme [sic] that in New
10 York City would be unlawful for us to enact. So what
11 we're trying to figure out-- I think some of the
12 members are trying to figure out what we-- what the
13 City Council can do to protect people. what, within
14 the rights and privileges that the New York City
15 Council has, but at the legislature the threshold
16 question for us to get before we debate the merits of
17 the proposal is, is it lawful for us to do? This
18 particular bill is not lawful for us to do. I think
19 it would be important for us to find out what
20 experiences people are having and what can we do to
21 help them, and for example, in the instance of this
22 employee where they are clearly not getting the
23 protective gear that they need to have to do their
24 job safely, nobody should be treated that way. So
25 that's why I had that question. I really do

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appreciate your bringing her testimony to us, and also I appreciate the manner in which she needed to do it for her own protection. Thank you very much. I yield back my time, Mr. Chairman.

CHAIRPERSON MILLER: Thank you, Council Member Yeger, for always thoughtful insight, and thank you to our panelist for telling your story and telling the story of others on your behalf. I think as the Council Member said that this package of legislation, not just-- it really highlights the particular dilemma that we find ourselves in as a city, as a nation, and as a council in how we responsibly ensure that we're protecting the rights and entitlements of workers who are protecting us each and every day, and I think that that is the overall goal, and again, I appreciate all of the insightful and thoughtful insight that we're getting from our colleagues, and as well as those who are testifying, taking time to testify today. With that, we want to call on the next panel. And I'll send it back to Nuzhat [sp?].

COMMITTEE COUNSEL: Yes. So, the next panel-- the next panel will be Amanda Bransford

2 [sp?], Hugh Barron [sp?], Rebecca Miller, and David
3 Cohen. I will now call on Amanda Bransford.

4 SERGEANT AT ARMS: Time starts now.

5 AMANDA BRANSFORD: Hi, my name is Amanda
6 Bransford, and I'm a Workers' Rights Attorney for
7 Make the Road New York. I'm actually going to be
8 reading a statement on behalf of a Make the Road
9 member who couldn't be here this morning, and the
10 statement has been translated form Spanish. "My name
11 is Clemente [sp?], and I'm a delivery worker for a
12 restaurant in Brooklyn. I'm here today to ask the
13 City Council to pass the Essential Workers Bill of
14 Rights. I and other delivery workers have been
15 ignored in the past, but we are now considered
16 essential. Our jobs are now dangerous, but we are
17 not being paid anything extra for the dangers we
18 face. My employer is pressuring me to work extra
19 shifts, but I don't want to because I'm too concerned
20 about my health during this pandemic. I think it
21 would be fair for delivery workers to receive extra
22 pay for the danger we're facing right now. We're
23 scared. Being on the street is not the same as
24 working inside. We're working out of necessity
25 because we have to pay our rent and our bills. I

2 would rather be able to stay home like other people
3 are, but it's not an option for me. It wouldn't mean
4 just a week or two without pay. This is going to
5 last a long time. We're still making deliveries for
6 the restaurant, and the restaurant is still making
7 money. All of delivery workers are afraid of
8 speaking up about our health and safety needs because
9 the workers could be replaced. Protection against
10 firing us without cause would help us because
11 employers would respect our rights to speak up about
12 safety and health and getting paid what we deserved
13 if the city told them that they had to. When the
14 pandemic started, the restaurant where I worked
15 didn't want to give us safety equipment, not even
16 hand sanitizer. We got gloves and masks from
17 volunteers who supplied them to us, not from our
18 employer. I worry about my children, but I have to
19 pay rent. It is not a choice. We as essential
20 workers want to be kept in mind. Right after
21 businesses shut down because of the pandemic, the
22 Governor finally legalized the electric bicycles we
23 use to make deliveries, after we had fought for a
24 long time without success. The Governor finally saw
25 that delivery workers are necessary. All of a sudden

2 we were important. The City needs us and it can't
3 function without us. We want the city to remember
4 that we are also people and are putting ourselves in
5 danger and that we do not have a choice. I ask that
6 the City Council pass the Essential Workers' Bill of
7 Rights to help make a bad situation better for us.
8 Thank you."

9 COMMITTEE COUNSEL: Hugh Barron?

10 SERGEANT AT ARMS: Time starts now.

11 HUGH BARRON: Hi, my name is Hugh Barron.
12 I'm a Staff Attorney at the National Employment Law
13 Project. I'll be reading this on behalf of an
14 anonymous Trader Joe's employee in Manhattan who I'll
15 call John Doe. "I am an essential worker at Trader
16 Joes in Manhattan. Thank you to Chairman Miller and
17 the Committee for the opportunity to share my
18 testimony with you today. If my employer knew I was
19 providing this testimony, I would face retaliation
20 and probably be fired. I was hired in early March
21 after nearly half of the staff at my store quit,
22 fearing that if they stayed in their jobs their lives
23 would be in danger. I hate to say it, but they were
24 right. My store has closed three times for
25 unexplained emergency cleaning. Many staff have

1
2 gotten sick and mysteriously not returned to work,
3 and at least two workers at my store have tested
4 positive for COVID-19. Just yesterday my store
5 closed by a coworker tested positive, but Trader
6 Joe's has refused to take steps to safeguard us. For
7 a full month, my store managers told us that we could
8 not wear gloves or masks. Management said they could
9 not provide masks, as they were preserved for
10 healthcare workers on the frontline. They wouldn't
11 even let us wear masks of our own. We were even told
12 that if we wore masks it would be viewed as a sign
13 that we were too sick to work and we would be sent
14 home. Trader Joe's now requires us to wear masks,
15 but they still don't supply enough of them. They're
16 forcing us to dig into our own pockets and get masks
17 to protect ourselves and our customers. But my co-
18 workers and I must keep working because we're living
19 paycheck to paycheck. Recent hires like me don't
20 even have healthcare yet. So we endured long subway
21 commutes risking further COVID exposure to keep
22 showing up to work. While we're struggling, Trader
23 Joe's is flourishing. Every week we are told that we
24 have broken new sales records, but they won't do what
25 they need to to keep us safe. Since early April,

1 management even stopped holding staff meetings, so we
2 don't even have a regular space to voice our concerns
3 to them. That's why I'm thrilled the Council is
4 proposing to institute just cause protection during
5 this pandemic. With these protections in place,
6 Trader Joe's could not fire me for speaking up and
7 trying to make my workplace safe. Trader Joe's would
8 have to listen to me and respect me. I'm also
9 pleased the Council is stepping to ensure we are
10 compensated fairly for the risks we are taking on and
11 recognizing the extra expenses we're bearing right
12 now. In March, Trader Joe's said they would create a
13 bonus pool for us, but that bonus turned out to be a
14 200 dollars a month before taxes, about two bucks an
15 hour. The Council's proposal, on the other hand,
16 would provide just compensation that recognizes the
17 value and the danger of our work in this
18 extraordinary time. Right now, after taxes, my take
19 home pay is about \$1,820 a month. I spend over half
20 of that on rent alone. Under the Council's proposal,
21 on the other hand, for the duration of the emergency,
22 I would take home an additional \$60 for every 8-hour
23 shift I currently work. That's an extra \$300 a week
24 or \$1,200 dollars a month before taxes. That is
25

2 serious money I can use to stay outfitted in the PPE,
3 that I can save to use--

4 SERGEANT AT ARMS: [interposing] Time.

5 HUGH BARRON: to cover health-related
6 costs in case I do get sick. Finally, I just want to
7 note that we at Trader Joe's are not unique in
8 needing protection. Before this job, I worked with
9 residential aide and city homeless shelters. My
10 former colleagues are out on the frontline and I hope
11 that they are also accounted for in this
12 conversation. Thank you for the opportunity to share
13 my story."

14 COMMITTEE COUNSEL: Council Member
15 Lander?

16 SERGEANT AT ARMS: Time starts now.

17 COUNCIL MEMBER LANDER: Questions for
18 you, I think in your role at NELP, rather than from
19 the point of view of that worker. Thank you for
20 sharing the testimony. First, I just mentioned this
21 in my opening remarks, but I just think it's worth
22 making sure I have right. At least by my
23 understanding, because the CARES Act adds 600 dollars
24 a week to the state unemployment benefit. For folks
25 who have gone on pandemic unemployment assistance, it

2 equates to about an hourly wage of \$22.50 an hour,
3 and I don't know exactly what the hourly wage of that
4 worker is, but my sense is there's an awful lot of
5 essential workers who are making less than \$22.50 an
6 hour right now. Does that accord with what you're
7 seeing?

8 HUGH BARRON: Yeah, and so I don't want
9 to speak too much beyond the testimony that as it was
10 written, but the rate that this employee John Doe
11 makes is \$17.00 an hour at Trader Joe's, which as we
12 all know-- as he said, it's flourishing right now and
13 certainly can afford to take on more of a burden.

14 COUNCIL MEMBER LANDER: I'm really
15 grateful that NERP and other organizations advocated
16 so hard to get unemployment assistance to be enough
17 to help people eat and pay the rent, and I sure
18 understand the testimony from employers about needing
19 to have a source of revenue, especially if they're
20 nonprofit organizations. There's something wrong
21 with the world where that worker would make five
22 bucks an hour more for going on unemployment than
23 for, you know, showing up on the frontlines to make
24 sure the rest of us can buy our food, yes?

2 HUGH BARRON: Yeah, I agree with you, and
3 I think-- you know, and one thing I think people
4 don't necessarily understand about unemployment and
5 the way it works is you can't just, you know, quit
6 because you feel like it and get on unemployment.
7 You have to-- generally, if you're-- unless you're
8 terminated by the employer but through no fault of
9 your own, you have to show that you have good cause
10 to leave your job if you're quitting voluntarily.
11 And so we're certainly working in New York and other
12 states to try to expand what counts as good cause,
13 particularly in this time, and make clear that people
14 [inaudible] safety risks at work should be eligible
15 to go on unemployment and to leave unsafe jobs, in
16 particular, but that's not necessarily where we are
17 right now, and so workers continue to face these
18 unsafe conditions and be paid very low wages for it.

19 COUNCIL MEMBER LANDER: That puts a
20 really painful irony to the good cause issue here as
21 well, that your employer needs no cause at all to
22 fire you, but you would need good cause to quit even
23 though folks on unemployment are making five bucks an
24 hour more and you have to go risk your health and
25 safety every day. Alright, one last question for

2 you. you heard the Commissioner talk though
3 enthusiastically in general about the law, about the
4 challenge at this moment in setting up an enforcement
5 system, and I know that you have worked at the state
6 level and other levels on some creative ways of
7 enabling workers to be able to enforce some of these
8 kinds of laws, and I wonder if you could just share
9 any perspective you have on how we might be able to
10 adjust the just cause law in particular to set it up
11 so that it would be possible to have, and have an
12 enforcement mechanism without needing to stand up a
13 whole new division of the Department of Consumer and
14 Worker Protection during the pandemic.

15 HUGH BARRON: Sure. So, traditionally,
16 our employment and labor laws have depended on a
17 combination of types of enforcement, both public
18 enforcement by our agencies and private enforcement
19 by individuals. The problems that we're facing as I
20 think the Commissioner's testimony highlighted is
21 that our public agencies are really quite underfunded
22 and under-resourced to meet the demands that are
23 already placed on them, and private sector workers
24 are increasingly subject to significant barriers to
25 enforcing their rights, and in particular two that I

2 would mention here are forced arbitration
3 requirements and class and collective action waivers
4 which require workers to go one by one before secret
5 private arbitrators who are usually hand-picked by
6 the company to enforce their rights under our labor
7 employment laws. That's one barrier. The other is
8 fear of retaliation and fear that you will be fired
9 if you try to enforce your rights or otherwise black-
10 balled or threatened with immigration consequences,
11 and unfortunately, our laws are not strong enough to
12 protect-- and fast enough to protect workers from
13 that kind of retaliation. So, one solution is to
14 create-- to both of those problems-- is to create a
15 public enforcement action which would allow workers
16 to step into the shoes of the Commissioner-- of the,
17 in this case, the Office of Labor Standards, and sue
18 in the name of the city, their employers. That would
19 allow-- so, if I could just finish this point. That
20 would allow workers the ability to privately enforce
21 the laws to collect civil penalties, even if they're
22 subject to forced arbitration requirements. And
23 those civil penalties, 60 to 70 percent of them would
24 actually go directly back into the Office of Labor
25 Standards so that we could fund further enforcement

2 of the law. So, basically, the law can be amended,
3 funds itself, and we are working with a number of our
4 allies who testified already here today on
5 legislation at the state level, the Empire Act, which
6 would create that right under state labor law-- under
7 the New York labor law generally. But we think it
8 would be a great way to amend the just cause bill to
9 provide for such an action, to really-- which would
10 really address both workers' rights to enforce the
11 law and the funding concerns and limitations that the
12 city is facing right now.

13 COUNCIL MEMBER LANDER: Thank you.

14 HUGH BARRON: Thank you.

15 COMMITTEE COUNSEL: Thank you. We have
16 Rebecca Miller next.

17 SERGEANT AT ARMS: Time starts now.

18 REBECCA MILLER: My name is Becca Miller,
19 and I'm the New York State Deputy Political Director
20 for the Communications Workers of America District
21 One. Thank you to Chairman Miller and the rest of
22 the Council, the Committee on Civil Service and Labor
23 for allowing me the opportunity to testify today in
24 support of the essential workers Bill of Rights.
25 While many New Yorkers are able to work from home,

2 there are over one million essential frontline
3 workers in New York City who must leave their homes
4 and report to work every day, putting themselves,
5 their families and their communities at risk. CWA
6 District One represents thousands of these workers,
7 including healthcare workers, telecommunications
8 workers, New York City Traffic Agents and
9 Supervisors, Board of Elections employees, and other
10 public servants in city and state government, all
11 public-facing [sic] essential workers who must
12 interact with the public and keep our city moving
13 while allowing the rest of us to stay home. The
14 importance of ensuring these workers have the right
15 to stand up for fairness and safety in the workplace
16 has never been more clear. During the pandemic, CWA
17 has been able to win better protections, including
18 extended pay leave, hazard pay, and safety
19 accommodations for many of our members. However,
20 tens of thousands of essential workers have no union
21 to fight for them. COVID-19 has shown us that we are
22 only as safe as the least protected among us, and
23 unfortunately there are far too many without
24 protection. CWA District One strongly supports Intro
25 1923 which would establish just cause employment

1 protections for essential workers. Every worker must
2 have the right to speak out on the job about
3 workplace issues, particularly around health and
4 safety, particularly during a pandemic without fear
5 of retaliation. Under a just cause system, an
6 employer would be required to articulate a job-
7 related reason for the firing, making it easier and
8 safer for workers to assert their rights. CWA
9 District One also strongly endorses 1926 which
10 expands paid leave to workers in non-traditional
11 employment settings. When on-call workers get sick
12 they're forced to choose between eating and staying
13 home to get better. In a pandemic, the outcome of
14 that decision affects all of us. every worker
15 deserves paid sick leave when they need it, and
16 ensuring essential gig workers have paid sick leave
17 is of utmost importance. And I'd also like to stay
18 that CWA District One supports Resolution 1285 which
19 calls on the state to pass legislation addressing
20 misclassification of the estimated 850,000 workers
21 who are excluded from minimum wage, healthcare, sick
22 leave, unemployment insurance, and many other
23 benefits. Lastly, as the Council is considering
24 Intro. 1918 regarding mandating premium pay for
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2 essential employees in the private sector, we ask the
3 Council to consider the issue for the many brave
4 public sectors workers who are risking their lives
5 daily in service to the city. CWA District One
6 represents essential workers in both public and
7 private sectors. Our public sector members include
8 essential city workers like Traffic Enforcement
9 Agents and supervisors, Board of Election workers,
10 city agency administrators and supervisors, as well
11 as city healthcare workers who are on the front lines
12 of this crisis without any hazard pay. Workers being
13 forced to work during these dangerous times deserve
14 more than our gratitude. They deserve to be
15 compensated [inaudible] fully protected, but we're
16 broadly supportive of a concept of hazard pay for
17 essential workers. We worry that workers in the
18 public and private sectors will not be treated
19 equally. We urge the Council to examine this issue
20 closely. Thank you.

21 COMMITTEE COUNSEL: Thank you. We will
22 next hear from David Cohen.

23 DAVID COHEN: Can you hear me okay.

24 SERGEANT AT ARMS: Yep. Time starts now.

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DAVID COHEN: Good morning, Chair Miller, all the Council Members here and everyone, members of the committee. My name is David Cohen. I'm Deputy Political Director at SEIU 32BJ, and the sound you hear behind me is my one-year-old son playing with paper bags. My wife was a midwife, delivered a baby a few hours ago. So childcare has fallen on me today, but I also have the privilege to work at home today where so many essential workers, including thousands of our members do not. The union represents 165,000 building service workers from Boston to Florida, and of those members 85,000 of them live here in New York. As I mentioned, many are essential employees. The outbreak of COVID-19 has highlighted and exasperated pre-existing problems in our society in areas ranging from healthcare to our unemployment assistance and our at-will employment relations system. Under our current law, employees can be dismissed without any process for any reason except those prohibited as discriminatory, even if an employer dismisses an employee-- alright, sorry-- for a prohibited purpose. The burden is still on the employee to show that the employer acted wrongly, and this has long-biased the playing field between

2 employees and employers and [inaudible] resulting in
3 lower wages brought to the forefront-- sorry, lower
4 wages for employees and the chilling [sic] of
5 employees when organizing and making complaints.
6 These issues have been brought to the forefront
7 because essential employees have been threatened with
8 firing since closing working conditions, unsafe
9 working conditions, or have been fired. We've seen
10 this in the fast food sectors, and you know, fast
11 food workers have been organizing since February 2019
12 for permanent just cause protections. And we
13 appreciate the leadership in the council, the
14 leadership of Chair Miller and the lead council
15 sponsors on those two bills, Council Members Lander
16 and Adams for continuing to fight for permanent
17 protections, just cause [inaudible] our fast food
18 workers. And as I was saying, we've seen in the fast
19 food sector employees to be constructively dis--
20 unconstructively discharged for simply requesting
21 time off to visit family. You know, as we begin to
22 reopen our economy, it's critical that fast food
23 employees and other essential employees feel like
24 their jobs are secure if they're ill or if they have
25 to quarantine. You know, and we don't want our

2 economy further hindered or public health threatened
3 if workers, you know, are going to work when they are
4 ill because they fear being unjustly dismissed.
5 Intro. 1923 would prevent the firing or constructive
6 discharge of employees after the probation period.
7 Employers would still be able to engage in
8 progressive discipline and terminate employees
9 performing unsatisfactorily. What employers will no
10 longer be able to do is just fire people for no
11 reason. A year ago when we launched this campaign,
12 fast food workers were asking like give me a reason,
13 you know, and I think-- all essential workers, I
14 think we can all agree deserve a reason if they're
15 being let go.

16 SERGEANT AT ARMS: Time.

17 DAVID COHEN: Okay. Just very quickly, I
18 also want to speak in support of Intro. 1926, which
19 would expand the Earned Safe and Sick Time Act to
20 cover gig economy workers, and we've certainly seen
21 how COVID-19 has exposed how gig economy workers have
22 been excluded from the protection, and I want to
23 thank the Council again for their leadership, and
24 also recognize all of the essential workers out there
25 working and keeping our city safe and doing so much

2 more, giving so much more during this crisis. Thank
3 you.

4 COMMITTEE COUNSEL: Thank you. The next
5 panelist will be Frank Kearl followed by Cassandra
6 Gomez followed by Cassandra Gomez followed by Alyssa
7 Lovelace, then Brian Chen and Paul Sonn. Frank
8 Kearl, you may speak first.

