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COMMITTEE ON CONSUMER AFFAIRS AND
BUSINESS LICENSING

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS
AND BUSINESS LICENSING

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September 15, 2021
Start: 3:02 p.m.
Recess: 4:34 p.m.

HELD AT: REMOTE HEARING - VIRTUAL ROOM 4

B E F O R E: Diana Ayala,
Chairperson

COUNCIL MEMBERS:

- Justin L. Brannan
- Margaret S. Chin
- Ben Kallos
- Peter A. Koo
- Karen Koslowitz
- Brad S. Lander
- Carlos Menchaca
- Kalman Yeger
- Francisco Moya
- Helen K. Rosenthal

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3 A P P E A R A N C E S

3 Michael Tiger
4 Deputy General Counsel for the Department of
5 Consumer and Worker Protection, or DCWP

5 Benjamin Holt
6 Deputy Commissioner for DCWP's Office of Labor
7 Policy and Standards

7 Carlos Ortiz
8 Director of Legislative Affairs

8 John Simmons
9 Construction Worker

10 Tierra Williams
11 Member of Local Laborers' 79

11 Shi Green
12 Executive Director of Pathways to Apprenticeship

12 Bishop Mitchell G. Taylor
13 Urban Upbound

14 Han Lu
15 Senior Staff Attorney at National Employment Law
16 Project, NELP

16 Adwoa Twumasi
17 Maxwell Hotel

17 Betel Serra
18 Single mom living in Harlem

18 Skyler Marin
19 Speaking on 2318

19 Derick Bowers
20 Director of Social Enterprise in New York City
21 for Center for Employment Opportunities

21 Sandra Velez
22 Worked at the Roosevelt Hotel

23

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A P P E A R A N C E S (CONT.)

Ed Wallace
Attorney for JCDecaux Street Furniture

James Versocki
Reserved Comments

Lillian Uribe
Chris Lopez

Danny Coley
Former Body Shop Worker

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3 SERGEANT MARTINEZ: Sergeants if you can start
your recordings. We have the PC recording under way.

4 SERGEANT BIONDO: Recording to the cloud has
5 begun.

6 SERGEANT MARTINEZ: Excellent. Good afternoon
7 and welcome to today's Remote New York City Council
8 Hearing of the Committee on Consumer Affairs and
9 Business Licensing.

10 At this time, would all panelists please turn on
11 their video. To minimize disruption, please silence
12 your electronic devices. And if you wish to submit
13 testimony, you may do so via email at the following
14 address, testimony@council.nyc.gov. Once again,
15 testimony@council.nyc.gov. Thank you for your
16 cooperation. Chair, we are ready to begin.

17 CHAIRPERSON AYALA: [GAVEL] Thank you for
18 joining our legislative hearing today before the
19 Committee on Consumer Affairs and Business Licensing.
20 First, I would like acknowledge my colleagues who are
21 present Council Member Kallos, Chin, Brannan and we
22 have also been joined by Council Member Rosenthal.

23 Uhm, so good afternoon everyone. My name is
24 Council Member Diana Ayala and I am the Chair of the
25 Committee on Consumer Affairs and Business Licensing.

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3 I would like to welcome you to our legislative
4 hearing today on five pieces of legislation. Most of
5 these pieces of legislation focus on labor. As these
6 bills will enhance the city's labor laws and make New
7 York City more labor friendly.

8 I am joined with, well, I already said who I have
9 been joined with, sorry. At a public hearing held by
10 this Committee on April 19th on employment agencies
11 and other labor practice placement businesses, we
12 heard testimony from advocates and city residents
13 about widespread exploitation and worker abuse in the
14 construction industry. The Committee heard how the
15 labor broker model has become common in the
16 construction industry. Where brokers sometimes are
17 referred to as body shops, supply workers to real
18 estate developers.

19 Body shops often rely on labor of justice
20 affected workers or the recently released from
21 prison, on parole or with a criminal record. Just as
22 affected city residents typically have a difficult
23 time finding steady employment and some parolees may
24 require employment as a condition of their parole.
25 New York City's multibillion dollar real estate
development industry relies on the exploited labor of

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3 these formally incarcerated individuals, undocumented
4 city residents and guest workers who may lack
5 documentation and deal with language access barriers
6 are also vulnerable to the exploitation of these
7 labor brokers.

8 Although the labor broker model cuts across
9 industries and salary brackets, it is predominantly
10 people of color who are most negatively impacted. At
11 the Committee Hearing, we heard justice affected city
12 residents describe their experiences working at body
13 shops. They detailed issues of underpayment and how
14 they live on government benefits while working up to
15 seven days a week to survive. They explain how they
16 had to work in unsafe working conditions without
17 proper training and/or equipment and they feared
18 speaking out because of the possibility of losing
19 their jobs and facing reincarceration. A female
20 employee of a labor broker detailed her experience
21 facing sexual harassment on the job. A case that was
22 eventually substantiated by the investigation by an
23 investigation from the New York Attorney General.