9 SERGEANT AT ARMS: Clock starts now.

10 FRANK KEARL: My name is Frank Kearl.
11 I'm a Staff Attorney at Make the Road New York in our
12 Staten Island office. Make the Road New York
13 represents over 25,000 mostly black and Latinx
14 members. The majority of our members hail from the
15 five boroughs with the largest group from the
16 epicenter of the epicenter of the COVID-19 crisis in
17 Queens. Our members are often on the frontlines of
18 the pandemic. They're either facing horrific levels
19 of unemployment, many of them with zero access to
20 unemployment insurance and pandemic unemployment
21 assistance, often ineligible even for food stamps, or
22 they're working increased hours in forced overtime
23 and frontline jobs cleaning office buildings, washing
24 hospital laundry, delivering food for 12-hour shifts
25 on bicycles with only bandannas across their faces

2 and plastic bags on their hands to serve as
3 protection. These workers return home to close
4 quarters living risking every day that they're
5 bringing COVID-19 to their multigenerational families
6 living in small apartments. The need is acute for
7 PPE, for wages that can help families survive, for
8 replacement income to fill the gaps left by the
9 racist unemployment system that excludes undocumented
10 immigrants, and on the most basic level workers need
11 their right to speak out and tell the truth, blowing
12 the whistle on dangerous conditions, and they need
13 that right to be protected. For over a year now I
14 have been meeting with workers from Amazon's JFK8
15 fulfilment center and hearing about the back-breaking
16 work that goes into fulfilling orders for the e-
17 commerce giant. Before the pandemic, workers at
18 Amazon's facilities already faced staggering injury
19 rates while putting their bodies on the line to help
20 build the world's most valuable company in the world.
21 Amazon's workers are subjected to dangerously fast
22 work rates, achingly long shifts, and perilously high
23 temperatures every day they come into the facility.
24 Injuries are treated by an undertrained healthcare
25 team with Band-Aids, pills and pain creams before

1 being swept under the rug. COVID-19 has only brought
2 Amazon's mistreatment of its workforce into sharper
3 relief. For the last two months Amazon has failed to
4 implement specific worker protection in its
5 facilities. It tried to cover up the number of
6 workers who tested positive. They failed to
7 implement policies that will allow sick workers to
8 stay home. They failed to provide sufficient PPE.
9 They have continued, business as usual, allowing
10 their facilities to become vectors for the spread of
11 COVID-19 risking the lives of their employees and the
12 safety of our communities. The proposed bills will
13 not resolve all these problem, but they're a
14 necessary first step. Intro. 1923, in particular,
15 will put a stop to retaliation against Amazon
16 employees who dare to stand up and demand better.
17 When workers like my clients, Christian Smalls,
18 Derrick Palmer, and Gerald Bryson [sp?] asked Amazon
19 to follow CDC guidelines and shut down JFK8 for a
20 deep cleaning, they were ignored. When they began to
21 organize their fellow workers to demand safer
22 conditions, they were give final disciplinary write-
23 ups, fired, and smeared in the press. Intro. 1923
24 will release these essential workers from imminent
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threat of 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 whistle-blowers at that point. No employer should ever be able to silence whistle-blowers through retaliation. Make the Road New York represents many of New York City's most vital and vulnerable workers. The 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 restaurants 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 is New York City and we're in a crisis. We should demand more from our employers. We should stand up for our workers. I implore you to pass the full package of protections in the essential worker Bill of Rights.

COMMITTEE COUNSEL: Thank you. Cassandra

Gomez?

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SERGEANT AT ARMS: Clock starts now.

CASSANDRA GOMEZ: Thank you to the Chair and to the Committee for giving me the opportunity to speak today. My name is Cassandra Gomez, and I'm a Staff Attorney at A Better Balance. A Better Balance is a national legal advocacy organization dedicated to promoting fairness in the workplace and helping employees meet the conflicting demands of work and families. Here in New York City we helped draft the Earned Sick Time Act and negotiated the final terms of the legislation. We urge this committee to move forward with the Essential Worker Bill of Rights package and pass this important legislation. 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. 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

2 themselves, their families and the public safe.
3 Misclassified workers tend to be from the most
4 economically vulnerable communities. They're women.
5 They're people of color, and they work for low wages.
6 They deserve clear coverage under the Earned Sick
7 Time Law and the proposed amendment is an important
8 step forward. The legislation proposed today would
9 add to the existing Sick Time Law, a broad
10 presumption of employment, setting this baseline that
11 those who work for others are considered employees
12 unless they meet clear, specific tests showing
13 they're truly operating as independent contractors.
14 These amendments would make it easier for workers who
15 are classified or whose employment status is in
16 question to show that they are employees, entitled to
17 the full protection of the law, rather than
18 independent contractors. This builds upon the law's
19 existing strong framework by eliminating uncertainty
20 over coverage, and thus, better protecting workers
21 across the city. [Inaudible] the epicenter of the
22 Coronavirus pandemic in the U.S., New York City must
23 ensure that all workers have paid sick time, a
24 benefit that is proven to reduce the spread of
25 contagious disease. For many New Yorkers, staying

2 home while sick is only an option if they can still
3 count on receiving a paycheck and having a job to
4 return when they're better. Ensuring that
5 misclassification will not deprive workers of their
6 sick time rights is essential to getting through this
7 crisis and to ensuring that we will be better
8 prepared for handling public health emergencies in
9 the future. By moving forward with and passing the
10 Essential Worker Bill of
11 Rights, the Council Committee will take a huge step
12 forward for our workers and our community.

13 COMMITTEE COUNSEL: Thank you. Next we
14 have Alyssa Lovelace.

15 SERGEANT AT ARMS: Your time starts now.

16 ALYSSA LOVELACE: [inaudible] today on
17 Intro [inaudible] Good afternoon. I'm Alyssa
18 Lovelace, Director of Public Policy and Advocacy for
19 the Home Care Association of New York State. Thank
20 you Chair Miller and Committee Members for allowing
21 me the opportunity to testify today on Intro. 1918.
22 HCA represents nearly 400 providers, organizations,
23 and individuals statewide, including home care
24 agencies, hospices, and managed long-term care plans
25 that provide care to New York's most vulnerable

2 populations in their home. Many of these providers
3 and plans are located in the New York City region.
4 HCA most certainly believes essential workers should
5 be granted premium pay during this crisis; however,
6 this pay should be reimbursable to the plans and
7 providers who pay the workers. As written, this
8 legislation would create yet another unfunded mandate
9 placed on the shoulders of providers and the plans.
10 Both providers and plans must already comply with
11 state and federal wage mandates as discussed earlier.
12 For example, in New York City this includes minimum
13 wage and wage parity requirements that must be passed
14 through to the workforce. Home health aides, nurses,
15 and all professional and paraprofessional staff
16 working in home care hospice and managed long-term
17 care had been on the frontlines of the COVID pandemic
18 just like those working in hospitals and other care
19 settings. However, New York City's home care
20 agencies, hospices, and plan that employ and pay
21 these workers are already facing major financial
22 shortfalls, addressing the enumerable daily factors
23 involved in providing care in the COVID-19 pandemic,
24 including the exorbitant cost personal protective
25 equipment, which is still in great unmet need for

2 home care and hospice in New York City, worker
3 illness, and other severe abnormalities in operation
4 and service delivery patterns resulting from COVID.
5 Additionally, providers and plans are facing steep
6 rate reductions due to the recently enacted state
7 budget and reduction for Medicaid funding. Rather
8 than impose another wage mandate on these healthcare
9 providers, HCA is requesting that the Council adopt a
10 resolution urging state and federal partners to
11 supplement funding for the purposes of premium pay.
12 Let's secure funding first and then create a policy
13 to address this pay. Well before this legislation
14 was introduced HCA and HCA provider members have
15 independently raised the idea of enhanced funding for
16 home care agencies, hospices, and plan compensation
17 for all frontline workers battling COVID-19. We have
18 asked that the State Department of Health, State
19 Department of Labor, and U.S. Department of Health
20 and Human Services consider funding increases for
21 home care, hospice, and plans for worker
22 compensation, and most recently affirm the same
23 enhanced funding echoing the Governor's call for
24 enhanced pay for these workers. So, moving forward,
25 HCA is happy to work with the City Council and state

2 and federal partners to secure funding first for the
3 purpose of premium pay, and we're always here as a
4 resource as it relates to home care, hospice, and
5 managed long-term care. Thank you very much.

6 COMMITTEE COUNSEL: Thank you for your
7 testimony. Next we have Brian Chen [sp?].

8 SERGEANT AT ARMS: Clock starts now.

9 BRIAN CHEN: Good afternoon. Good
10 afternoon and thank you, Chair Miller and members of
11 the Committee. My name is Brian Chen, and I'm a
12 Staff Attorney with the National Employment Law
13 Project, a nonprofit that advocates for the rights of
14 underpaid workers. On behalf of my organization, I
15 am urging the City Council to pass the Essential
16 Worker Bill of Rights. As the epicenter of the
17 Coronavirus' impact, New York City knows all too well
18 how essential workers have been asked to do the
19 impossible and risk their own health to keep the City
20 running. Yet, well before COVID-19, these workers,
21 disproportionately people of color and women, have
22 been underpaid, often struggling to make rent and pay
23 the bills and they have few protections at work. As
24 we heard this morning, that really takes a physical
25 and mental toll on these essential workers. The City

1 Council should act now to address the lack of worker
2 protections that make work uniquely unfair and
3 inequitable for many New Yorkers. Paid sick leave,
4 in particular, is vital to both worker health and
5 public health, and the City's current paid sick law
6 provides benefits that truly are life-saving, but
7 many employers have cheated the system and escaped
8 the law. They escape the law behind a fiction that
9 their workers are somehow in business for themselves,
10 and they escape the law behind a fallacy that their
11 misclassified workers enjoy flexibility, as if
12 there's any flexibility in poverty or starvation
13 wages or not being able to take a day off without
14 risking financial ruin. The Intro. 1926 bill to
15 clarify the sick leave coverage will ensure more
16 people have economic stability when they need it
17 most. It's an overdue correction that will make a
18 good law even better, and it will profoundly impact
19 the financial security and physical health of many
20 New Yorkers who always should have had this coverage
21 in the first place, especially now during a severe
22 economic recession. It's all the more critical that
23 we expand the number of families with basic job
24 security. Because when the economy suffers, it's
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2 families who face serious financial challenges, and
3 that makes measures that protect their health and
4 prevent unnecessary job loss even more important than
5 ever. So I urge the City Council to pass the
6 expansion of paid sick leave as well as the entire
7 Essential Worker Bill of Rights. If we're asking
8 people to work during an unprecedented crisis in a
9 city that's been hit the hardest by the coronavirus,
10 it's only appropriate that we make sure they can
11 enjoy basic economic security and dignity. So,
12 again, I thank the Council for the time and their
13 leadership on these critical issues, and again, I
14 urge you to pass the Essential Worker Bill of Rights.
15 Thank you so much.

16 COMMITTEE COUNSEL: Thank you. We have
17 Paul Sonn next.

18 SERGEANT AT ARMS: Time starts now.

19 PAUL SONN: Great. Thank you. I'm Paul
20 Sonn, also from the National Employment Law Project.
21 Thanks for the opportunity to testify this afternoon.
22 With this ground-breaking legislation, New York can
23 lead the nation in responding to the COVID crisis not
24 just by applauding frontline workers, but by actually
25 guaranteeing them the protections and extra pay they

1 so urgently need. You heard from my colleague Brian
2 Chen just now about the paid sick day's piece. I'll
3 address the proposed premium pay and just cause
4 employment protections. As others have noted, the
5 COVID crisis is letting bear [sic] our city's extreme
6 racial and economic inequality. Seventy-five percent
7 of essential workers are workers of color. Most are
8 seriously underpaid before the crisis, or facing dire
9 health risks and serious economic strain now. That's
10 why first and foremost they deserve to be paid more.
11 You've heard from workers at the hearing that many
12 are out sick. Many have unemployed family members
13 and are struggling to pay the bills. Many have had
14 to pay for PPE equipment out of their own pockets.
15 By guaranteeing extra pay, this legislation can help
16 them and their families through the crisis. There's
17 been appropriate discussion about the greed which
18 employers, especially city-funded nonprofit human
19 service agencies, can afford premium pay without
20 additional government funding, but I don't think
21 there's any serious doubt that any of the largest
22 private corporations employing essential workers,
23 companies like Amazon, Whole Foods, Trader Joe's, and
24 Door Dash, they can surely afford and should be asked
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1 to pay their workers more during the crisis. But
2 equally crucial for essential workers of the proposed
3 just cause employment protections, workplaces are
4 some of the most significant vectors of COVID
5 transmission. We've seen this across the country
6 from meat packing plants to nursing homes. To
7 flatten the curve and control the crisis, we need
8 workers to feel safe speaking up. Unfortunately, New
9 York State whistle-blower law is unusually limited
10 and does not protect most worker whistle-blowers, nor
11 is the Trump Administration's OSHA going to protect
12 them. They've slashed enforcement to the lowest
13 level in 45 years, and at the same time we've seen
14 employers across the city from hospitals to Amazon
15 silencing workers who have stood up about inadequate
16 COVID protection, and workers today are too afraid to
17 testify in their own names. That's why it's crucial
18 that the Council adopt just cause safeguards so that
19 essential workers whose employers are endangering
20 them in the public would feel safe speaking up. Just
21 cause is a well-established and balanced legal
22 standard that has been applied effectively for
23 decades in unionized workplaces. Versions of it
24 already exist for the private sector in Montana and
25

2 Puerto Rico. It protects workers against arbitrary
3 and unfair firings while allowing employers necessary
4 latitude to discharge workers for legitimate
5 performance based reasons. It also allows them
6 latitude to make economic-based lay-offs where they
7 can show they are necessary, and as has been
8 discussed already at the hearing--

9 SERGEANT AT ARMS: [interposing] Time.

10 PAUL SONN: it's appropriate to clarify
11 the proposed legislation in that regard. With this
12 Essential Worker Bill of Rights, New York has the
13 chance to lead the nation and moving beyond words and
14 actually protecting essential workers. We urge that
15 the council move forward with fine-tuning the
16 legislation and adopting it quickly. Thank you.

17 COMMITTEE COUNSEL: Thank you. We have
18 our next panel will be: Richard Blum [sp?] followed
19 by Irene Lieu [sp?], then Jessica Walker, and Samara
20 Karasyk. Richard, you may speak first.

21 SERGEANT AT ARMS: Clock starts now.

22 RICHARD BLUM: Hello. Thank you, Chair
23 and Council Members, for this opportunity to speak
24 and for this great legislation. I'm going to speak
25 particularly to the issues of misclassification as

1 Intro. 1926 and Resolution 1285, an also just cause
2 Intro. 1923. I'm a staff attorney in the Employment
3 Law Unit at Legal Aid Society where we represent low-
4 wage, very marginalized workers in a variety of areas
5 of labor law, and two of the cross-cutting obstacles
6 that we constantly face in enforcing labor law are
7 misclassification and retaliation. Misclassification
8 is of course always wrong. It is exploitative. It
9 is abusive. It's dangerous, and now it is extremely
10 dangerous. The virus does not care what employment
11 status the employer decides to choose to impose on
12 its workforce, and workers under no circumstance
13 should have to choose between their lives and health
14 and that of their families in the one hand in their
15 job and economic security on the other. This
16 unfortunately is the choice that people face when
17 they are misclassified and do not have access to the
18 wonderful New York City paid sick leave law. The
19 state resolution is critical also for the Council to
20 prod the state legislature to take this principle
21 against this classification and to apply it more
22 broadly across a range of labor laws that the state
23 controls. I don't see any reason to oppose this
24 improvement of a great law. It eliminates unfair
25

1 competition. So the employer community should be
2 supporting it. It is just having employers do what
3 they should be doing anyway both for the sake of
4 their employees and for the sake of the public. As
5 for retaliation, Health and safety and all labor
6 protections, but especially health and safety depends
7 on workers themselves raising these issues at the
8 work site, and feeling free to do it. Retaliation
9 kills that and right now the current patchwork of
10 specific anti-retaliation laws that apply to this
11 provision or that provision are not good enough. The
12 workers is left having to prove that the abusive,
13 irrational basis for their termination was an illegal
14 one as opposed to a perfectly lawful one. Instead,
15 we should make decision making to be rational and
16 fair. That's what this bill does. Employers should
17 have to show justification. They should have to show
18 clear policies, clear training, and progressive
19 discipline and not simply that they've acted at the
20 moment, in particular, when people have objected to
21 something that they are doing. This is-- this makes
22 sense. It should not be a burden. It's what the
23 public and workers should be able to count on and
24 what they need from all employers. Thank you.
25

2 COMMITTEE COUNSEL: Thank you. Irene?

3 SERGEANT AT ARMS: Clock starts now.

4 IRENE LEW: [inaudible] My name is Irene
5 Lew and I'm a Policy Analyst at the Community Service
6 Society of New York. I'll be testifying in support
7 of the Essential Workers' Bill of Rights,
8 specifically, Intro. 1918 and Intro. 1926. The
9 COVID-19 outbreak has revealed the gaping holes of
10 our government safety net and has laid bare the
11 financial instability of our city's low-wage
12 essential and gig workforce at a time when the demand
13 for their services has never been higher. We applaud
14 the City Council for taking important steps to
15 address these disparities. Many essential workers in
16 low-wage industries aren't earning enough to survive
17 in the city, let alone justify the hazards they face
18 on the job. For example, a fulltime supermarket
19 worker in New York City has a median earnings of only
20 \$26,000 a year. Intro. 1918 would help ensure that
21 these essential workers are fairly compensated for
22 the additional risk they face so that New Yorkers
23 have the necessities they need to ride out this
24 pandemic. We also support Intro. 1926 to extend paid
25 sick days to gig workers and other misclassified

1 workers who have been left out of recently enacted
2 city and state paid sick leave laws. The pandemic
3 has highlighted the absence of a safety net for non-
4 traditional workers such as Uber drivers who have few
5 protections despite their increased risk for COVID-
6 19. According to our 2019 Unheard Bird survey, more
7 than two-thirds of respondents dependent on app-based
8 gig work as their main source of income said that
9 they do not have any paid sick time, compared to only
10 36 percent of those in conventional employee
11 arrangements who said they lack this benefit.

12 Applying [sic] [inaudible] of the city's Paid Safe
13 and Sick Leave Law is a good first step to more
14 protections for these workers. And we also urge the
15 City Council to pass Intro. 1797 which would require
16 the Department of Consumer Worker Protections to
17 create posters for display in pharmacy and healthcare
18 locations throughout the city and inform New Yorkers
19 about their right to paid sick leave. Increasing
20 awareness of new labor standards is an important part
21 of employer compliance. As the city starts to reopen
22 the economy, it's even more important for workers to
23 be aware of these benefits. Pharmacies remain one
24 place we're still going to and still get information
25

2 even as a stay-at-home order remains in effect.

3 Thank you.

4 COMMITTEE COUNSEL: Thank you. We will
5 now hear from Jessica Walker.

6 SERGEANT AT ARMS: Clock starts now. We
7 can't hear Jessica. I believe she's having audio
8 issues.

9 JESSICA WALKER: Can you hear me?

10 SERGEANT AT ARMS: Yes, we can hear you
11 now.

12 JESSICA WALKER: Okay, sorry about that.
13 Thank you so much to Chair Miller. I am Jessica
14 Walker. I'm the President of the Manhattan Chamber
15 of Commerce. Our chamber and all of our members are
16 eternally grateful to all of the essential workers
17 who are certainly on the frontlines right now.
18 Listen, you know, I've been listening to the entire
19 hearing. There certainly is a lot of suffering
20 happening right now. Our chamber, the vast majority
21 of our members are small businesses. We are hearing
22 just the most dire stories that you can imagine.
23 Many of them are on the brink of disaster. When this
24 crisis started, we opened our help desk to any
25 business in need throughout New York City, and we've

1 just been inundated. The need is so great. Indeed,
2 we know of many businesses that are actually keeping
3 their doors open for the good of their neighbors in
4 the community [inaudible] operating at a loss.
5 Unfortunately, we have to oppose these bills. The
6 just cause legislation would curve business owners'
7 ability to make tough decisions in order to survive.
8 Our reading of the bill is that they could not even
9 make lay-offs that are economically required right
10 now, which is definitely a huge problem for many
11 businesses, and it could bog many down in arbitration
12 or litigation. We oppose the paid sick leave
13 expansion in the premium pay proposals because most
14 of those businesses are just not in the position to
15 pay right now, unless they experience further
16 suffering or again may have to close, and that's
17 nonprofits, hospitals, supermarkets, small
18 businesses. We're really seeing that across the
19 board. So, a few things. First, I want to urge the
20 Council to really [inaudible] this legislation. But
21 I also want to recommend that the Council really look
22 into helping businesses with providing the PPE for
23 employees. Last month, Governor Cuomo mandated that
24 all essential businesses had to provide masks for
25

2 their employees, and that's right on. I think that's
3 exactly right, but there needs to be more employer
4 [inaudible]. There needs to be more funding for
5 that, and there needs to be help-- help businesses
6 get the capacity and find those, find the masks and
7 the PPE that is so hard to get right now. Finally, I
8 just want to say that I hope that the Council will
9 engage with all stakeholders on this. You know, this
10 is tough. Everybody is hurting right now. Everybody
11 wants to come to the table and help, so I hope that
12 you'll take all stakeholders up on that. Thank you.

13 COMMITTEE COUNSEL: Thank you. We have
14 Samara Karasyk next.

15 SERGEANT AT ARMS: Your clock starts now.

16 SAMARA KARASYK: Good afternoon, Chair
17 Miller and members of the Committee on Civil Service
18 and Labor. I'm Samara Karasyk, Executive Vice
19 President and Chief Policy Officer at the Brooklyn
20 Chamber of Commerce. Thank you for allowing me the
21 opportunity to speak with you today. I've also been
22 listening to all of the stories, and you know, we've
23 been working around the clock at the chamber to help
24 our small businesses weather this crisis. We've seen
25 firsthand how difficult it is for them to cover basic

1 expenses like salaries and rent. They're pivoting to
2 a completely new business model if they can remain
3 open, which doesn't allow them the same amount of
4 revenue, and we face the real possibility of 30 to 40
5 percent of our small businesses not reopening. So,
6 unfortunately, you know, I'm here to tell you about
7 our concerns with these bills. You know, we've been
8 in touch with thousands of businesses and our
9 business owners are expressing real grief about
10 having to furlough or lay off employees. Those that
11 are still open are worried about their employees'
12 mental and physical health, and all of our businesses
13 either they're essential or non-essential. Intro.
14 1918, the concern that we have is they can't pay
15 these premiums. They care about their employees and
16 need them to be safe and healthy, especially under
17 the current circumstances, but it puts these
18 essential businesses at risk when they're having to
19 pay more for supplies. They're paying for PPE, and
20 there are all kinds of other burdens that they have
21 to carry right now. We're also concerned about 1923
22 in terms of the just cause, specifically for our
23 small businesses because as Jessica Walker mentioned,
24 right now our businesses are having to decide between
25

2 good enough and great employees and this puts them at
3 risk in terms of litigation and the fines they would
4 be subjected to because they have to let someone go.
5 These are small businesses. They treat their
6 employees like family. They are really unhappy and
7 struggling, and you know, we hear from them every
8 single day. They feel when they have to let their
9 employees go, and they're trying to just survive so
10 they can reopen and hire those employees back.
11 Lastly, Intro 1926 in terms of the contractors, you
12 know, it says if they work 80 hours a year that a
13 contractor would have to be given paid sick leave.
14 There's 168 hours in a week. So that means that
15 someone that does one or two weeks of work would have
16 that business be required to pay them for sick leave,
17 and that's just not tenable right now. So, really,
18 we just ask that you help us save our local economy
19 and please pause any legislation that increases
20 financial burdens on businesses right now. We want
21 to work with you to save as many as our small
22 businesses as we can, and bring them back to life.
23 Our communities and neighborhoods cannot survive
24 without them and neither can our workers. Thank you

2 for your consideration and for your support of New
3 York City small businesses.

4 COMMITTEE COUNSEL: Thank you. We have a
5 couple of Council Member questions. Council Member
6 Lander followed by Council Member Yeger.

7 COUNCIL MEMBER LANDER: Thanks very much,
8 and these I guess I both for Jessica and for Samara,
9 and thank you guys for testifying and for the work
10 you're doing in support of small businesses. I think
11 you know the Council did a hearing to try to think
12 about what we could do to support small businesses
13 even before we did this hearing. It's a thing we
14 feel passionately about, the failure of the PPE
15 program to work is something we're all agonizing over
16 and it is a struggle that we see together. The goal
17 here is not to polarize anybody. The goal was to
18 make sure our workers have the supports they need and
19 our businesses do too. So, I guess for starters, I
20 think you heard earlier from Council Member Kallos
21 from me and from Commissioner Salas that the
22 intention here is not to prevent people from having
23 to do economically necessary lay-offs. If that is
24 clarified in the bill, would that change your
25 position on it?

2 JESSICA WALKER: Not from my point of
3 view. You know, listen, there's two things here.
4 There-- that is definitely egregious. There's no
5 question about it right now. The businesses just
6 have to be able to be nimble and make those tough
7 decisions. It's never fun, but that is a reality
8 right now.

9 COUNCIL MEMBER LANDER: And no one wanted
10 that, and I don't even think the bill currently says
11 it, but there's a willingness to clarify it and make
12 it clear that if those lay-offs are necessary, they
13 can be done. What that would leave is just a
14 prevention of people from firing folks without any
15 notice or without any pause, but your position is
16 businesses still-- Amazon and Trade Joe's and the
17 businesses we've heard from-- need the right to fire
18 people with no notice and with no reason.

19 JESSICA WALKER: Well, the bill would
20 apply to everybody. So, it's not just those big
21 guys, first of all, but beyond that, the-- to do-- to
22 make a lot of-- to discharge, to do a lot of
23 discharge if there is-- if it doesn't fit within that
24 narrowly defined just cause definition in the bill,
25 that means the business owner now has to go through

2 arbitration or face litigation. I don't even know
3 how that would work in this environment, and as you
4 heard, the DCA said that they don't have the, you
5 know, the-- these resources that they need to be able
6 to do that. And it--

7 COUNCIL MEMBER LANDER: [interposing] You
8 don't have to go through those things before you
9 would fire someone. You can have your policies in
10 place. You fire someone if you have a good reason.
11 If you-- if they believe they were fired with no
12 reason or no cause, you're right, they would have the
13 right to come back. But alright, my time is ticking,
14 so I want to ask about the sick leave provisions as
15 well, because hereto, I guess, your provision-- your
16 belief is that Uber and Lyft and Door Dash and
17 InstaCart should not have to provide sick leave to
18 their workers during this pandemic?

19 JESSICA WALKER: Well, I think that--
20 listen, what Kathy Wild said earlier was pretty tied
21 into some of these larger companies. We are going to
22 be facing a big uphill battle here in terms of
23 maintaining our competitiveness and making sure that
24 companies are going to want to stay in a city that is
25 facing this crisis, right--

2 COUNCIL MEMBER LANDER: [interposing] Your
3 position is that the New York City's competitiveness
4 to be attractive to Uber, lyft, InstaCart, Door Dash,
5 and Amazon Flex is so great that we should say it's
6 fine if they don't provide paid sick leave to their
7 workers during--

8 SAMARA KARASYK: [interposing] Council
9 Member, if I might jump in here. You know, my
10 understanding from reading the bill is that it would
11 apply to almost any contractor that works with any
12 company because of the language.

13 COUNCIL MEMBER LANDER: That's absolutely
14 not true, and I think--

15 SAMARA KARASYK: [interposing] Where is
16 the exception for any other business, because there
17 are three criteria that each business would have to
18 meet, and the way that I read particularly that first
19 clause which says there can't be any contract for
20 performance, that one in particular seems to me that
21 it would apply to almost any contractor because you
22 have to sign a contract when you're working with any
23 company.

24 COUNCIL MEMBER LANDER: So we'll be glad
25 to follow up with you online and explain more about

2 the ABC test and about how it works. I think the
3 Commissioner's figure of about 140,000 workers covers
4 the set of folks that we've been talking about. The
5 ABC test is pretty clear. It's been, you know, used
6 many times before. It covers folks who are
7 essentially misclassified who are already employees,
8 like that nail salon tech you heard, like Door Dash,
9 InstaCart, Uber and Lyft drivers, Amazon Flex
10 drivers, home health aides who are contracted instead
11 of employees but otherwise look just like employees,
12 and that's the set of people the ABC test covers. So
13 we'll be glad to work more closely with you on it,
14 but those are a set of people who really should have
15 been covered before. This is more like closing a
16 loophole in some ways, and I guess-- you know, I know
17 both of your organizations opposed the original
18 earned Safe and Sick Time Bill covering employees
19 which has that 80 hour threshold, which has the one
20 hour for every 30. It was not my sense that that
21 caused undue hardship to the many, many small
22 businesses or other businesses in New York City, and
23 all we're trying to do here is make sure a set of
24 essential workers out there who are at risk of
25 getting sick right now have the sick leave they need.

2 So, we'd be glad to work with you on it, and we sure
3 feel for small businesses, but I'd guess I'd ask you
4 to kind of work with us as well and find a way that
5 we can move forward to do so.

6 SERGEANT AT ARMS: Time.

7 COUNCIL MEMBER LANDER: Thank you.

8 CHAIRPERSON MILLER: I have a question
9 for the chambers, and that is, do you know what
10 percentage of your memberships have been able-- have
11 received funding and support from the CARES Act or
12 the Paycheck Protection?

13 SAMARA KARASYK: Yes. So for the first
14 round we heard back from about 350 businesses. We
15 just issued a new survey yesterday for the second
16 round of funding. So the first round was about 84
17 percent of our businesses did not receive funding,
18 and then when we sort of isolated for MWBEs that went
19 up to 90 percent did not receive funding. In this
20 round thus far we're seeing that preliminarily our
21 businesses are doing better, but it's still not
22 working for far too many of them, and you know, we're
23 looking at all kinds of different funding mechanisms
24 to help our small businesses. We just launched a
25 campaign today, "Bring Back Brooklyn." We're doing

2 our own funds through our Community Development
3 Financial Institution for the small businesses that
4 we all care about that are getting locked out of
5 these programs. You know, I think it's not working
6 for New York City where we went is much more than 25
7 percent of what businesses need and also for so many
8 of our businesses that don't know when or how they're
9 going to be able to reopen. They're very nervous
10 should they accept a PPP loan and then to have it
11 forgiven because they can't bring their workers back.
12 Should they bring their workers back only to have to
13 let them go again? So, we're really struggling with
14 the way that these bills have rolled out, and we'd be
15 happy to talk to you further. We have a ton of data
16 and we're continuing to collect as much as we can to
17 advocate for these.

18 CHAIRPERSON MILLER: And are the chambers
19 providing the technical assistance in leveraging this
20 as well, and we still at those number of 84 and 90
21 percent?

22 SAMARA KARASYK: I'm sorry. I'm not sure
23 what you mean, whose resources. We are all working
24 around the clock to talk to the businesses. We have
25 one of the most comprehensive COVID-19 research pages

2 for small businesses at BrooklynChamber.com. We have
3 an input sheet. We have a map of restaurants that
4 are open for business and we're asking more to work
5 with it. We work with all the business improvement
6 districts and merchant associations. I mean, there's
7 so much that we're doing. We'd love to work with you
8 guys on anything that we can do to fix these federal
9 programs and make sure that our small businesses can
10 survive, because we're already seeing that it looks
11 like 30 to 40 percent may not be able to ever come
12 back.

13 COUNCIL MEMBER LANDER: Okay.

14 CHAIRPERSON MILLER: Thank you.

15 COMMITTEE COUNSEL: Council Member Yeger?

16 SERGEANT AT ARMS: Clock starts now.

17 COUNCIL MEMBER YEGER: Thank you very
18 much, Mr. Chairman. My question as well is for both
19 chambers, Ms. Karasyk, Ms. Walker. With respect to
20 1918 and the minimum wage-- well, maybe this is not a
21 question for you. Maybe it's just reflection
22 [inaudible]. I find it ironic. Obviously, I've
23 stated my position earlier. My position is, perhaps
24 here in the Council, maybe a lonesome one, but I
25 think amongst those observe the legal definition of

1 minimum wage and the manner and the methods by which
2 Council has its authorities would agree with me. But
3 wouldn't it simply be smarter if the City of New York
4 says this is so important to us that we keep these
5 essential workers and that we take care of our
6 essential workers, that instead of mandating that the
7 private sector jump in and do this, that the
8 government incentivize providing this extra
9 protections, this extra pay by simply offering
10 businesses if you are going to be open because you
11 are an essential business and you have to remain
12 open, then the government will provide you with the
13 necessary tax credits to make these payments, and the
14 government picking up the tab, instead of turning
15 around and saying private sector you pick up the tab.
16 With respect to 1926, I do not believe it's something
17 that the council can lawfully do. The state of New
18 York is what defines what an employee is, here in the
19 state of New York. We are part of the state of New
20 York whether we like it or not, and it would be okay
21 if we're not, but today we are. I actually think New
22 York City should separate and let Brooklyn be itself
23 and get away from that monstrosity, but we don't get
24 a chance to do it, [inaudible] like that too. but
25

1 the reality is that we here in the City don't get to
2 define what constitutes an employee, and I think that
3 my colleagues, good people who have-- who are
4 struggling really hard to come up with what we can do
5 for people here in this time in this place. Just
6 like the chambers are struggling really hard-- or how
7 do we keep literally the oldest part of our economic
8 engine functioning-- are struggling very hard to find
9 the right solution. These are right solutions, but
10 in my estimation, before we get a chance here in this
11 council to debate the merits of a law, we really have
12 to cross the threshold question: is it lawful? Do we
13 have the legal authority to do this? And the answer
14 in my estimation to both of these questions on both
15 of these bills is no. However, this is where I'll
16 turn it over to you in the remaining minutes, and
17 either of the chambers can go, obviously. It's not a
18 secret I have a preference for my home chamber. I
19 would love to know why you think it's appropriate or
20 if you think it's appropriate that the burdensome
21 [inaudible] by us in the legislature over to the
22 private sector to pick up the tab for all us, and to
23 kick in not one red cent by government to keep our
24 economic engine functioning here in the City. I'll
25

2 turn it over, and when they're concluded, Mr. Chair,
3 I'll yield [sic] the remainder of my time.

4 SAMARA KARASYK: Thank you for that
5 question, Council Member. I mean, I think I would
6 just say to your point about government paying for
7 these essential workers that yes, we agree with that.
8 The State did manage to pay for the frontline workers
9 that are healthcare workers, and I think one of the
10 things that's come up a lot during this hearing is
11 that all of our essential workers are frontline
12 workers right now, and they all need that assistance
13 and support. Our businesses can't afford it right
14 now. I think that we're all very concerned that our
15 Federal Government, you know, isn't going to give us
16 what we need to do that. They should be paying for
17 hazard pay for our essential employees, all of our
18 essential employees. You know, unfortunately, our
19 businesses can't pick up the slack for that.

20 JESSICA WALKER: Yeah, I'll just echo
21 that, that I agree with that, that it really would
22 have to come from the Federal Government, as I think
23 other speakers have said today. Even the first round
24 of PPE which was 350 billion dollars, that was more
25 than the city and state budget combined. We just

2 don't have the resources here, and certainly small
3 businesses do not have the resources.

4 UNIDENTIFIED: [off mic] [inaudible]

5 COMMITTEE COUNSEL: Alright, Council
6 Member Adams also has a question.

7 UNIDENTIFIED: That's also on the
8 website.

9 SERGEANT AT ARMS: Time starts now.

10 COUNCIL MEMBER ADAMS: Thank you. My
11 question is for the two chambers also. Along the
12 lines of federal funding, which we know was abysmal
13 failure the first go-round, especially in our
14 communities of color, just abysmal. So, to your
15 point, Ms. Walker, the banking that is done across
16 the board, especially for our small businesses, can
17 you enlighten us as far as how the banking has been
18 done? Do you see more big banking? We're trying to
19 push on our end, I know at least for southeast
20 Queens, for more of the CDFI type of banking, because
21 we believe that our small businesses will have better
22 opportunities going that route. Can you speak a
23 little bit to the banking aspect? Both of you or
24 either of you.

25

2 JESSICA WALKER: Well, you're right on.
3 Right now, actually, our organization is doing a
4 competing webinar that is exposing businesses to non-
5 traditional lenders that can help them with PPE and
6 to make some of those introductions, but you're
7 absolutely right, CDFIs. There are also a lot of
8 online lenders who are helpful right now. So we're
9 just trying to make that match and get that education
10 out, but you're absolutely right.

11 SAMARA KARASYK: And one of the things
12 that we think is making a difference with the second
13 round of funding is that the CDFIs are now able to
14 make those loans on behalf of the SBA and that's
15 something that we're strong advocates for. so we do
16 have our own Brooklyn Alliance Capital CDFI, but we
17 also work with a ton of larger CDFIs, because we just
18 do micro loans, and we did also see in the first
19 round that some of the smaller, sort of, community
20 banks and some of the Vintech [sic] companies were--
21 they were having better success, our businesses with
22 some of those, and we do actively refer people to
23 those.

24 COUNCIL MEMBER ADAMS: Great. Thank you
25 very much. We've got-- we understand your position

2 on the legislation stuff, so we got that. I just
3 wanted your take on the banking and how the banking
4 might have made such a significant difference the
5 first time around, and we're all hoping that these
6 next go-rounds will do all of our communities a whole
7 lot better than they did in the past. Thank you
8 both.

9 UNIDENTIFIED: [inaudible] [off mic]

10 COMMITTEE COUNSEL: Thank you. We have a
11 question for Majority Leader Cumbo.

12 SERGEANT AT ARMS: Starts now.

13 COUNCIL MEMBER CUMBO: Okay, thank you.
14 My question is for the chambers. As far as the
15 businesses that you're working with currently, what
16 percentage would you say are chamber members? Would
17 you say that the businesses that you're helping to
18 support are chamber members or are a part of a bid,
19 and what happens to those business that are off the
20 grid, not a chamber member, mostly in many
21 communities of color that don't have the same
22 relationships to become a part of a chamber, or their
23 neighborhood organization not part of a bid? And
24 while you've said that there's no funding that
25 businesses are not in a position to do it, you pretty

2 much said all, but would you agree that there are
3 some that could, and if they are in a position to
4 provide hazard pay should do so?

5 SAMARA KARASYK: So, I'll just say and
6 I'm sure that Jessica Walker is probably doing
7 something similar, but at the Bronx Chamber we have
8 all businesses. We believe that for our borough to
9 thrive that all businesses have to thrive, no matter
10 whether they're members or not. So we're not-- all
11 of the services that I just outlined, we are
12 providing to every single business in Brooklyn. If
13 they need our help, we are giving it to them. We are
14 responding to every meal we get within 24 hours. All
15 of our resources are public. So there's no, like,
16 litmus test there. We just want to help our
17 businesses survive wherever they are. we do work
18 closely with the bids and merchant associations
19 because they also have really close relationships
20 with a lot of the business corridors that maybe are
21 less served, and so we are throughout the borough--
22 we're also calling a lot of businesses to make sure
23 that we're in touch with them and trying to engage
24 with them digitally through our Brooklyn app, through
25 our website, through email and any way that we really

2 can. We're hosting tons of webinars. These are open
3 to anybody that wants to sign up for them. But I will
4 tell you sort of overwhelmingly we are hearing from
5 businesses day in and day out is they're struggling.
6 They're worried they won't be able to survive. Many
7 have already shut down, and so the idea of them being
8 able to sort of afford anything additional right now
9 it's just not something that we're hearing from. If
10 they're open, they're struggling to make really hard
11 decisions so that they can stay open, and that's
12 really what we're seeing.

13 COUNCIL MEMBER CUMBO: No and I
14 understand that. I understand that probably I would
15 say the majority of the members in the chamber are
16 memberships with under 100 employees. Would that be
17 fair to say?

18 SAMARA KARASYK: Yeah, the majority of
19 our members are small businesses, that's correct.

20 COUNCIL MEMBER CUMBO: And do they
21 understand that this legislation is not-- is aimed at
22 businesses with employees over 100?

23 SAMARA KARASYK: I've talked to some of
24 the larger members that we are-- that fit into that
25 category of 100 or more, and they have expressed a

2 lot of concern as well. They express that they are
3 offering additional pay to their employees--

4 COUNCIL MEMBER CUMBO: [interposing] Okay.

5 SAMARA KARASYK: but the-- sort of the
6 amount and the mandate is just not tenable for them.
7 They're doing everything that they can to keep their
8 employees healthy, engaged, and able to continue to
9 work, but that this bill is just doable for them
10 right now.

11 COUNCIL MEMBER CUMBO: Because that's
12 what I really would prefer us to stay abreast of, is
13 more of those businesses that have over 100
14 employees. And if there are those that are paying
15 some level of hazard pay, we'd love to know who they
16 are. How much are they paying their employees so
17 that we can get to some level of understanding of
18 what's possible? I think to just say we've spoken to
19 the businesses and they've all said they can't do
20 this doesn't help us get a little bit closer to
21 gaining an understanding of what we could do. But my
22 question again, because to me this is a little bit
23 different from a usual hearing, is that we really
24 want to understand-- I really want to understand if
25 you do have an understanding if maybe 90 percent of

2 who you're serving is within your bid? Because when
3 we're talking about communities of color, we really
4 need to understand where they might be slipping
5 through the cracks. So, like, let's say for
6 instance, we're thinking that it's going to be the
7 chambers or the bids to help them. Maybe it is a
8 space or a place where we're not touching someone,
9 we're not addressing someone. So, do you in fact
10 know the percentage, or if you don't that's okay,
11 too, but it's something that we should be aware of so
12 that if there are those businesses off the grid, that
13 we know how to support them and have a greater
14 understanding of what we need to-- what we need to
15 start to focus our efforts on in terms of outreach.

16 SAMARA KARASYK: Yeah, I mean, we--
17 that's why we're doing a lot of the survey--

18 SERGEANT AT ARMS: [interposing] Time.

19 SAMARA KARASYK: that we're doing.

20 COUNCIL MEMBER CUMBO: Uh-hm.

21 SAMARA KARASYK: I think we're out of
22 time. May I respond? So, I was just going to say,
23 that's why we're collecting all this data to try and
24 understand those very real concerns about our most
25 underserved businesses. That is our goal. That's

2 our goal in the Bring Back Brooklyn Fund is reaching
3 those businesses that normally can't get commercial
4 loans and are so underserved economically so that
5 they can survive and that those neighborhoods can
6 survive. So, if there-- if there are any businesses
7 that you want us to reach out to, and you know, this
8 goes for anybody, please send them our way. We will
9 do everything that we can to help them.

10 COUNCIL MEMBER CUMBO: I appreciate that.
11 Thank you so much.

12 CHAIRPERSON MILLER: Okay, we-- are we
13 headed into the next panel? Okay, as a matter of
14 housekeeping, I want to say in the interest of time,
15 because we have a significant amount of folks who are
16 waiting to testify, we'll be limited to one question
17 per member per panel. And we are going to ask panel
18 to be two minutes. Okay? So, with that, Nuzhat, if
19 you can call the next panel that would be great.
20 Thank you. Thank you all for your consideration.

21 COMMITTEE COUNSEL: The next panel will
22 be Michael Brady followed by Regina Myer, Thomas
23 Grech, and then Katherine Bromberg. We'll start with
24 Michael Brady.

25 SERGEANT AT ARMS: Clock starts now.

1 MICHAEL BRADY: Thank you, Chair, and
2
3 thank you members of the City Council. I'm Michael
4 Brady, the CEO of the Third Avenue Business
5 Improvement District in Bruckner Boulevard Commercial
6 Corridor located in the South Bronx. Collectively,
7 these organizations represent roughly 1,000 south
8 Bronx largely immigrant-owned businesses and our
9 organizations work to address barriers for districts,
10 small and micro business owners, and build robust
11 equitable economic development tools by demanding
12 equitable city resources, safer and cleaner streets
13 and responsible mission-driven development. Our
14 organizations is helping drive the systemic change
15 needed to support equitable economic development in
16 the Bronx. We organize and build coalitions, provide
17 strategic community services, provide research and
18 data analysis, and support targeted advocacy efforts
19 that strengthen community voices, build community
20 power, and help when economic development policies
21 that invest in people as much as they invest in
22 places. Despite our city's emergency preparedness
23 planning efforts, the COVID-19 pandemic and its
24 ongoing impact caught our city off-guard. This
25 disease has taken the lives of nearly 60,000

2 Americans and infected over hundreds of thousands of
3 New Yorkers, disproportionately impacting our low
4 income communities of color. The public health
5 impact has been great and the subsequent economic
6 impact will have a lasting effect on our city for at
7 least a decade. The COVID-19 pandemic has shed a
8 light on those groups that have quite frankly
9 disappointed and remained silent during the pandemic
10 and underscored the fractures that many of us have
11 always stated existed in our city, particularly in
12 the area of small business equity and resources from
13 city government. To the legislation that we're
14 hearing today, we understand the gravity of the
15 situation and the need to support our essential
16 workers. However, the current legislation as its
17 written won't do that. It will undermine and
18 destabilized many of our neighborhoods. Intro. 1918
19 on premium pay--

20 SERGEANT AT ARMS: [interposing] Time.

21 COMMITTEE COUNSEL: Thank you. Regina
22 Meyer?

23 SERGEANT AT ARMS: Clock starts now.

24 REGINA MYER: Good afternoon, Chair
25 Miller and members of the Committee on Civil Service

1 and Labor. My name is Regina Myer, and I'm President
2 of the Downtown Brooklyn Partnership. On behalf of
3 the partnership and the three business improvement
4 districts that we manage, thank you for your
5 dedicated work. Thank you for the opportunity to
6 testify, and of course, I hope you are all well. I
7 want to echo the concerns that many of my
8 counterparts have also testified regarding the
9 potential impacts of Intros. 1918, 1923, and 1926.
10 Downtown Brooklyn is the largest central business
11 district outside of Manhattan and the third largest
12 in New York City. The affects that we've seen in the
13 district of COVID-19 on our businesses is nothing
14 short of heartbreaking, and no doubt the situation is
15 the same as in all of your districts. We estimate
16 that nearly 70 percent of our 400-- over 400
17 retailers have been forced to close during this
18 crisis. My staff and I have been talking to
19 businesses of every size across the district, and
20 they've been receiving scant assistance and hanging
21 by a thread to be honest. We fear that this package
22 of bills will constitute additional regulations that
23 will further hobble any possibility that they can
24 come back and thrive in the downtown in these
25

2 desperate times. From a medium-sized architecture
3 firm on Livingston Street to a digital publishing
4 company in the cultural district to the vendors at
5 DeKalb Market Hall our businesses are projecting
6 revenue losses of 60 percent or more in the next
7 year, and most have already had to make painful
8 decisions in order to maintain operations if they
9 can. We must ensure that these proposals will not
10 cause employers to choose between keeping staff and
11 keeping their operations afloat. In the face of
12 plummeting--

13 SERGEANT AT ARMS: [interposing] Time.

14 REGINA MYER: Sorry.

15 COMMITTEE COUNSEL: Thank you. Thomas
16 Grech?

17 SERGEANT AT ARMS: Time starts now.

18 THOMAS GRECH: Good afternoon and thank
19 you for having me, and Chair Miller, thank you for
20 the honor of being here. My name is Tom Grech. I'm
21 the President and CEO of the Queens Chamber of
22 Commerce. Our county has been hit with the most
23 cases of COVID and the most deaths in the City of New
24 York. Everybody is suffering in the City of New
25 York, we especially. Lately we use the word hero to

2 cover a lot of different people, and in fact they
3 are, but today I'm making the case for our everyday
4 heroes, the small business men and women who toil
5 every day to support their city, their business,
6 their employees and their families. Today, the
7 Queens Chamber of Commerce which has been around
8 since 1911 has 1,150 members representing 100,000
9 Queens-based employees. Ninety percent of our
10 membership have 10 or fewer employees. it's
11 important to note that the so-called big guys that we
12 talk about help keep those small-fry, those smaller
13 businesses that make up the majority of most chambers
14 of commerce, they keep those folks alive by their
15 spends, whether it's at a deli or a bodega, or what
16 have you. Those larger ones work in a very symbiotic
17 way with the smaller ones. The small guys know who
18 they are and the big guys know who they are. Today,
19 we oppose these bills because we want to make sure
20 that we can be a unified organization with the other
21 chambers of commerce throughout New York City and
22 help. Many of our small businesses, if not most of
23 them, do not have HR, do not have a legal resource on
24 staff. The chamber helps facilitate that. The City
25 in many cases through SBS does help, but at the end

2 they do not have those resources. To-date the
3 chambers worked really hard at getting our smaller
4 businesses up and running and preparing for the day
5 after. We estimate both anecdotally and with a lot
6 of calls and outreach that we do that up to 50
7 percent, 50 percent of the Queens 6,000 restaurants
8 will never open again. That's not a scare tactic.
9 That's just a fact that we believe we have to act on
10 and--

11 SERGEANT AT ARMS: [interposing] Time.

12 THOMAS GRECH: Thank you for your time.

13 COMMITTEE COUNSEL: Thank you. Katherine
14 Bromberg.

15 SERGEANT AT ARMS: Time starts now.

16 KATHERINE BROMBERG: Sorry, can you hear
17 me? Good afternoon and thank you for the opportunity
18 to speak about Intros. 1918 and 1923. My name is
19 Katherine Bromberg and I'm a Senior Staff Attorney in
20 the Employment Law Project at the New York Legal
21 Assistance Group. Our project has been serving an
22 ever-growing number of employees suffering the
23 effects of the COVID-19 pandemic. Of those
24 employees, the vast majority are essential workers
25 who are largely ineligible for many of the legal

1 benefits that other workers are able to take
2 advantage of, such as unemployment insurance and the
3 Families First Coronavirus Response Act. But even as
4 essential workers are providing critical services at
5 considerable risk, they include some of the most
6 underpaid employees in society. In fact, many low-
7 wage workers make less than individuals on
8 unemployment. To add insult to injury, most of these
9 workers cannot quit their job and still receive
10 unemployment even if their work might endanger their
11 health. Because of this, many low-wage workers may
12 have no choice but to continue working. This is
13 particularly precarious for low-income households
14 including older relatives living in close quarters.
15 Moreover as 70 percent of the city's essential
16 workers are people of color, they are
17 disproportionately impact. The passage of Intro.
18 1918 would demonstrate the city's genuine
19 appreciation of the employees who are putting their
20 health at risk by delivering our most crucial and
21 time sensitive services. In addition to paying
22 premiums to the essential workers, the city must
23 ensure they're able to safely reform their jobs by
24 offering just cause employment protection. NYLAG has
25

2 spoken to a number of older workers with underlying
3 health conditions who are deeply concerned about
4 their safety at work. Many were too afraid to
5 advocate for themselves, fearing that they would be
6 terminated if they spoke up. Others we've
7 represented in the hopes of obtaining reasonable
8 accommodations, however, ordinary workers should not
9 have to rely on legal representation on a case-by-
10 base basis. They should be given the space to raise
11 concerns knowing that their jobs will be safe. We
12 applaud the City Council for advocating on behalf of
13 these essential workers--

14 SERGEANT AT ARMS: [interposing] Time.

15 KATHERINE BROMBERG: Thank you again.

16 COMMITTEE COUNSEL: Thank you. A
17 reminder to all panelists that all submitted
18 testimony will be read and added to the record as
19 well. The next panel will be Kathy Febraio, Doctor
20 Prema Aliaprumo [sp?], Andrew Title, and Roheed Gupta
21 [sp?]. Kathy, you may speak first.

22 SERGEANT AT ARMS: Time starts now.

23 KATHY FEBRAIO: Thank you. I'm Kathy
24 Febraio. I'm the president and CEO of the New York
25 State Association of Health Care Providers, a

2 statewide home care association representing licensed
3 home care services agencies, certified home health
4 agencies, and fiscal intermediaries in the CDPAP
5 [sic] program. To be clear, the home care industry
6 values and appreciates its workers and strives to
7 keep them safely employed. Our work together with our
8 incredible workforce focuses on keeping patients safe
9 in their homes and in their communities, especially
10 important now when the elderly and vulnerable
11 populations are particularly unsafe in congregate
12 care settings home care is there. While the goals of
13 the Essential Worker's Bill of Rights are laudable,
14 at this point in time these proposed mandates would
15 likely cripple an already fragile home care industry.
16 To be emphatically clear, ACP and our provider
17 agencies proudly stand with our heroic members and
18 their families. We are fighting on their behalf
19 every day, every hour to ensure these brave and
20 dedicatd frontline workers have critical access to
21 PPE. Therefore, we're concerned what this Essential
22 Workers' Bill of Rights will do to these agencies.
23 This-- during these uncertain times where we're
24 already experiencing pay cuts, reimbursement cuts
25 from the state budget, and now increasingly expensive

2 PPE costs, we're concerned that what will happen to
3 this industry and what will happen to the employers
4 of these frontline workers. One of our agencies
5 reports that while costs for PPE have increased from
6 approximately a quarter of a million dollars per year
7 to now projecting over five million dollars this
8 year.

9 SERGEANT AT ARMS: Time.

10 KATHY FEBRAIO: Twenty-four times
11 increase at the same time we're experiencing a 20
12 percent reduction in revenue. The cost for PPE is
13 not reimbursed for the home care agencies, and they
14 are struggling to continue [inaudible] safe
15 environment for our [inaudible] and we're seriously
16 concerned that an added cost and mandate would
17 cripple the industry, and then there will be no
18 givers and the patients will go without the care that
19 the care that they need, and potentially exasperate
20 [inaudible] with COVID. So we ask that you seriously
21 consider before passing these bills to ensure that
22 there is funding either from the city, the state, or
23 the Federal Government. We know these frontline
24 workers need this protection, but they have to have
25 an employer in the end to be there and to have that

2 job. So we respectfully oppose this legislation as
3 it stands, but we'd be happy to support it with
4 funding. Thank you.

5 COMMITTEE COUNSEL: Thank you. Doctor
6 Liaprama.

7 PRAME LIAPRAMA: Hi, good afternoon.
8 Thank you for [inaudible] My name is Doctor Prame
9 Liaprama. I'm a resident physician at Woodhull
10 Hospital in Brooklyn. I'm also a representative of
11 the Committee for Interns and Residents which is a
12 [inaudible] of SEIU and professional advocacy group
13 for fellows and resident physicians here in New York
14 City and round the country. I want to speak briefly
15 about the COVID-19 relief package, 1918 2020. We
16 support the efforts of the bill, but we urge the
17 Council to expand the language to include essential
18 healthcare workers like myself and the professionals
19 that I work with. It appears to specifically exclude
20 us at one, city workers, and two, salary workers.
21 Our appeal is to be included in this hazardous relief
22 pay package [inaudible] multifaceted. We've had a
23 rapidly changed working conditions, increased demands
24 of work, a lot of new [inaudible] that we haven't
25 faced before. It's obvious we're comfortable trading

2 our health, our safety for additional compensation,
3 but rather some of these issues have [inaudible]
4 failure on the system or the institutions that should
5 support us to help protect us. We've been paying out
6 of pocket for our own PPE. Virtually every
7 healthcare facility in the city has had staff get
8 sick, some pass away, family members pass away. Is
9 obviously devastating emotional toll as well as
10 stretches us thin and makes us work extra hours. A
11 lot of nurses, doctors, respiratory therapists have
12 all been working in some ways out of scope with
13 limited resources, and I am very proud of the efforts
14 of the professionals that I work with and what
15 they've been doing, but understand all the -- the
16 weight of the stress and anxiety that's injected in
17 our daily lives. We've had our professional and
18 educational development kind of sidelined,
19 conferences and elective time sidelined. You should
20 know there's been a lot of new money activated to
21 bring in outside professionals, doctors, nurses,
22 respiratory therapists, mid-level providers.
23 Sometimes you had significantly higher wages than
24 they were otherwise getting paid simply to reflect
25 the dangerous conditions that we're working with.

2 Remember, we were here before FEMA, the volunteers,
3 the support of the military medical system, and we
4 were active in integrating them into our healthcare
5 teams. They're getting familiar with our--

6 SERGEANT AT ARMS: Time.

7 PRAME LIAPRAMA: [inaudible] health care
8 policy and procedures. Real quick to wrap up. You
9 know, I want to just know that Northwell [sic]
10 Systems, Mount Sinai, Momonaties [sp?], the
11 [inaudible] system, they've all offered additional
12 compensation to their healthcare workers
13 understanding that we're [inaudible] a new-- we've
14 kind of got a dangerous and new evolving working
15 conditions. The CEO of Health + Hospitals, Doctor
16 Mitchell Katz, actually did express support for this.
17 so there's a moral imperative, the support from the
18 head of HHC, and that's why I urge you guys to
19 include healthcare workers like myself and those that
20 I work with in the language of the COVID relief
21 package. Thank you.

22 CHAIRPERSON MILLER: I have a question
23 about the specific organization, group of men and
24 women that you represent and they obviously fall in
25 the cracks of some of the public policy that's been

2 created over the past and those who are going to
3 cheat some of those gains that have been achieved
4 through collective bargaining. What is that group,
5 and specifically how do we address that?

6 PRAME LIAPRAMA: Yes, sir, so the group
7 is-- the Committee for Interns and Residents or an
8 affiliate union of the Service Employees
9 International Union. Basically, we represent
10 resident physicians and fellows. Residents are those
11 that have finished med school and are working in
12 further-- in post-graduate training roles. Right now
13 we're some 2,200 residents and fellows within the HTC
14 system, and we also have members at Wyckoff and some
15 other city hospitals. Basically, we're caught in a
16 unique positions because the structure of how we are
17 employed by the city. we're employees, but we're
18 also kind of locked into these three-year programs,
19 five-year programs depending on what specially you're
20 in as a resident or a fellow, and you know, we don't
21 have some of the same leverage that other, maybe,
22 employees might have. We can't just up and quit. We
23 can't just change jobs. We are locked in our
24 location. In a way it puts us in kind of precarious
25 place. You know, we are here because this is where

2 we chose to do this training, and these really
3 unforeseen circumstances that's rapidly evolving and
4 dangerous work situation. You know, we're now the
5 epicenter of the world of this COVID outbreak, and I
6 can tell you, the scope of our work as resident
7 assistants, we're in the ED when these patients come
8 in. We're in the ICU, the critical care areas when
9 these patients are there, and we're doing chest
10 compression with [inaudible]. We're doing all the
11 like really intense work of caring for very sick
12 people. I don't think that-- what we just-- in our
13 collective bargaining agreement currently really
14 address these [inaudible]

15 CHAIRPERSON MILLER: Is the scope of the
16 work defined in individual contracts, or is it--

17 PRAME LIAPRAMA: [interposing] So, all
18 residents and physicians have the same collective
19 bargaining contracts. We do have the different
20 years, you know, the salary increases with each year
21 of post-graduate training that we accumulate, but--
22 and well there might be some variations for those
23 intersect-- have their training intersect with other
24 institutions. There's really one contract for all

2 the residents of those under the collective
3 bargaining agreement as represented by--

4 CHAIRPERSON MILLER: [interposing] Thank
5 you Doc.

6 COMMITTEE COUNSEL: Thank you. Andrew
7 Title?

8 SERGEANT AT ARMS: Time starts now.

9 ANDREW TITLE: Hi, can everyone hear me?

10 SERGEANT AT ARMS: Yes.

11 ANDREW TITLE: Great. I'm Andy Title.

12 I'm the Assistant Vice President for Government
13 Affairs at the Greater New York Hospital Association.
14 We represent all the hospitals in New York City,
15 public and not-for-profit, and thanks for the
16 opportunity to speak right now. As you know, this is
17 an incredibly challenging time for New York City
18 hospitals, even before New York hospitals were
19 struggling because of inadequate Medicaid
20 reimbursement, and now, even the large systems report
21 losses of approximately 350 to 450 million dollars
22 per month right now, and that's hit the community
23 hospitals especially hard. It's impossible to
24 overstate that our debt that we all essential
25 workers, especially the hospital caregivers, but we

2 will have to oppose these bills as written. First, I
3 want to talk about premium pay, and I think other
4 people have made points on this that we would agree
5 with. The large systems that have resources have
6 paid premium pay, but some of the other hospitals
7 simply just can't afford it. So, we believe that we
8 need to go to Washington to get that funding, and
9 we're working very hard with other groups on that.
10 If you text "help hospitals" to 52886 you can join
11 our advocacy effort. On Just cause, I see I only
12 have a little bit of time here, I just like to say
13 that we understand the Council's desire to protect
14 healthcare workers ability to speak openly during
15 this crisis, but we think that we need to look at the
16 laws on the books right now, and the fact is we have
17 the New York State Labor Law that protects whistle-
18 blowers who report health and safety concerns to
19 relevant authorities. We support these protections
20 but oppose the bill. We believe that it would
21 oppose-- it would upset the balance between
22 management and labor, and we're also concerned about
23 giving broad latitudes common in the press about
24 workplace issues. We're not saying that they don't
25 have the right to do that, but we think that this

2 could jeopardize patient protections, especially
3 HIPAA, and we think we need to be very careful about
4 that, because that is there for the workers'
5 protection--

6 SERGEANT AT ARMS: [interposing] Time.

7 ANDREW TITLE: and the protections of
8 individuals in our hospitals. For these reasons we
9 urge you to rethink this proposal. We stand ready to
10 work together on both of these bills, and thank you
11 for your time.

12 COMMITTEE COUNSEL: Council Member
13 Lander?

14 COUNCIL MEMBER LANDER: Thanks very much.
15 So I guess I just want to clarify. I mean,
16 obviously, violating HIPAA would be just cause for
17 dismissal, so I don't think there's any risk that you
18 would be allowing HIPAA violations. No one-- it
19 would be very clear, like that's a law, you can't
20 violate it. Everybody's policies make it clear, so
21 there's no risk to HIPAA here. But I guess on the
22 issue of the state whistle-blower protections, what
23 is a worker supposed to do if they are either given a
24 gag order or filed for a whistle-blower protection,
25 and what confidence do you have? Can you give me any

2 examples of people using the system under state law
3 to vitiate their whistle-blower rights, either in the
4 pandemic or at any point before that?

5 ANDREW TITLE: On your first point, I
6 would say that the issue isn't so much that the
7 hospital would want to fire someone for violating
8 HIPAA. Although if it was some sort of intentional
9 action that's something that they could look at
10 obviously. The issue is that there would be exposure
11 for the hospital and also that it would put patients
12 at risk, and the Federal Government could obviously
13 come in and make a determination, things like on
14 that. On the second question, they can go to the
15 State DOH and the Federal Government and report
16 anything that they believe is not happening that puts
17 patients at risk, and I can send you the part of
18 state law that actually says that.

19 COUNCIL MEMBER LANDER: I didn't ask--
20 I've read the state law. I don't see any evidence
21 it's working to protect the workers, and I guess I
22 was asking you for any evidence to give me confidence
23 that it is, but that's okay, if you don't have it,
24 and that's why we're trying to move forward with some
25 Local Law to provide it.

2 ANDREW TITLE: Well, I can't talk about
3 specific cases, but State DOH does get complaints and
4 they do investigate whenever there's any violations.
5 So, I think that would be the evidence.

6 COUNCIL MEMBER LANDER: Okay. Thank you.

7 COMMITTEE COUNSEL: Thank you. Rohit
8 Gupta [sp?]?

9 ROHIT GUPTA: Good afternoon everybody.
10 Thank you, Council Members, for hearing my testimony
11 today. My name is Doctor Rohit Gupta. I'm fifth-
12 year resident, and currently I'm in my first year of
13 gastroenterology fellowship. I'm part of the CIR
14 union similar to Doctor Prama, and just to reiterate,
15 we are in support of the legislation of 1918 2020,
16 but we are requesting that it get expanded to include
17 us and other healthcare workers who are on the front
18 lines. You know, during training many people in the
19 public may not be aware that, you know, hospitals get
20 paid by the government to hire us residents and
21 fellows, and you know, based on the hours we work we
22 often get less than minimum wage. You know, and we
23 have hundreds of thousands of dollars' worth of
24 student loans, and especially during training we
25 can't make a dent in that loan because of the amount

2 that we're actually getting paid, and you know,
3 during the crisis this has been heightened even more.
4 We've been asked to work in, you know, multiple
5 areas. Hours are longer. We have to ration our PPE,
6 and you know, multiple colleagues have gotten sick.
7 We have some people that have even died. Myself, for
8 example, I was pulled out of my training for
9 gastroenterology to cover the ICU as an attending
10 supervising other residents [inaudible] 13 ventilated
11 patients. I was honored to help, as are my co-
12 residents, but the system is clearly broken. You
13 know, I have friends outside of New York who have
14 come and wanted to help and were actually trained in
15 critical care and they wanted to help in my hospital,
16 but they got assigned to another place, and they were
17 working in the ER which is also outside of their
18 scope, but they were actually getting paid \$400 an
19 hour for their services. And, you know, it just
20 doesn't make sense. I'm happy that they're getting
21 paid for their work because they are volunteering,
22 but at the same time I know that my co-workers have
23 been on the front lines and we need that additional
24 help, and that's why we're requesting to be--

25 SERGEANT AT ARMS: [interposing] Time.

2 ROHIT GUPTA: as an essential worker,
3 because, you know, our patients come first and we
4 deserve to be treated fairly as well. So, thank you
5 for your time.

6 COMMITTEE COUNSEL: Thank you. The next
7 panel will be Jay Peltz, Kathleen Reilly, Youssef
8 Mubarez, and Tarik Mubarez. Jay Peltz, you can speak
9 first.

10 SERGEANT AT ARMS: Time starts now.

11 JAY PELTZ: Thank you. Thank you for the
12 opportunity to testify on behalf of the Food Industry
13 Alliance. FIA is a nonprofit trade association that
14 advocates on behalf of grocery, drug, and convenience
15 stores throughout the state. We represent a broad
16 spectrum of NYC food retail from independent
17 neighborhood grocers to large chains, including many
18 unionized stores. Our members account for a
19 significant share of the city's retail food market.
20 By mandating premium pay of \$75 for a shift longer
21 than eight hours, the city will affectively add \$9.37
22 an hour to the cost of that shift without any
23 increase in productivity. Assuming a worker is paid
24 the minimum wage at 15 dollars an hour, and adding
25 another six dollars an hour in health and pension

2 benefits as well as payroll taxes, workers'
3 compensation and unemployment and disability
4 insurance payments, all of which increases base pay
5 rises, total compensation will exceed \$30 dollars an
6 hour for a minimum wage worker. This will not only
7 price the most vulnerable workers out of the job
8 market, but will also threaten the viability of
9 neighborhood grocers, as many will not be able to
10 afford the labor necessary to keep their stores
11 open. IN addition, in recognition of grocery
12 workers' efforts during the pandemic, our members in
13 the aggregate have already spent millions of dollars
14 on premium pay by raising hourly rates, authorizing
15 additional overtime, and paying bonuses. Grocers
16 have also incurred significant unbudgeted costs due
17 to the purchase of large quantities of PPE and the
18 routine deep cleaning of stores. As a result, while
19 sales are higher in many grocery stores, operating
20 expenses have surged. From beginning to end, the
21 just cause protection bill contains provisions that
22 are one-sided and will deny grocery stores the
23 flexibility they need to manage employees in a manner
24 that allows them to make payroll and pay bills. This
25 necessary flexibility is the reason that New York is

2 an at-will state. Denying established-- denying
3 neighborhood grocers the adaptability they need
4 during a crisis while creating a conflict with well-
5 established state law will adversely impact the
6 independent grocers whose owners have not only
7 invested substantial personal savings in their
8 neighborhood stores, but have also personally
9 guaranteed significant obligations including bank
10 debt, leases, and trade payables. If an owner
11 defaults on those personally guaranteed debts,
12 personal financial ruin is likely.

13 SERGEANT AT ARMS: Time.

14 JAY PELTZ: Thank you for your time.

15 COMMITTEE COUNSEL: Thank you. Kathleen?

16 SERGEANT AT ARMS: Time starts now.

17 KATHLEEN REILLY: Good afternoon. My

18 name is Kathleen Reilly with the New York State
19 Restaurant Association, and today our members
20 represent one of the hardest-hit industries in the
21 hardest-hit city in this pandemic. It's with deep
22 frustration that we've come today to testify in
23 opposition to Intros. 1918 and 1923. Both are unduly
24 costly and burdensome in an environment where an
25 unprecedented number of businesses are closing or

1 closed. Under Intro. 1918, workers at businesses or
2 chains of more than 100 employees would be entitled
3 to premium pay for each shift. NYSRA [sic] is so
4 appreciative and supportive of all essential
5 employees and their dedication to providing essential
6 services, we would love to see them receive
7 additional compensation, but it seems plainly clear
8 that pay must come from the government and likely
9 federal sources. We're glad that DCWP and the
10 Administration share that view. For our members who
11 have continued with takeout and delivery, being open
12 is not lucrative. They're staying open as a service
13 to their communities, to keep as many people employed
14 as possible, but many operate at a loss or just
15 barely neutral. If Intro. 1918 passes, it will kill
16 more jobs in this harkened industry and leave even
17 more vulnerable New Yorkers scrambling for
18 unemployment or other benefits. Intro. 1923 also
19 covers essential businesses and would ban any
20 discharge without documented just cause. As written,
21 it would cover both layoffs and furloughs which have
22 become a basic necessity during the COVID-19 crisis.
23 It also provides the private right of action which
24 means employees would be able to use any termination
25

2 or 15 percent reduction in hours. It does not
3 protect jobs to make layoffs unlawful. Jobs exist
4 when employers exist, and Intro. 1923 would send
5 countless employers to their graves. It's critical
6 for the city's recovery that New Yorkers come
7 together to heal our city and protect the most
8 vulnerable and also rebuild our economy and our tax
9 base. We urge City Council to reject Intros. 1918 and
10 1923 and instead focus on a collaborative and fair
11 way forward that allows all New Yorkers to earn their
12 livelihood. Thank you for hearing us today, and we
13 really hope to be part of the solution and the
14 conversation moving forward. Thank you.

15 COMMITTEE COUNSEL: We have a question
16 from Majority Leader Cumbo.

17 COUNCIL MEMBER CUMBO: Thank you. Wanted
18 to ask in terms-- and I'm sorry, I don't see the
19 panelist there, but for the panel representing the
20 supermarket workers, or the supermarket owners. In
21 this particular climate, and just to educate me, and
22 I apologize for not knowing extensively how your
23 industry is doing at this time, is it fair to say
24 that most of the supermarkets are doing well at this
25 time? And if not, what is prohibiting them from

2 operating at maximum potential profit-wise than not
3 at this particular time?

4 JAY PELTZ: Thank you. This is Jay
5 Peltz. I work for the Food Industry Alliance of New
6 York. So, sales vary by neighborhood. So, in
7 neighborhoods where many or most residents have left
8 to live in second homes or in neighborhoods that have
9 been-- have experienced significant increases of
10 unemployment, sales at stores in those neighborhoods
11 are flat or in some cases even down. And then the
12 other issue they're facing across the board are
13 significant increases in unbudgeted costs for
14 personal protective equipment and routine deep
15 cleaning of stores. And then the other issue is, the
16 pandemic will end and sales will normalize, and this
17 is a business where you're earning a penny on the
18 dollar. So, stores that are doing better are going
19 to need that cash in order to be able to make payroll
20 and pay bills once this is done.

21 COUNCIL MEMBER CUMBO: Thank you, I
22 appreciate your answer.

23 JAY PELTZ: Sure, anytime.

24 COMMITTEE COUNSEL: Council Member
25 Lander?

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COUNCIL MEMBER LANDER: Jay, it's good to see you, and Kathleen thank you for being here. I'm sorry that we've frustrated you by trying to pass this package. I think we hear you, and I hope you hear us, that the goal is not to make it impossible for people who need to do furloughs or lay-offs to do so, and that the intention is to clarify that in the bill. But I just really-- I mean, I guess, you know, I don't really understand why the need to be able to fire someone without cause or notice is necessary to a business' survival. We're not doing it for no reason at all. We're doing it because workers have been fired for speaking out. So, you know, taking the furloughs and lay-offs issue off the table, because we are committed to work with you to clarify it. Help me understand why it would send someone to their graves not to be able to fire someone without notice or any cause?

JAY PELTZ: So, I've been-- I've been around the grocery industry my whole life. I've operated grocery stores. So, grocers aren't looking to fire people, they're looking to hire and retain productive workers. So, typically, when people are

2 fired, they're not fired for no reason. They're not
3 fired without; there is cause.

4 COUNCIL MEMBER LANDER: But then there
5 wouldn't be any problem complying with the law.

6 JAY PELTZ: Well, no, because-- no,
7 that's not true, because it all depends upon the
8 rules of the game and what the process is like. So,
9 I mean, we could have a-- I'm happy to have this
10 conversation off line, but the way that bill is
11 drafted, firing somebody even with cause is going to
12 be a very heavy lift.

13 COUNCIL MEMBER LANDER: We'll be glad to
14 have the conversation offline, but I think good cause
15 is very well established standard, and we're--
16 anyway, we'll follow up on it. I hear you on layoffs
17 and furloughs, and I don't disagree, the folks who
18 have been fired for speaking out have so far been in
19 hospitals, nursing homes, and warehouses, but
20 providing this protection to all essential workers
21 just seems so basic and reasonable. So, we'll follow
22 up with you offline. I hope that if we can work it
23 out on layoffs and furloughs, there'll be some
24 willingness to work with us to provide what is a
25 basic, you know, a basic workplace that we believe

2 essential workers deserve during a crisis. Thank
3 you.

4 JAY PELTZ: Thanks, Brad. Good to see
5 you too. Happy to follow up.

6 COMMITTEE COUNSEL: Majority Leader
7 Cumbo?

8 SERGEANT AT ARMS: Time starts now.

9 COUNCIL MEMBER CUMBO: Are you aware of
10 any businesses like you said, some are doing well,
11 and that's understandable that during this time there
12 are-- there would be those businesses that are in
13 communities such as mine, let's say Fort Greene,
14 Clinton Hill, Prospect Heights, Crown Heights, and
15 Bedford Stuyvesant where you have many people that
16 have gone away, many that haven't, people that have
17 access to-- that don't have access to summer homes,
18 you have a real gamut there. So, are you aware of
19 any owners within your organization that are
20 providing some level of hazard pay who have
21 recognized that I have a workforce. They're putting
22 their life on the line to be here today, and we are
23 doing well profit-wise. Are they then sharing those
24 profits with their employees? Or is it more than
25 just the owner's benefit at this time?

2 JAY PELTZ: So, I'm working on a survey
3 right now of member companies that would be covered
4 under 1918, and what I'm-- the survey is not done.
5 I'm still gathering data, but what I'm finding right
6 now is that there has been a multi-million-dollar
7 increase in pay, in total payroll costs March and
8 April 2020 versus March and April 2019, millions, and
9 most of that increase is attributed to premium pay
10 defined as higher hourly rates, a lot more overtime
11 being authorized and bonuses.

12 COUNCIL MEMBER CUMBO: I-- let me say
13 this, I would really appreciate the findings from
14 your survey so that we can find out what supermarket
15 owners are doing-- stay back. Stay back. I'm sorry,
16 I'm trying to manage a two year old at the same time.

17 JAY PELTZ: I remember those days.

18 COUNCIL MEMBER CUMBO: That's not my
19 response to your answer. We would appreciate the
20 findings to those answers because that would help us
21 to understand how to better craft the legislation.
22 Like, for example, if you could tell us the average
23 supermarket that has 50 employees, has provided an
24 additional 25 dollars to each of their employees and
25 they have increased shifts to this amount, and

2 employees are finding that to be helpful and
3 supportive. Like, your research could be really
4 important and for many others that could do these
5 types of surveys in terms of finding where is the
6 middle ground where something like this could be
7 helpful and [inaudible]

8 JAY PELTZ: Thank you, Leader Cumbo, I'll
9 follow up with you off line. Be happy.

10 COUNCIL MEMBER CUMBO: Thank you. Okay.

11 COMMITTEE COUNSEL: Thank you. Next we
12 have Youssef Mubarez.

13 SERGEANT AT ARMS: Time starts now.

14 YOUSSEF MUBAREZ: Hi, how are you? I'm
15 Youssef Mubarez, the Yemeni American Merchants
16 Association. Thanks for inviting us to speak.
17 [inaudible] to everybody and happy Ramadan. I just
18 want to echo the responses by my colleagues and the
19 Chambers of Commerce, and the supermarket
20 associations that we feel at the Yemeni American
21 Merchants Association that represents about 4,000
22 small businesses, mainly being Yemeni-owned bodegas
23 in New York, that we would have to oppose these
24 bills. We feel it would place a huge burden on the
25 employers of our bodegas who are barely making it

2 right now. After this pandemic, our numbers are
3 looking at maybe 40 percent of them not being able to
4 reopen after this, and what we need to realize is
5 that these owners and their employees are essentially
6 families. They're already doing everything they can
7 to stay open. They're essential employees
8 themselves. They're doing everything they can to
9 work with their employers. To add all these extra
10 costs on them and make it mandatory, it's just going
11 to put them out of business even quicker. Not to
12 mention that the big guys in our organization, even
13 though we're stressing the fact that, you know, it's
14 only for employers over 100-- employees, we have
15 wholesalers that provide product to all the small
16 bodegas and all these neighborhoods that are food
17 desserts who have over 100 employees. Now, they
18 can't survive. You're talking about a trickledown
19 effect that will affect another thousand bodegas
20 under them. So, like I said, we echo what my
21 colleagues just said, and we're against all these
22 bills. Thank you.

23 COMMITTEE COUNSEL: Thank you. Next we
24 have Tarik Mubarez.

25 SERGEANT AT ARMS: Time starts now.

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TARIK MUBAREZ: Good afternoon. I would like to thank everyone for the opportunity to speak. My name is Tarek [sp?], and I was born and raised in Astoria, Queens and own and operate small grocery store located on 44th Street and Eighth Avenue by Times Square, so you can imagine how high the rent is. To get to the point, since this pandemic with the loss of revenue my business has suffered it has been hard keeping it afloat due to lower foot traffic, slow-based [sic] customer service and complying with guidelines of social distancing by limiting persons occupancy in my store. My store has faced losing 80 percent of my business, but zero percent of my bills, and at this point I look for less profitability and more to prioritizing the safety of my employees and the community. Keeping up with the expensive end [sic] bills as well as supply the necessary items such as masks, hand sanitizer, and gloves with little to no profit being made, I do feel like it's critical for the city to recover for the New Yorkers to come together to heal our city, protecting vulnerable and rebuild our economy. As I do feel like small business employers are [inaudible] not to end because essential businesses services

2 simply cannot absorb additional costs and regulatory
3 burdens. These bills will harm employers and
4 ultimately the city's economic recovery. To simply
5 put it, with all the expenses and revenue my store is
6 generating, I will guarantee to be out of business in
7 the near future, and I ask of you to keep in mind
8 that small business such as mine aren't thriving
9 during the pandemic, and any more change will force
10 my hand to close down the gates and become a
11 statistic of the pandemic. So again, I thank you for
12 the opportunity time to speak and wish safety to
13 everyone and their families. Thank you.

14 COMMITTEE COUNSEL: Thank you for your
15 testimony. The next panelist will be Avi Kaner,
16 Daniel Katz, Nasim Almontaser, and MJ Okma. Avi, you
17 can begin.

18 SERGEANT AT ARMS: Time starts now.

19 AVI KANER: Thank you, Speaker Johnson and
20 members of the City Council. You just heard about
21 essential workers during a pandemic crisis. I
22 applaud you for recognizing they've fulfilled a great
23 service to all New Yorkers. While we agree on a
24 policy perspective, we disagree on elements that will
25 be absolutely devastating for us. Our family owns 16

1 stores, primarily in Manhattan. It is 100 percent
2 unionized. Our employees have protections, but sadly
3 others we heard from do not have. While Manhattan is
4 shut down, we have to have all of our stores open,
5 including in devastated business and tourist
6 neighborhoods. We have some stores with businesses
7 down by over 30 percent. We have provided our staff
8 with weekly bonuses equivalent to two dollars an hour
9 early in a crisis, perhaps among the first in the
10 nation, as well as PPE. Your mandate of \$60 for an
11 eight-hour shift equates to \$7.50 an hour increase,
12 raising the effective minimum wage to \$22.50 an hour.
13 The additional increase will raise her payroll by
14 \$350,000 a week with the equivalent of \$18 million
15 dollars a year. We simply do not have this money and
16 will be forced to shut down stores and terminate many
17 union employees. It is virtually impossible to raise
18 prices on 35,000 items. We will be forced instead to
19 add a New York City Council grocery surcharge to the
20 bottom of every supermarket receipt just to survive.
21 Our goal from day one has been protect our associates
22 as well as customers. We've provided masks and
23 gloves and mandated customers to wear them as well,
24 well before the Governor did. A very problematic
25

2 aspect of your proposal is that it puts a lower value
3 of lie on someone working at a company fewer than 100
4 employees. Every life is equal and every law should
5 treat people equally. Our store in the Bronx [sic]
6 is run by 20 individual supermarkets often ping off
7 the books. Why sold employees working at those
8 stores in tight vulnerable conditions with no
9 benefits not be as valuable in the eyes of the New
10 York City Council.

11 SERGEANT AT ARMS: Time.

12 AVI KANER: Finally, the Federal
13 Government has come up with ways to help affected
14 citizens, including those in New York City and is
15 paying for these programs. If New York City wants to
16 enact some legislation, it should pay for it. Thank
17 you very much.

18 COMMITTEE COUNSEL: Chair Miller?

19 CHAIRPERSON MILLER: Thank you, Nuzhat.
20 I just want to reiterate that in the interest of time
21 that we ask members that have questions that we limit
22 it to one question per panelist as we move on. Thank
23 you.

24 COMMITTEE COUNSEL: Thank you. We have a
25 question form Council Member Yeger.

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COUNCIL MEMBER YEGER: Mr. Kaner, you made a very interesting observation about adding to the bottom of the bill the New York City Council surcharge. What I would suggest you do in the meantime, since you are-- you and your industry are one of the very few industries still fueling the economic engine of New York and how important and significant it is that you be open, I would suggest you put notes inside bags right now telling New Yorkers that the New York City Council wants to do this to you, and explaining how stores are going to have to close, employees are going to be laid off, cost of goods will go up, and give them the numbers of the sponsors of this legislation so that New Yorkers can actually voice their opinion. It is absolutely important, as important as it is that I hear from people who think this is a wise idea, but since the City Council is proposing a law that is absolutely unlawful for us to pass, I think it's important for you to use the resources you have to let New Yorkers have that ability to do that. I'll yield back my time, Mr. Chair, unless the witness wishes to answer.

2 AVI KANER: Thank you, Council Member
3 Yeger. You know, we really are in this together,
4 right? The goal is to protect not only the essential
5 employees which we and many others in the industry
6 have been doing from day one, but also to ensure that
7 we survive in a post-Corona world. Supermarkets have
8 been closing right and left in Manhattan over the
9 past decade. This would be the final nail in the
10 coffin for the New York City supermarket industry in
11 Manhattan. I appreciate your time.

12 COUNCIL MEMBER YEGER: Thank you. I
13 yield back the time, Mr. Chair.

14 COMMITTEE COUNSEL: Next we'll hear from
15 Daniel Katz.

16 SERGEANT AT ARMS: Time starts now.

17 DANIEL KATZ: I'm Daniel Katz. Thank
18 you for the opportunity to provide testimony on bill
19 number 1918. Thank you Council Members Cumbo,
20 Kallos, Lander, and of course Chairman Miller as well
21 as other members of the Labor Committee, sponsors,
22 and the New York City Council itself. As Charmain and
23 CEO of the Foodtown Cooperative, we represent over 70
24 stores in the five boroughs, and I must say that our
25 workers are truly essential and I agree with a lot of

2 what was said here today. Besides being chairman, my
3 company owns eight Foodtown and Pathmark [sic] stores
4 in the boroughs, in the neighborhoods of Norwood, the
5 Bronx, Harlem, East Flatbush, Bedford-Stuyvesant,
6 Georgetown, Kensington, Hollis, and Bay Ridge. I'm
7 very proud of what we've been able to achieve
8 together through the tireless efforts to keep the
9 stores open and safe for all the workers. We've
10 worked extremely well through COVID with our unions,
11 Local 338 UFCW, RWDSU led by John Durso, and Local
12 342 UFCW led by Richard Abondolo. During the crisis
13 we were called upon by 338 to provide quick check-out
14 access for first responders and we worked with Eric
15 Adams in Brooklyn to accomplish this. We were
16 successful, and it serves as a great example of how
17 companies can work with unions and government for
18 successful outcome. After we implemented this in
19 Brooklyn thanks to the union, the process for first
20 responders went national. Our policies and
21 procedures extend well beyond mandated and suggested
22 best practices. In our company we are doing more
23 than just the basics. Keeping workers safe and
24 customers safe while continuing to service the vital
25 needs of our customers has been our top priority from

2 the beginning. We spent over \$300,000 on PPE to-
3 date. We now offer-- we even now offer masks to
4 customers for a dollar, the proceeds of which get
5 donated to hospitals. When we were-- excuse me. We
6 have been able to innovate and adapt to provide
7 dedicated position services, additional paid time
8 off, bonuses of over \$650,000 with more coming,
9 specialized training, store modifications and much
10 more while adding payroll and overtime in the amount
11 of \$100,000 per week--

12 SERGEANT AT ARMS: [interposing] Time.

13 DANIEL KATZ: to keep the store stocked
14 and serving families safely. For our employees, we
15 don't wait for someone to get COVID. If you don't
16 feel well for any reason we ask you to stay home and
17 call in sick to my brother directly, right to the
18 boss, one of the owners of the company. We then
19 schedule a telemedicine call with a doctor we have
20 retained at no charge to the employee. We have been
21 in touch with every employee every day until they
22 return. We also offer supplements to the employees
23 at no charge geared towards strengthening their
24 immune systems. In general, New York grocers have
25 stepped up and are working hard to protect customers

2 and staff, but the proposed essential worker bill,
3 while well-intentioned, left dire unintended
4 consequences for workers, consumers and local
5 businesses. I would add that the logistics of
6 rolling this out will take three to four months for
7 even the larger and more sophisticated operators to
8 program, test, and implement, but I do commend the
9 Council for its recognition for our essential
10 workers. Besides being extremely involved in every
11 single community that we served, we believe that we
12 have learned a tremendous amount in the last three
13 months, and would be honored to share with you our
14 best practices. When you have an opportunity, please
15 go to PSKactionplan.com. We believe we have done a
16 first-rate job with the help of the unions and
17 protecting our employees, customers, and helping
18 communities. We have made these best practices
19 available and free to other businesses, both opened
20 and soon to be re-open. We would welcome the
21 opportunity to immediately work with the committee
22 and the New York City Council on solutions for
23 employee safety and compensation. We can protect
24 workers, customers, and communities without killing
25 businesses. Thank you very much.

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COMMITTEE COUNSEL: Thank you. Nasim?

NASIM ALMUNTASER: Hello. My name is Nasim Almontaser. I'm a Yemeni American born and raised in Brooklyn, New York activist, worked in my parent's bodega for at least 10 years, and I'm a fulltime 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. Part of my activist work has revolved not just around education, but also the issues that the Yemeni community and small businesses at large are facing. I am testifying to 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 are all trying to serve in COVID-19. My parents own four bodegas across New York City. For the past 10 years I've never come to work with such fear and anxiety until Coronavirus came along. There are bodegas that remain open 24 hours such as my parents, 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. We need to

2 understand that at the moment New Yorkers are relying
3 on us for simple groceries to keep themselves alive.
4 Essential workers and businesses and services simply
5 cannot absorb additional costs and regulatory
6 burdens. These bills will harm all employers and
7 ultimately the city's economic recovery. New reality
8 is businesses are closing. To conclude, please
9 reconsider your decision on behalf of bill Intros.
10 1918, 23, and 26, as it is hurting small businesses
11 and regular New Yorkers. As we're trying to juggle
12 ensuring protective equipment, the inflation of
13 prices from markets and paying our workers, we need
14 to come together and really make a decision that
15 speaks to those who are trying to make ends meet. In
16 the words of Barack Obama, "A change is brought about
17 because ordinary people do extraordinary things." We
18 have been overlooked for way too long, as we are the
19 heroes doing extraordinary things for the public, yet
20 we deserve the same respect. I want you all to
21 understand that I am here for you and for the core
22 values New York City manifests [sic]. To get in
23 touch you can find me on all social media outlets:
24 Facebook @nalmuntaser, Instagram n_almuntaser, and
25 Twitter @nalmuntaser3. Thank you.

2 COMMITTEE COUNSEL: Thank you. Council
3 Member Yeger?

4 COUNCIL MEMBER YEGER: [inaudible] the
5 Council and they were-- I'm sorry, was in all the way
6 for the entire thing, or did I start in the middle?
7 I just saw the unmute thing. We have some technical
8 things. Am I good? You hearing me?

9 SERGEANT AT ARMS: Yes, sir.

10 COUNCIL MEMBER YEGER: Okay. Thank you.
11 Mr. Almontaser, if these bills should pass, in just
12 your four small bodegas, will you have to let people
13 go? He's muted, counsel. He's indicating that he's
14 muted. Okay, do we need a sergeant to get in and
15 unmute? I don't know who does that.

16 NASIM ALMUNTASER: I am unmute. Please
17 repeat the question.

18 COUNCIL MEMBER YEGER: Go ahead. Did you
19 hear the question?

20 NASIM ALMUNTASER: No, please repeat it
21 one more time.

22 COUNCIL MEMBER YEGER: Question is, if
23 these bills should pass the council and they were to
24 take effect and be enacted, notwithstanding the fact
25 that I view some of them are unlawful, would you have

2 to lay off employees from your family's four small
3 bodegas?

4 NASIM ALMUNTASER: Well, we need to also-
5 - we need to understand that we have four across New
6 York City, and you really can't hold the structure of
7 a big business and a small business to the same
8 standard. So, the way we run are very different than
9 big businesses. If the employee is not doing their
10 job, we already have responsibility in terms of
11 paying off bills, in terms of dealing with the
12 inflation of products that we get. You know, prices
13 are rising. And if they're not doing their job, then
14 we would have to fire them.

15 COUNCIL MEMBER YEGER: Let me be more
16 specific. Not with respect to those employees who
17 don't do their job. Obviously, if someone's not doing
18 their job, you have to fire them. But specifically
19 with respect to the bills that set up more expensive
20 schemes of operation. For example, 1918, 1926 which
21 would require you to pay more money out of whatever
22 meager profits you have at this point,
23 notwithstanding that you are really part of the last
24 piece of the economic engine in New York. With your
25 bodegas, would the small bodegas across the city

2 represented by the Yemeni and American Bodega
3 Association have to lay people off? Generally
4 speaking as a rule, simply because if they have five
5 people working in a bodega and they have to pay, you
6 know, 50 bucks more a shift over the course of the
7 week, would that 50 [sic] cost one person the job?

8 NASIM ALMUNTASER: Well, we-- well, as I
9 stated before, we do have enough of a burden. So if
10 we-- obviously, we can't pay them more because we
11 already have responsibility that we're taking care
12 of. So this would just add an additional burden on
13 top of what we're dealing with. So it won't do us
14 any good, and therefore it won't benefit.

15 COUNCIL MEMBER YEGER: Do you think that
16 businesses in your industry can actually absorb this
17 cost, or is it just--

18 NASIM ALMUNTASER: [interposing] No, we
19 can't. We can't absorb this cost.

20 COUNCIL MEMBER YEGER: [inaudible] ask
21 the question. Ultimately, if it's not that it come
22 out of your profit margin, but that you just don't
23 have the money.

24 NASIM ALMUNTASER: We just don't have the
25 money, period.

2 COUNCIL MEMBER YEGER: Alright. I
3 appreciate that. Thank you very much for coming to
4 testify. I yield back.

5 NASIM ALMUNTASER: Thank you. I have
6 served my time.

7 COMMITTEE COUNSEL: Thank you. Council
8 Member Lander?

9 COUNCIL MEMBER LANDER: You don't have
10 100 employees, do you?

11 NASIM ALMUNTASER: so, to answer that
12 question, it's not about having 100 employees. I
13 already mentioned before that we have four bodegas
14 across New York City, and it's-- we already have
15 enough of a responsibility in the bodega, and so
16 having another responsibility on top of what we have
17 to offer won't do us any good.

18 COUNCIL MEMBER LANDER: Totally
19 understand, I just-- and I don't want to-- you know,
20 I really appreciate YAMA a lot, but the premium pay
21 law only covers businesses with over 100 employees.
22 So it would not apply to you at all, so that one you
23 just don't have to worry about. If you, you know,
24 want to testify for businesses over 100 employees,
25 that they shouldn't also have premium pay, I totally

2 understand that, but I just want to make sure you're
3 clear that the premium pay law does not cover
4 businesses smaller than 100 employees, and I'm
5 guessing the vast, vast, vast majority of the couple
6 thousand YAMA members do not have 100 employees, and
7 so they wouldn't be covered by the law. That's all.
8 I just want to make sure.

9 NASIM ALMUNSTER: Well, it's just-- it's
10 not how many employees. We want to make sure that
11 we're working together, hand-to-hand, so regardless
12 of how many there are, it's not about businesses--
13 it's not about being the Yemeni American Association,
14 and it's not about like my business having more than
15 100, but it's really about supporting all businesses
16 in total. In fact, they also have a responsibility
17 as well, and it would cause more responsibility on
18 top of what we have, or on top of what they already
19 have.

20 COUNCIL MEMBER LANDER: I'm done. Sorry,
21 that's all. I appreciate it.

22 COMMITTEE COUNSEL: Thank you. MJ Okma?

23 SERGEANT AT ARMS: Time starts now.

24 MJ OKMA: Good afternoon, my name is MJ
25 Okma with the Human Services Council, a membership

1 organization representing over 170 human services
2 providers in New York City. providers who are
3 operating on unfunded government contracts going into
4 this crisis with the majority reporting that they
5 didn't have enough resources to meet pre-COVID-19
6 demands for services. 1918, 1926 and 1923 would only
7 fuel this crisis. It is painful to testify against
8 1918 because comprehensive incentive pay for
9 frontline human services workers is a top priority of
10 HSC, but it needs to be backed with corresponding
11 increases on government contracts which already only
12 pay 80 cents on the dollar of programs to cost.
13 Additionally, 1918 only covers hourly workers, so
14 even if it was funded, it would implement a piecemeal
15 solution that would exclude many staff members and
16 lead to further pay inequality. 1926 also needs to
17 be backed with funding. Many human services
18 providers rely on contracted workers for seasonal
19 programs and specialized resources for clients as
20 well-- such as wellness classes. A recent survey of
21 60 o four members found that around 20 percent of
22 reported staff fall outside of being classified as
23 full or part-time workers and could be impacted by
24 the wide scope of this spell. Next, 1923 needs to
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address how the staffing levels of government contracted nonprofits are directly connected to city and state funding, not just performance. Already, 70 percent of the city's human services organizations believe that they will have to lay off staff as a result of current budget shortfalls. When the city recently made rapid cuts to the Summer Youth Employment Program, it directly led to the sudden layoffs of staff of multiple nonprofits. If this bill, as drafted, was in effect then, those providers would have seen employees fined and be required to reinstate terminated employees with full back-pay with funding that the City is no longer providing. It is not about being against the intent of these bills, but without working in partnership with the sector and backing this bills with funding, they put the needs of providing human services workers with the benefits they deserve against ensuring that providers--

SERGEANT AT ARMS: [interposing] Time.

MJ OKMA: are stable enough to provide immediate and long-term vital services. Thank you so much for this opportunity to testify.

2 COMMITTEE COUNSEL: Thank you. Our next
3 panelist will be Vincent Petraro, Kendra Hems,
4 Michelle DeMott, and [inaudible]. We will start with
5 Vincent Petraro.

6 SERGEANT AT ARMS: Time starts now.

7 VINCENT PETRARO: Thank you, Chair
8 Miller, members of the committee and other council
9 members. My name is Vincent Petraro and I'm
10 representing the Metropolitan Parking Association,
11 which represents the interest of nearly 800 parking
12 garages and more than 6,000 unionized employees
13 throughout the City of New York. These unionized
14 members are members of Local 272 of the International
15 Brotherhood of Teamsters. As unionized members we
16 have a collective bargaining agreement they receive
17 besides their pay. They receive vacation days,
18 benefit days, pension, welfare which includes health
19 plan with no copays, and we'd like to keep them
20 employed. When the Governor passed-- when the
21 Governor put forth pause in stopping all nonessential
22 businesses, it really severely impacted the parking
23 industry. Transient parking is down 90 percent plus
24 at garages. Monthly parking is down 50 to 80
25 percent. However, even with these reduced numbers,

2 the garages, most of the garages are staying open.
3 Why? Number one, they are essential under the
4 Governor's plan. Number two, because the essential
5 employee-- they're parking essential workers such as
6 nurses, doctors, law enforcement, other first
7 responders, other people who work at essential
8 businesses. So garages are essential. The problem
9 is with this-- with the bill, 1918, is that you'll
10 add so much payroll to the garages that they're
11 barely able to pay right now. They're barely able to
12 make just their payroll from what they're collecting
13 in parking fees, and if you add this, workers would
14 obviously have to be laid off. This would add over a
15 million dollars across the industry in payroll. As
16 I'm running out of time, let me jump to 1923. We
17 already have a collective bargaining agreement. We
18 already have not just just cause, but we have all
19 kinds of disciplinary procedures. There's
20 grievances, arbitration, etcetera. This is really
21 not needed for this industry as we already have this
22 collective bargaining agreement. It would just add--

23 SERGEANT AT ARMS: [interposing] Time.

24 VINCENT PETRARO: [inaudible] given, and
25 extra restrictions already on top of what the

2 protections that these members have. Thank you very
3 much.

4 COMMITTEE COUNSEL: Thank you. Kendra
5 Hems?

6 SERGEANT AT ARMS: Time starts now.

7 KENDRA HEMS: Thank you, Chairman Miller
8 and the rest of the committee. My name is Kendra
9 Hems. I represent the trucking industry in New York.
10 While we certainly understand the intent of the
11 package of bill introduced, we do have serious
12 concerns about the additional financial and
13 administrative burdens that they will impose. We have
14 seen record drops in consumer spending just in the
15 first three months of 2020, and in most segments of
16 the economy, sales are down over 30 percent. The
17 most recent Empire State manufacturing survey shows
18 that the general business conditions index has
19 plummeted 57 points to a negative 78.2, and that's
20 the lowest level in the history of the survey by a
21 wide margin. For the trucking industry, this equates
22 to a cratering of demand making it incredibly
23 difficult to [inaudible] and rates have dropped
24 significantly of company's fight to get what little
25 space is available. As it relates to 1918, even as

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revenues have dropped to unprecedented levels, companies are expending unbudgeted funds to obtain critical and necessary protective equipment. Our member companies are fighting for their survival, and without exaggeration, an increase in their payroll costs resulting from a premium pay mandate would force many of them to close down completely. With 1923, just cause requirement, given the demands of the trucking industry and trying to meet in the middle-- trying to meet demands in the middle of a pandemic, it isn't appropriate to saddle companies with onerous and burdensome regulation. They're doing everything they can, adjusting their models, shifting operations just to keep business open, and more importantly, to keep their workers employed. Finally, we have various serious concerns with Intro 1926. This legislation would change presumption of employment to an ABC test. In the trucking industry, it's nearly impossible to [inaudible]. We passed the New York State Commercial Transportation Industry Fair Play Act in 2014 to address that concern, and so this would create a new standard for determining whether professional truck drivers are employees or

2 independent contractors, and we would consider-- we
3 would ask that the Council consider--

4 SERGEANT AT ARMS: [interposing] Time.

5 KENDRA HEMS: amending the proposal to
6 honor the terms of the Fair Play Act. We do look
7 forward to continuing to work with the Council on
8 these bills. Again, we do understand the intent.
9 Our drivers are frontline workers as our healthcare
10 industry. They deserve the recognition and certainly
11 the appreciation of all of us as well. Thank you.

12 COMMITTEE COUNSEL: Thank you. Michelle
13 DeMott.

14 SERGEANT AT ARMS: Time starts now.

15 MICHELLE DEMOTT: Good afternoon, Chair
16 Miller and members of the Committee. My name is
17 Michelle DeMott, and I'm the Chief of Staff to
18 Mitchell Netburn, President and CEO of Samaritan
19 Daytop Village. On behalf of our organization, I
20 appreciate the opportunity to testify before the
21 committee on Intro 1918, 1923, and 1926. Samaritan
22 Daytop Village is New York's largest comprehensive
23 health and human service agency with over 50 programs
24 across 10 counties, including all five boroughs of
25 New York City. our close to 1,500 heroic employees

2 have been providing services daily as essential
3 employees during this pandemic to approximately
4 33,000 of the most vulnerable New Yorkers, the vast
5 majority of whom live in New York City. We offer a
6 rich array of programs including treatment for mental
7 health, substance use disorder, transitional and
8 supportive and permanent housing, innovative services
9 for veterans, homeless individuals, women, children,
10 youth, seniors, and families. The nonprofit sector
11 has tirelessly advocated for fair pay for our
12 workforce long before the onset of the COVID crisis,
13 and we certainly thank the City Council for
14 considering our frontline workers. We strongly
15 support efforts to increase pay for our employees who
16 are putting their lives on the line to continue
17 serving our clients. Our grave concern with both
18 Intro. 1918 and Intro. 1926 is that without a
19 guaranteed funding source to implement them, our
20 financial stability will be in serious jeopardy,
21 and as a result, we will no longer be able to care
22 for the most vulnerable New Yorkers. At the very
23 least, it's not an exaggeration to say that these
24 bills will lead to lay-offs and will result in
25 decreased access to vital services for New York City

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residents at the exact moment in time where their need for these services is the greatest. I would also like to raise concerns about Intro. 1923. Due to the COVID-19 pandemic, we have faced a substantial increase in cost. We're spending on PPEs, disinfectants, and enhanced cleaning of our facilities. Additionally, we've had to purchase devices for both staff and clients to transition to telehealth in order to consider to deliver-- in order to continue to deliver critical services to our clients.

SERGEANT AT ARMS: Time.

MICHELLE DEMOTT: 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 lay-off staff, even if we lose government contracts for 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

2 additional financial assistance. Thank you for this
3 opportunity to provide testimony today.

4 COMMITTEE COUNSEL: Thank you. Muzzy
5 Rosenblatt?

6 SERGEANT AT ARMS: Time starts now.

7 MUZZY ROSENBLATT: My name is Muzzy
8 Rosenblatt, and I'm the CEO of BRC, one of New York
9 City's largest, most experienced, and successful
10 providers of housing services for homeless adults.
11 With nearly a thousand essential staff, we serve over
12 10,000 homeless individuals annually. Thank you for
13 the opportunity to speak with you on the critical
14 need to ensure the ongoing viability of frontline
15 human service agencies and those who work for us as
16 we continue to meet the needs of our city's most
17 marginalized residents. Throughout this pandemic we
18 are providing housing, shelter, healthcare, and
19 addiction treatment to thousands of our city's most
20 vulnerable. In doing so we have saved lives and
21 minimized the pandemic's impact on our hospital
22 system. Our workforce is resilient, extraordinary
23 and brave. They are the hidden heroes of this
24 nightmare we all are living. I testify today,
25 however, in opposition to legislation specifically

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Intros. 1918 and 1923 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 wellbeing. At BRC I have done so, taking aggressive action, acquiring PPE, extending time and leave benefits, enhancing access to health insurance. With resources we have or anticipate receiving, I will be providing our frontline staff with a differential pay their heroism and resiliency deserves, but 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 not only puts our work-- this legislation puts not only our workforce, but our city at greater risk. If this council--

SERGEANT AT ARMS: [interposing] Time.

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MUZZY ROSENBLATT: wants to help these workers and in 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 it intends to help. My responsibility is to ensure our clients' wellbeing and our city's wellbeing, 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 answer questions.

COMMITTEE COUNSEL: Thank you. Our next panelist will be Terry Troia, Theresa Hassler, Nicole McVinua, and Jeff Scheuer. Chair Miller?

CHAIRPERSON MILLER: I just want to remind everyone that we have a hard two minutes on everyone who's testifying. We appreciate your testimony, but there are many more who want to testify, and so its two minutes and you will be put on mute. Thank you. Continue.

2 COMMITTEE COUNSEL: Thank you. Terry
3 Troia, you may begin.

4 SERGEANT AT ARMS: Clock starts now.

5 TERRY TROIA: Hi, I'm Reverend Terry
6 Troia. I work at Project Hospitality, and we're an
7 interface effort that serves the needs of more than
8 25,000 hungry and homeless people in Staten Island,
9 the only organization providing shelter for homeless
10 people in Staten Island, the only borough without a
11 publicly-funded shelter for street people. We
12 commend the Council for introducing Intro. 1918 and
13 we speak against it in its present form which
14 requires employers to pay premiums to essential
15 staff. Our ability to pay workers is tied to the
16 funding received in our city contract. Some of our
17 city contract will cover the cost of pay premiums for
18 essential workers; however, the contract will pay for
19 only direct care staff such as case manager and will
20 not cover pay for security, maintenance and kitchen
21 staff, all of whom are essential workers in our book.
22 We've already implemented a small premium for our
23 essential staff to express our gratitude for their
24 bravery and dedicated service in this time of crisis.
25 We hope that our funders will be able to cover these

1 costs, but we're not paying at the rate that's
2 proposed in Intro. 1918, and we cannot come close to
3 that amount if all of our contracts are not increased
4 to meet those needs. Without additional funds in our
5 tight and often inadequate funded contracts, we
6 cannot meet the mandate of Intro. 1918. We ask
7 instead of passing a bill that would endanger the
8 existence of the not-for-profit essential service
9 sector, we ask that the Council work with the
10 Administration to ensure we receive the additional
11 funds to cover all incentives through our city
12 contracts. We also support the goals of Intro. 1923
13 and we speak against it in its present form, because
14 this legislation would prevent us as an essential
15 business from making any staffing changes that we
16 would need to in responding to loss of contracts or
17 the forced closure of programs. We support the
18 Council's intent to protect workers, but the bill
19 doesn't consider how we would cover the cost of
20 payroll and benefits for our staff when we lose
21 funding in city and state contracts. How can we keep
22 our people employed if the city and state cuts our
23 funding? We need a New York City funding mandate to
24 put the funds and keep the funds in our city
25

2 contracts to allow us to achieve the goals of Intro.
3 1918 and 1923. Thank you for allowing me to speak
4 and allowing Project Hospitality to serve the most
5 vulnerable impoverished people--

6 SERGEANT AT ARMS: [interposing] Time.

7 TERRY TROIA: in the borough of Staten
8 Island.

9 COMMITTEE COUNSEL: Thank you. Council
10 Member Lander?

11 COUNCIL MEMBER LANDER: [inaudible] long,
12 so Chair, I really apologize. I'll be very brief.
13 But I love Muzzy Rosenblatt and Terry Troia so much
14 that I just need to say we appreciate your work. I
15 think we made clear and the Majority Leader made
16 clear from the beginning, we're trying to open a
17 dialogue about how to make sure this is funded in a
18 reasonable way, and of course, we can't mandate you
19 to pay more than we're actually giving you contracts
20 to pay, and we will obviously work with you find a
21 way to make this work. I guess I would say we've
22 made clear we're also going to address the issues
23 around making clear that if there have to be lay-offs
24 or furloughs, you can make them, but the issue of not
25 firing people without cause is not one that has

2 additional cost burden. So, we look forward to
3 working with you guys. We really appreciate you, and
4 we're going to make sure that you and your frontline
5 workers can be out there doing the job. I apologize,
6 Mr. Chair, and I will try to limit my questions going
7 forward.

8 COMMITTEE COUNSEL: Thank you. Theresa
9 Hassler?

10 SERGEANT AT ARMS: Time starts now.

11 THERESA HASSLER: Thank you. Thank you
12 so much Council Member Lander for that. Good
13 afternoon Chairman Miller, members of the Civil
14 Service and Labor Committee and other members of the
15 City Council. My name is Theresa Hassler, and I'm the
16 Vice President of Government Affairs for SEO Family
17 Services, one of the region's largest nonprofit
18 providers of human services. On behalf of Keith
19 Little, our President and CEO, I want to thank you
20 for allowing me to speak on Intro. 1918, 23, and 26.
21 When the Governor declared New York on pause, SEO
22 like other human services organizations that were
23 deemed essential, had already started working on
24 implementing a comprehensive work from home policy
25 creating an inventory of PPE, updating our quarantine

1 protocols for our client in residential care and
2 began a rapid redeployment of staff to our
3 residential programs where we working to maintain
4 regulatory staff ratios. Finally recognized as a
5 necessity for premium pay for our staff, and even
6 without insurance there's a reimbursement from the
7 city and state or an increase in our contracts. SEO
8 and other human services providers had already taken
9 steps to use our limited resources to provide some
10 incentives for frontline staff. SEO has 4,000
11 employees and serves 60,000 persons per year.
12 However, the size of our workforce has precluded us
13 from qualifying for the Payroll Protection Program
14 under the CARES Act. Ninety-seven percent of our
15 budget is based on government contracts; 55 percent
16 of our budget is based on contracts with New York
17 City agencies. SEO emphatically supports the spirit
18 of these bills. However, between the Mayor's
19 executive budgets, cuts to programs funded by the
20 City Council discretionary monies pending expiration
21 of the city's multi-year COLA for human services
22 workers, ongoing cuts to the state budget, and
23 exclusion from federal relief, we are not able to
24 sustain the impact of these unfunded mandates.
25

2 Again, we serve some of the city's most vulnerable,
3 and the services provided by our sector must be
4 protected, because our viability and sustainability
5 will be vital to the healing, the housing, and the
6 helping of New Yorkers in the aftermath of this
7 pandemic and for years after. Thank you again for
8 allowing me to speak on behalf of SEO and the human
9 services industry.

10 COMMITTEE COUNSEL: Thank you. Nicole
11 McVinua.

12 SERGEANT AT ARMS: Clock starts now.

13 NICOLE MCVINUA: Good afternoon. My name
14 is Nicole McVinua and I'm the Director of Policy at
15 Urban Pathways. Thank you for the opportunity to
16 testify today on Intro. 1918 and Intro. 1926. Urban
17 Pathways is a nonprofit homeless services and
18 supportive housing provider. We provide street
19 outreach, drop-in services, safe haven, extended stay
20 residences, and permanent supportive housing, and all
21 these programs operate 24/7. Last year we served
22 approximately 3,700 New Yorkers in need. Throughout
23 the course of this pandemic our programs have
24 remained fully operational thanks to the dedicated
25 frontline staff that have continued to work onsite to

2 ensure the health and safety of our clients. Their
3 commitment and dedication to those we serve have been
4 nothing short of heroic. With that said, we fully
5 support additional pay for essential frontline
6 workers; however, like has already been said, in
7 order for the premium pay for essential workers
8 proposed in Intro. 1918 to be viable for nonprofits
9 like us, it must include a requirement that city
10 agencies who contract essential services out to
11 nonprofit organizations covers this additional pay.
12 Nonprofit human services have been chronically
13 underfunded for years. We've been fighting for
14 higher wages for our frontline workers long before
15 the current crisis. To place an additional unfunded
16 mandate on nonprofits in the form of premiums for
17 essential workers would be an undue hardship which
18 could ultimately lead to a closure of vital programs
19 in order for organizations to make ends meet.
20 Therefore, we urge the committee to amend this bill
21 to include additional funding needed to cover the
22 premium pay. We also just want to address a concern
23 in Intro. 1926 to clarify that we would not have to
24 provide sick leave to subcontracted workers. I think
25 Council Member Lander has addressed this, but we just

2 want to be sure that there's clarification if we're
3 working with subcontractors--

4 SERGEANT AT ARMS: [interposing] Time.

5 NICOLE MCVINUA: to pay for that, that
6 additional sick leave. Thank you.

7 COMMITTEE COUNSEL: Thank you. Jeff
8 Scheuer?

9 SERGEANT AT ARMS: Time starts now.

10 COMMITTEE COUNSEL: Jeff Scheuer?

11 JEFF SCHEUER: You couldn't hear me?

12 SERGEANT AT ARMS: Time starts now, Jeff.

13 JEFF SCHEUER: Hello?

14 SERGEANT AT ARMS: Time starts now, Jeff.

15 JEFF SCHEUER: Okay. Alright, thank you,

16 Chair Miller. I had done a little bit of speaking

17 already. And members of the Committee on Civil

18 Service and Labor. I am Vice President for External

19 Affairs at Break Ground, and I'm here today to

20 express our reservations to Intro. 1918 and 1923. We

21 believe that these bills could transfer major

22 unfunded financial liabilities to the nonprofit human

23 services and housing agencies that serve the most

24 vulnerable New Yorkers. For those of you who don't

25 know who we are, we are the largest provider of

2 supportive housing for chronically homeless New
3 Yorkers. We also have a large street outreach
4 program c all of Brooklyn and Queens, Midtown
5 Manhattan, which connects the most entrenched long-
6 term homeless individuals with housing and other
7 critical services. I have a prepared statement that
8 I would like to enter, but essentially I'm going to
9 parrot what the other human services agencies stated.
10 From our perspective, we fully support hazard pay and
11 increased pay as articulated and aspired to by 1918,
12 but we simply cannot support this, this as it's
13 currently drafted without city allocations to make us
14 whole on those payments. Not-- Breaking Ground some
15 time ago had put out hazard pay for many, many
16 frontline workers. We have over 200. Without
17 assurance that the city would reimburse us, and that
18 was a risky move, and since then we've gotten
19 assurances that some of that, most of that will be
20 paid, but it has not been without considerable
21 challenges. For instance, we have [inaudible] aides
22 at nearly [inaudible] three dozen at our safe haven
23 that--

24 SERGEANT AT ARMS: [interposing] Time.

25 JEFF SCHEUER: [inaudible]

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COMMITTEE ON CIVIL SERVICE AND LABOR

SERGEANT AT ARMS: Next speaker.

COMMITTEE COUNSEL: The next panelist will be Nadia Chait, Eric Lee, Abbey Nyamekye, and Andrea Thomas. Nadia?

SERGEANT AT ARMS: Clock starts now.

NADIA CHAIT: Hi, my name is Nadia Chait [sp?], and I'm the Associate Director for Policy and Advocacy at the Coalition for Behavioral Health. We have over 100 members who provide mental health and substance use services to more than 600,000 New Yorkers every year. Our members are on the frontline of this crisis. They are in residences and congregate care facilities, and doing outreach to individuals who are not stably housed, and I certainly strongly support efforts to get them the compensation that they deserve, but as has been pointed out many times, and I appreciate the acknowledgment from various Council Members on this point, we simply can't afford to do that without funding from the city or the city getting funding from the Federal Government to pay for that cost. And so I look forward to working with the council on advocacy to ensure that those costs don't fall on providers and don't result in layoffs or the closure

2 of programs because of these costs. I have similar
3 concerns with 1923 and 1926, as has I think been said
4 many times. On 1923 at this point, it's very
5 important to us that this include economic lay-offs.
6 Of course, our providers do not want to lay off
7 staff, but many of them have already had to because
8 of this financial crisis, and given what we all know
9 about the city and state budgets, they're very
10 concerned that they will lose additional funding and
11 need to lay off staff, and so we need the flexibility
12 there. And on 1926, we certainly want staff to have
13 paid sick leave, but we just want to make sure that
14 it's clear who that applies to and that for per-diem
15 staff who may only work, you know, a very irregular
16 schedule, that they wouldn't [inaudible]. So I
17 really appreciate the intent of this and the work to
18 help the essential workers and look forward to
19 working with the Council on this bills.

20 COMMITTEE COUNSEL: Thank you. Eric Lee?

21 SERGEANT AT ARMS: Time starts now.

22 ERIC LEE: Good afternoon. My name is
23 Eric Lee. I'm the Director of Policy and Planning
24 for Homeless Services United. Thank you, Chair
25 Miller and members of the City Council. HSU is a

1 coalition of mission driven nonprofit homeless
2 service providers some of which you've heard from
3 today. HSU is greatly concerned that Intro. 1918,
4 1923 and 1926 as currently drafted would have
5 negative impacts on homeless services nonprofit
6 abilities to continue to serve homeless New Yorkers.
7 while we appreciate the Council's intent to aid and
8 protect essential workers, any possible relief must
9 be done in coordination with city and state to ensure
10 that pockets of essential workers are not excluded
11 and must include adequate funding to actually make
12 these initiatives possible, and it must be
13 streamlined in a way to get the funding out the door
14 quickly to essential staff. We urge the Council to
15 work in tandem in a coordinated response by city and
16 state. Nonprofit providers have incurred substantial
17 costs in response to COVID-19, and while recognized
18 as essential services by the city and state have not
19 received corresponding emergency funding relief. We
20 appreciate and strongly approve of Council Member
21 Rosenthal's recommendations that these bills not
22 unduly burden nonprofits. We urge the Council to
23 fully explore the financial impacts of Intro 1918 and
24 1926 on nonprofit providers and ensure that
25

2 accompanying funding streams are allocated before
3 moving forward on the bills. We also recommend that
4 the league in 1923 explicitly hold nonprofits
5 harmless when staff must be let go because of
6 budgetary concerns like contract eliminations. HSU
7 advocated for members essential program staff to
8 receive incentive pay since March, but making sure
9 1918 does not include additional funding and will
10 result in an unfunded mandate, and we are concerned
11 how it could work with ongoing efforts by OMB to
12 actually--

13 SERGEANT AT ARMS: [interposing] Time.

14 ERIC LEE: [inaudible] and just making
15 sure that it's done in accord--

16 COMMITTEE COUNSEL: [interposing] Thank
17 you. Abbey Nyamekye?

18 ABBEY NYAMEKYE: Good afternoon. My name
19 is--

20 SERGEANT AT ARMS: [interposing] Time
21 starts now.

22 ABBEY NYAMEKYE: Good afternoon. Can you
23 hear me? Hi, my name's Abbey Nyamekye. I'm Deputy
24 Chief Program Officer for the Center for Urban
25 Community Services. First, I thank the honorable

1 members of this committee and the Council for holding
2 the hearings today. Your steadfast interest and
3 involvement in this matter means the most to New
4 Yorkers, and has consistently been impressive. CCS is
5 an organization of 500 staff serving New York City's
6 homeless, formerly homeless, and low income
7 individuals and families at 35 direct service
8 programs. We are responsible for all the street
9 outreach and housing placement for Manhattan under
10 contract with the Department of Homeless Services.
11 We provide medical, psychiatric-- and psychiatric
12 services on the street and in parks. We operate
13 shelters for homeless mentally ill women and men. We
14 provide supportive services to more than 2,500 units
15 of supportive housing. We're in jails, in VA
16 centers, and are embedded in communities to support
17 immigrants, the unemployed and our neighbors at risk.
18 During the COVID crisis, we are part of this city's
19 essential workforce. Our case managers, social
20 workers, and medical practitioners are among the
21 city's heroes, risking their own lives for the health
22 and safety of others. CCS commends the Council for
23 bringing forward Intro 1919, 1926, and 1923. They
24 speak to the protections of the workforce. Our
25

2 concern, however, is that they would become unfunded
3 mandates, threatening the already fragile financial
4 ecosystem of nonprofit organizations serving severely
5 vulnerable populations. CCS fully supports the
6 spirit and the intro 1918, for instance, and we are
7 committed to providing premium pay for all the staff
8 on the frontlines during this epidemic. Our main
9 concern in this regard is ensuring that our city-
10 funded agencies support the--

11 SERGEANT AT ARMS: [interposing] Time.

12 COMMITTEE COUNSEL: Thank you. Andrea
13 Thomas?

14 SERGEANT AT ARMS: Time starts now.

15 ANDREA THOMAS: Yes, hi. Good day. My
16 name is Andrea Thomas. I am the Associate Executive
17 Director of Home Care at Sunnyside Community
18 Services, a community-based not-for-profit
19 organization located in western Queens. During the
20 midst of the Coronavirus pandemic, our organization
21 rose to the occasion when over 1,000 of our home care
22 workers continued to provide care in the home to New
23 York's most vulnerable and disabled. While we
24 strongly support increased pay and robust paid time
25 off policies for frontline essential workers during

1 the pandemic, we're deeply concerned that Intro. 1916
2 and 1926 would impose another unfunded mandate on the
3 healthcare providers and nonprofit organizations.
4

5 Our home care program is primarily funded by New York
6 State Medicaid through direct contract with the city
7 and with managed care organizations. Prior to the
8 Coronavirus pandemic, the Governor had already
9 declared that the FY21 budget had a budget deficit
10 and had plans on enacting cuts to the Medicaid
11 program. Recently, we have experienced a one percent
12 Medicaid cut across the board and various managed
13 care organizations are already rolling back their
14 reimbursement rates which further exacerbate the
15 issue. Not-for-profit healthcare providers are
16 already bearing the weight of the economic impact by
17 moving our services in a remote fashion. Overtime
18 pay for both administrative and field staff have
19 substantially increased. Other added costs include
20 personal protective equipment has increased over the
21 last couple of weeks. The two weeks' quarantined pay
22 requirements for workers with potential exposure is
23 unreimbursed to the organization and creates a
24 substantial economic impact. All these additional
25 expenses are funded. We're in full support of

2 incentive pay for our well-deserving home care
3 workers.

4 SERGEANT AT ARMS: [interposing] Time.

5 ANDREA THOMAS: We're on the front--

6 COMMITTEE COUNSEL: Thank you for your
7 testimony. Our next panelist will be Morris Dweck,
8 Mark Berger, Mitchell Newman, and Peter Rescigno,
9 Morris Dweck you can begin.

10 SERGEANT AT ARMS: Time starts now.

11 MORRIS DWECK: My name is Morris Dweck.

12 I'm part owner of a retail chain called D2 Stores
13 which have been open because we sell food. We have 11
14 stores in the five boroughs, employing about 350
15 wonderful, brave people who we will have to
16 completely lay off or fire if you pass this proposed
17 bonus pay bill. I've heard a lot of testimony today
18 all vilifying employers as terrible people who fire
19 employees without reason and don't appreciate and
20 treat their staff properly. While I understand that
21 may exist, don't discount and ignore so many
22 companies who are trying their best to the do the
23 right thing by their employees and succeed in
24 business. My company has not terminated any
25 employee over the last two months, and we have

2 provided new PPE to each and every employee every
3 single day. We have respected employee's requests
4 when asking to stay home and never forced an employee
5 to come to work. After viewing the bill, my
6 management team and I came to the conclusion that the
7 only feasible option would be for us to close our
8 stores within the boroughs the remainder of the
9 crisis and lay-off 350 employees. How in the world
10 could we afford to pay these bonuses? This bill
11 proposes an increase in our payroll of 50 percent.
12 Where are we supposed to get the money to pay that
13 bonus? We can't simply just increase margins. We
14 are competing with e-commerce and other retailers
15 whose expense factors are based on the already much-
16 lower national scale. Intro. 1918 will put us in
17 extremely unfair competitive disadvantage. We spoke
18 with six other essential business employers of over
19 100 people. All have come to the same conclusion.
20 All have no choice but to close their operations
21 within the boroughs until the crisis ends. No one
22 can afford the proposed bonuses. All will end up
23 firing or laying off thousands of employees. This
24 means these companies which include supermarket, the
25 security guard company, and healthcare company will

2 become closed to the public. Frankly, as a Brooklyn
3 resident I am terrified of so many essential
4 businesses end up closing. My employees are proud
5 people. They worked during these rough times because
6 of sense of duty to their community. They could have
7 stayed home doing nothing and collect more being
8 unemployed, which some have done, but the majority
9 of--

10 SERGEANT AT ARMS: [interposing] Time.

11 MORRIS DWECK: [inaudible] understand
12 these difficult times and come to work for the
13 greater good.

14 COMMITTEE COUNSEL: Thank you. Mark
15 Berger?

16 MARK BERGER: Good afternoon. My name is
17 Mark Berger. I'm the President of Securitech Group
18 Inc., a lock manufacturer in Maspeth, New York. I'll
19 just go over this briefly as I can, as quickly as I
20 can. We operate a factory with fulltime payroll of
21 over 65 employees. Just like the last speaker, we
22 have not furloughed, laid off anyone during this
23 crisis. We've been designated an essential business
24 under pause by the Office of Economic Development,
25 and we've called in a skeleton crew, and those

2 skeleton workers have allowed us to pay all the other
3 employees, and I thank them for their efforts. Our
4 workers are not involved in healthcare, food
5 delivery, or any contact with customers. On the
6 products I supply are lock sets and alarms for
7 hospitals, and we've been requested to produce, to
8 expedite orders for them and some other government
9 agencies. But many of our regular customers are in
10 quarantine areas across the country. This includes
11 retailers like Apple who have closed our stores and
12 did not permit contractors to perform construction or
13 renovation work. We do not need 100 percent of the
14 workforce to provide products for the hospitals and
15 other government orders. How are we expected to
16 bring in 100 percent of the workforce when we cannot
17 supply product to many of our customers? Why should
18 we be penalized for reopening by requiring us to pay
19 100 percent of the employees? we can-- we're trying
20 to do it, but who knows if this last six weeks, eight
21 weeks, 12 weeks, whether we can continue to do so.
22 The term essential workers is way to broad a category
23 and will harm businesses ultimately resulting in a
24 loss of jobs. The City Council-- if the City
25 Council's goal is to create an inhospitable

2 environment which de-incentivizes businesses to
3 remain in New York, this is exactly the type of
4 legislation that will reduce the City's economic
5 base. Short, businesses are not the enemy. We employ
6 New Yorkers. We rely upon them. The employees who
7 come to work every day are our friends, and we care
8 for them, care for their families. We're not cruel.
9 We're not heartless. We want to do what we can to
10 make New York City great, and we need everybody to
11 support us to do that. Thank you.

12 COMMITTEE COUNSEL: Thank you. Mitchell
13 Newman?

14 MITCHELL NEWMAN: Yes, hello.

15 SERGEANT AT ARMS: Time starts now.

16 MITCHELL NEWMAN: Yes, hello everybody.

17 Thank you for this very important forum, Chairman
18 Miller. I hope all of you and our families are safe.
19 I've heard a lot today about how terrible and abusive
20 the employers are. Please note that that doesn't
21 count all of us. We don't all endanger our
22 employees. We're not slave masters. I represent a
23 75-year-old family-run newspaper home delivery
24 business. We have almost 200 employees and we treat
25 them as family. Large businesses with more than 100

1 employees-- Councilman Landers, they struggle too.
2 That 100 number doesn't mean you're making lots of
3 money, and under 100 you're not making anything. So,
4 I question your thoughts on that. Our employees are
5 the lifeblood of our business. We have the utmost
6 respect and admiration for them, and they are truly
7 heroes. Many of them have worked for us for over 20
8 years. They don't deserve an extra 30 dollars or 60
9 dollars a day, they deserve an extra thousand dollars
10 a day, and I which I could pay them that for what
11 they do for us and for what they do for our
12 customers. We provide masks and gloves and
13 sanitizers for our workers at a cost of several
14 hundred dollars a day, and we maintain a workplace in
15 line with CDC guidelines. Thousands of our newspaper
16 customers have left the city to isolate in a place
17 where they can walk around comfortably. Our
18 customers are disproportionately older New Yorkers
19 who fall not the high-risk category. They rely on
20 their daily newspaper to keep them informed about
21 this terrible pandemic. Without our hero workers,
22 without our customers, our customers would be forced
23 to venture out to buy a newspaper and putting
24 themselves--
25

2 SERGEANT AT ARMS: [interposing] Time.

3 COMMITTEE COUNSEL: Thank you. Peter
4 Rescigno.

5 SERGEANT AT ARMS: Time starts now.

6 PETER RESCIGNO: Hi. Thank you for the
7 opportunity to testify today, Chairman Miller and
8 members of the Committee. My name is Peter Rescigno,
9 and I represent the New York Electrical Contractors
10 Association. I'm testifying on behalf of 145 members
11 employing over 9,000 Local Three IBEW electricians.
12 Thank you again for the opportunity to testify. As
13 an organization that collectively bargains with union
14 labor, Local Three [inaudible] members already
15 provide extremely generous wage and benefit packages
16 in accordance with the New York City prevailing wage
17 schedule. We have been paying top dollar to our
18 workforce long before the COVID-19 crisis hit. Make
19 no mistake, we will continue to do so for our workers
20 that are being employed during the crisis and long
21 thereafter. We are pleased that Intro. 1918 seems to
22 recognize this fact by attempting to provide a carve-
23 out for collective bargaining agreements that provide
24 comparable or superior benefits under the definition
25 of essential employee in section one. Given its

1 immediate effective date, there will be no time for
2 management and labor to negotiate and execute the
3 necessary waiver to trigger the CBA carve-out. As a
4 result, without the necessary waiver in place, this
5 bill's premiums will immediately be imposed on large-
6 scale employees operating under existing CBA's. To
7 avoid this, we suggest amending the bill to provide
8 the currently bargain and valid CBA's in the
9 construction industry be carved out in total. In
10 addition with respect to 1923, there's no sensible
11 reason to readjust the issue of just cause within the
12 context of the unionized construction industry.
13 CBA's for decades have adequately addressed the issue
14 of what constitutes just termination, which has been
15 deemed reasonable and acceptable by the unions
16 themselves. Why are we now overlapping a new process
17 when we already have one that works? New York
18 electrical member's suit with a CBA with Local Three
19 addressed the issue of just cause termination in
20 every agreement we negotiate. If Intro. 1923 passes,
21 there will be massive confusion as to what standard
22 now applies, not to mention the potential issue of
23 impairment of a private contract. Thank you.

24
25 SERGEANT AT ARMS: Time.

2 COMMITTEE COUNSEL: Thank you. The next
3 panelists will be Andy Moss, Helen Brooks, Bill
4 Murray, Karen Pinafiel [sp?], and Dave Offerman.
5 Andy Moss, you may begin.

6 SERGEANT AT ARMS: Time starts now.

7 COMMITTEE COUNSEL: Andy Moss? Alright,
8 we can move to the next panelist. Helen Brooks?
9 Bill Murray? Karen Pinafiel? Dave Offerman? Karen,
10 are you there? Dave Offerman?

11 DAVE OFFERMAN: Yes, hi, I'm here. Can
12 you hear me?

13 SERGEANT AT ARMS: Time starts now,
14 David.

15 DAVE OFFERMAN: Okay, great thank you. I
16 am here. My name is Dave Offerman. I'm the
17 President and CEO of IEH Corporation. We are a small
18 manufacturer of electronic components in supportive
19 defense and commercial aerospace applications in the
20 Brooklyn Army terminal, which incidentally is a city-
21 owned building, New York City Economic Development
22 Corp is our landlord. We have been severely impacted
23 by the Coronavirus because the commercial aerospace
24 sector has been decimated due to COVID-19. We are an
25 essential business and have remained open, but it's

2 not an overstatement to say that Intro. 1918, if it
3 passes, would cause my company to go out of business.
4 And I'll give you they very simple math just to make
5 it very easy. We employ 160 hourly workers. If I
6 have to pay those 160 hourly workers an extra \$75 per
7 shift, that's an extra \$12,000 a day. In a six day
8 week, that's an extra \$72,000 a week. Due to the
9 effects of the coronavirus, our revenues are going to
10 be down about 40 percent this year. We're going to
11 make about \$2.5 million dollars. Two and a half
12 million dollars in a year is \$50,000 a week. So, if I
13 got to pay out \$72,000 a week in additional premium
14 pay, and I'm making \$50,000 a week, that means I'm
15 out of business. If this legislation passes, I have
16 to leave New York City today. We are a fourth-
17 generation New York City-based manufacturer. My
18 great-grandfather started the company 80 years ago.
19 We've always been in New York City. If this
20 legislation passes, we will have to leave, and those
21 160 workers that you want to help will be put out of
22 work. If New York City Council wants to put extra
23 money into the pockets of essential workers, then
24 they should do so. cut out the middle man, because
25 if you impose this cost on businesses you're going to

2 have the unintended consequence of putting tens of
3 thousands additional New Yorkers out on the street on
4 top of the hundreds of thousands that are already
5 unemployed. Thank you.

6 COMMITTEE COUNSEL: Thank you. Karen
7 Pinafiel [sp?]?

8 SERGEANT AT ARMS: Clock starts now,
9 Karen.

10 COMMITTEE COUNSEL: Alright, we'll move
11 on to the next panel. The next panel will be Lisa
12 Griffith, Juan Correa [sp?], and Diana Florence.
13 Lisa Griffith?

14 SERGEANT AT ARMS: Clock starts now.

15 LISA GRIFFITH: Yes, hello. My name is
16 Lisa-- Hello, my name's Lisa Griffith. I'm Counsel
17 for the Save New York City Home Care Coalition, and a
18 shareholder with Littler Mendelson [sp?]. I submit
19 the following testimony in opposition of Intro bills
20 1918 and 1923. The Coalition is comprised of 28 home
21 care agencies, employing more than 51,000 home care
22 aides. These aides provide care to approximately
23 41,000 of our city's most vulnerable, the elderly,
24 infirmed, and disabled who want to remain in their
25 homes and also rely on Medicaid to pay for their

1 necessary home care. If passed, these bills would be
2 the end to home care industry as we know in New York
3 City. The reason is that the proposed premium
4 payments are not funded by either the state or the
5 Federal Government who are the payees for our city's
6 disabled, elderly, and infirmed. The legislation, as
7 drafted, proposes payments from the employer and home
8 care agencies serving the constituency simply do not
9 have the funding to make these premium payments.
10 While home care agencies in the city recognize and do

11 want to reward their hard working home care workers,
12 without dollar for dollar funding this legislation
13 will leave the home care industry in a crisis. That
14 crisis will impact the city's most vulnerable
15 population to transition from their homes into
16 institutions, hospitals or nursing homes where as
17 Governor Cuomo's put it, "COVID-19 spreads like fire
18 through dry grass." New York home care industry has
19 been ravaged in recent years by increased cost which
20 have now been exacerbated by this pandemic with no
21 increased funding from state or federal sources. In
22 fact, funding for Medicaid services which represents
23 almost 95 percent of this coalition's case load is
24 being cut again in this year's budget. The premium
25

2 pay requirement would slash any pay for funding
3 mechanisms and are not reimbursable under Medicaid,
4 only serves to further derail the budgets of city
5 home agencies by placing an unfunded mandated on the
6 shoulders of an already struggling industry serving
7 the most at risk population of the city. Even prior
8 to this pandemic, city home care agencies operated on
9 razor thin margins since the Medicaid reimbursements
10 are only a few dollars above direct cost. Even if
11 labor costs increase home care--

12 SERGEANT AT ARMS: [interposing] Time.

13 LISA GRIFFITH: agencies do not get--

14 COMMITTEE COUNSEL: Thank you. Juan
15 Correa.

16 SERGEANT AT ARMS: Time starts now.

17 JUAN CORREA: Hi, how are you. Good
18 afternoon. Thank you for having me. Can you hear
19 me? Hello?

20 COMMITTEE COUNSEL: We can hear you.

21 JUAN CORREA: Thank you. I'm here to
22 provide a testimony as it relates to bill 1923. I am
23 the co-owner and operator of two Peruvian restaurants
24 in New York City, and until recently we collectively
25 employed 90 staff members. I apologize in advance if

2 some of my remarks have already been made or
3 otherwise pressed. I speak on behalf of many of
4 fellow operators as we're struggling to understand
5 whether our local, state, and Federal Government will
6 find mechanisms that give us a fighting chance of
7 survival. Should nothing be done, we estimate that
8 approximately 75 percent of restaurants in New York
9 City will close. Bill 1923 past distracted whatever
10 series of negative effects and unintended
11 consequences that will ripple through our
12 [inaudible]. A small restaurant's ability to quickly
13 adapt to demand is essential to its survival. Simply
14 put, if we do better than expected, we then hire more
15 employees to help us address that demand. But if we
16 do worse than expected, we need to reduce our
17 staffing levels so that are businesses are viable.
18 The cost of labor pool irrespective of needs would
19 only do two things, poor quality of food and service,
20 and strain [sic] you back of restaurants. We foresee
21 that the bill will have some of the following effects
22 and will result in structural loss of jobs and
23 unemployment. One, many operators struggling to
24 reopen their restaurants will likely decide not to do
25 so. Those operators that decide to reopen their

2 restaurants will do so tentatively, and perhaps with
3 a revised business model that reuses the number of
4 staff members required. New operators looking at New
5 York City as a potential market or seeking to expand
6 will look at other markets that provide them with a
7 more flexible and friendlier environment. And
8 finally, the pool of potential employers for the
9 restaurant industry will dwindle over time as a
10 result of the above, and New York City will continue
11 to the slow-bleeding of talent that we have seen over
12 the several years. The operating environment--

13 SERGEANT AT ARMS: [interposing] Time.

14 COMMITTEE COUNSEL: Thank you. Diana
15 Florence?

16 SERGEANT AT ARMS: Time starts now.

17 DIANA FLORENCE: Thank you for the
18 opportunity to speak today about the proposed just
19 cause legislation aimed at protecting essential
20 workers for speaking out against unsafe conditions.
21 For too long, because they rarely face criminal
22 consequences for their actions, unscrupulous
23 companies have operated with impunity. I know this
24 firsthand, because as a prosecutor for almost 25
25 years, I investigated workplace safety cases

1 involving deaths and injuries in the construction
2 industry. And I want to tell you briefly about a
3 construction worker named Carlos Monquio [sp?]. Five
4 years and one month ago he perished in the meat
5 packing district at his job site, because his
6 employer did not provide a safe working condition. I
7 prosecuted Carlos' case, and in the course of that
8 case what I learned was that Carlos and his coworkers
9 knew that the conditions they were working in were
10 unsafe, and that he and hundreds of his coworkers
11 were also the victim of wage theft, but none of the
12 workers felt that they could speak up, because it was
13 made clear that if they did, they would be fired or
14 retaliated against in some way. And unfortunately,
15 the plight of Carlos and his coworkers is neither
16 unique or isolated to the construction industry. In
17 all of the criminal investigations that I led into
18 workplace safety, one common theme emerged: workers
19 were scared to speak up. The just cause legislation
20 will empower workers to stand up for their rights
21 against unscrupulous employers report abuses to both
22 civil and criminal authorities, and hopefully it can
23 save lives. As a former prosecutor, I know how
24 criminal enforcement deters bad actors, and we must
25

2 add a provision that it allows for filing of a
3 certification by those corrupt companies so that we
4 can do criminal prosecution if necessary.

5 SERGEANT AT ARMS: Time.

6 COMMITTEE COUNSEL: Thank you. The next
7 panelists are Richard Lipsky, Alberto Aguirre,
8 Ardrian Tadani [sp?], and John Macintosh. Richard?

9 SERGEANT AT ARMS: Time starts now.

10 RICHARD LIPSKY: Can you hear me?

11 SERGEANT AT ARMS: Yes.

12 RICHARD LIPSKY: Yeah. My name is
13 Richard Lipsky and I just want to-- you have my
14 testimony that was delivered to you. I just want to
15 make some objections to the format here where most of
16 the opponents of the legislation that's being
17 considered were relegated to two minutes, while those
18 in favor were given more time, and you can see from
19 just looking at me, I'm too old for speed dating, and
20 I don't think this format is conducive to a good
21 discussion of the issues. That being said, I've
22 represented supermarkets and labor in supermarkets
23 for close to 40 years, and oen thing that the Council
24 has to consider, that if you're going to be
25 benefiting essential workers, you have to consider

2 the essential businesses that employ them.
3 Supermarkets are a vanishing breed in New York because
4 of online services, because of taxes, because of
5 regulations. We need to bolster them, not undermine
6 them, and bill 1918 undermines them because they do
7 not have revenues to support the bonuses that are
8 being paid. But as other supermarket operators have
9 already testified, those markets are going the extra
10 yard to make sure that their workforce is compensated
11 fairly. That being said, what the Council needs to
12 do and do it collaboratively is set up a supermarket
13 taskforce to determine how can we benefit these
14 essential businesses so that they and their
15 workforces can continue to provide those vital
16 services for New Yorkers. Thank you.

17 COMMITTEE COUNSEL: Thank you. Alberto?

18 SERGEANT AT ARMS: Time starts now.

19 ALBERTO AGUIRRE: Hello, my name is
20 Alberto Aguirre. I'm a law student, and I'm from
21 [inaudible] New York. My work includes spreading Know
22 Your Rights information to grocery store workers. I
23 have also done wage theft work in Texas. I'm here
24 not to ask to limit 1918, but rather to expand it,
25 and expand it by limiting the exception that allows

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the bill to not apply to enforce [sic] less than 100 employees. Now is the time to recognize the unique situation we're in. Furthermore, I have heard from Council Members that they have particular interest in protecting people of color and women who are disproportionately affected by the pandemic. Many people of color and women of color work for employees with less than 100 employees, and now is the time to push for broader laws to protect all workers. Universal programs are best because they eliminate loopholes, like for example the issue we have with mis-categorizing independent contractors. Universal programs and policies eliminate those issues of-- they allow for these types of loopholes. Universal programs, broad and compassing programs, are also fairer, and they're easier to administer, and I know that that was an issue that the Council Members were discussing about the ability to administer and enforce this new law. With universal programs they are proven to be easier to-- requiring less initiative oversight. Finally, I would like to push back on a previous testimony offered that suggested that the City should look back to the 70s and 80s for policy inspiration. I want to reiterate the most

2 clear terms that we must not allow those new liberal
3 policies that devastated New York City in the past to
4 be used again during this pandemic. Bold
5 encompassing legislation is there to protect all
6 workers. That's it. Thank you.

7 COMMITTEE COUNSEL: Thank you. John
8 Macintosh?

9 SERGEANT AT ARMS: Time starts now.

10 : Alright. Thank you for giving me this
11 opportunity. Since I only have two minutes, I'm
12 going to be very quick. So, the City does business
13 with about 4,000 human service not-for-profits, but
14 half of the business it does with 50 of them. Fifty
15 not-for-profits, three of whom you've heard from
16 today, employ about 65,000 people, and the City of
17 New York pays them on average \$35 million dollars a
18 year, and all of them have more than 500 employees.
19 None of them received any support from PPE. None of
20 them have had any support from the feds through main
21 street lending. And as you've heard from Muzzy and
22 others, they are, many of them, on the brink, and
23 while I do support the spirit of these bills, if
24 these turn into an unfunded mandate for the not-for-
25 profits, I sincerely believe that a number of them

2 will fail. When FECS failed in 2015, it was a self-
3 inflicted wound and it was surrounded by healthy
4 organizations who together with the City and the
5 State picked up the pieces. But today, if one of
6 these not-for-profits fail, and if you're not
7 careful, it's going to be more than one. No one's
8 going to be there to pick up the pieces, and it's
9 going to cost our city in human and financial terms
10 far more than it would have to prevent them from
11 failing in the first place. Two other points: these
12 not-for-profits are 96 to 98 percent funded by
13 government. So when you think about who can pay the
14 expenses, it can't be the shareholders and the owners
15 because there aren't any. It can't be philanthropy
16 because there isn't any. It's government, and
17 personally, I think it's morally reprehensible to ask
18 someone to do something that they can only do with
19 your help, and to know that and not help them. But
20 if that's what you want to do, you better get ready
21 to pick up the pieces, because the storm is coming.
22 Thank you.

23 SERGEANT AT ARMS: Time.

24 COMMITTEE COUNSEL: Thank you to our
25 panelists for their testimony. If we've

2 inadvertently missed anyone that would like to
3 testify, please use the Zoom raise hand function now,
4 and we will call you in the order your hand is
5 raised. Alright, seeing no hands raised, Chair
6 Miller?

7 CHAIRPERSON MILLER: Thank you so very
8 much, Nuzhat. Thank you to all of the Committee
9 Council and team for staying with us for the past
10 seven hours. It's been a very long and fruitful
11 hearing. We've heard some very important
12 legislation, pro and con, and I'm sure that we will
13 bring these issues to the forefront and tune to see
14 public policy that represents the voices of these
15 essential workers that we are tasked with supporting
16 here today. Again, I want to thank everyone on my
17 team, Chief of Staff, Ali Basumagen [sp?], Brandon
18 Clark, Joel Goldbum, and in particularly, Committee
19 Counsel, and Tom thank you-- first time out. But
20 more importantly, I think what is demonstrated today
21 no matter what side of the aisle that you stood on in
22 terms of this opposed legislation, there's no
23 diminishing the value of our workers, whether it is
24 our municipal workforce or it is our private
25 essential workers that we talked about here today as

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well, and as Doctor King says that all labor that uplifts humanity has dignity and should be undertaken with painstaking excellence. I think that our essential workforce, our New York City workforce has demonstrated that we do what we do with painstaking excellence on behalf of the residents of New York City each and every day, and it is our responsibility to make sure that we support them, lift them up in this COVID-19 time. In particular, their family as we move forward, those who have unfortunately succumbed, we have an obligation to make sure that we continue support those workers, their families, in perpetuity, and so I look forward to the pass of this legislation. And again, I salute those workers who continue to work on the frontline, and more importantly, the workers that have made the ultimate sacrifice. So, again, thank you to everyone, and this hearing is now adjourned.

[gavel]

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COMMITTEE ON CIVIL SERVICE AND LABOR

C E R T I F I C A T E

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



Date June 26, 2020