24 I am proud that we are hearing my bill today
25 Intro. Number 2318, which will license labor brokers
and provide labor protection to New Yorkers employed

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3 by them. I look forward to hearing from the
4 Administration about their perspective on this
5 essential bill as well as from unions and workers
6 about how these protections would help ameliorate
7 exploitation in this industry. We are also hearing
8 two bills today from Council Member Rosenthal,
9 Introductions 508 and 974. Introduction 508 would
10 prevent businesses from requiring employees to sign
11 non-compete agreements as a term of their employment.

12 A non-compete prevents an employee who leaves
13 their job from working for a competitive employer or
14 starting a similar business themselves until after a
15 certain amount of time has passed. According to
16 research from the Economic Policy Institute, nearly
17 30 percent to 50 percent of private sector workers
18 are subject to non-compete clauses. The Department
19 of the Treasury examined the impact of non-competes
20 and concluded that while they provide certain
21 benefits, they decrease worker bargaining power and
22 induce workers to leave their occupations entirely
23 forgoing accumulated training and experience in their
24 field.

25 According to the New York City Bar, has
recommended legislation to regulate the use of non-

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3 competes for low paid workers. Intro. 974 would
4 require job advertisements to disclose whether non-
5 disparagement agreements or mandatory arbitration
6 clauses will apply to an employee, should an
7 applicant be made a job offer. This will help
8 prevent staff from being blindsided by such clauses
9 when they accept the job.

10 Non-disparagement agreements which prevent
11 employees from communicating anything negative about
12 their employer, shield businesses from claims about
13 toxic or abusive work places and keep new employees
14 in the dark about such allegations. Mandatory
15 arbitration clauses bound employees to settle any
16 disputes with their employer through an arbitration
17 process rather than through the court system. Non-
18 disparagement and mandatory arbitration clauses shift
19 power away from the workers, protecting businesses
20 from negative publicity and public court cases. And
21 discouraging employees from seeking redress.

22 More than half of the countries non-union private
23 sector employees are subject to the mandatory
24 arbitration. We are also hearing Intro. 2397 which
25 would require severance pay for hotel service
employees in the event of a closure or a mass layoff.

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3 The hotel industry was hit hard by the pandemic and
4 hotel workers are in precarious state. While hotel
5 owners may look to sell their hotels to recoup their
6 losses, this bill would ensure that hotel workers
7 receive severance.

8 Lastly, we are hearing Intro. 499, which would
9 expand the eligibility requirement for a newsstand
10 license to allow partnerships, corporations and other
11 business entities to obtain a license. The package
12 of bills that we are hearing today will enhance labor
13 protections for New Yorkers. They will help
14 ameliorate exploitation in the construction industry.
15 Restart workers' rights with their employers and
16 provide hotel workers with payment in the event of
17 mass layoffs.

18 I am proud that we are hearing this package and
19 look forward to a conversation with the
20 administration about how we can work together on
21 these issues. I would now like to read testimony
22 from opening remarks actually, a statement from
23 Council Member Koslowitz who was unable to be with us
24 this afternoon regarding her bill. So, uh, okay,
25 Council Members, this is Council Member Koslowitz
statement.

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3 On December 11, 2001, the City Council passed
4 Intro. 0968. It was a bill that I introduced. On
5 December 26, 2001, Mayor Giuliani vetoed the
6 legislation. Because this veto occurred five days
7 from the end of the 1998-2001 legislative session,
8 the Council did not have the ability to consider an
9 override. Today, almost 20 years later, this
10 Committee is considering Intro. 0499 is essential
11 considering the same bill as Intro. 0968. Intro.
12 0968 contained language authorizing raising the limit
13 on the dollar amount a newsstand operator could
14 charge for an item. This increase dollar limit was
15 achieved during the Bloomberg Administration and
16 therefore does not appear in Intro. 0499. Except for
17 the raising of the dollar amount, Intro. 0968 and
18 Intro. 0499 are basically identical.

19 Currently, an individual can obtain a newsstand
20 license. This bill would permit partnership
21 companies and corporations to obtain a newsstand
22 license as well. Why is this important? Because it
23 would enhance the ability of immigrants to obtain a
24 newsstand license and thus become entrepreneurs.
25 There are approximately 300 newsstands in operation
in our city. These newsstands are overwhelmingly

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3 operated by immigrants. This is operated but owned
4 by immigrants. By expanding ownership to partnership
5 companies and corporations, the current personal
6 license holder would be given the ability to bring in
7 the operator as a partner. And when the current
8 license holder retires or passes on because of the
9 definition of ownership is to be expanded, the
10 immigrant operator as a partner would have the
11 ability to become sole partner. Or the immigrant
12 operator in his capacity as the operator of the
13 newsstand will have the ability to buy the license
14 from the licensee.

15 On the current rules, this is not possible. You
16 may ask, doesn't an individual have the ability to
17 apply for a new license at a new location? The short
18 answer is yes but the reality is that other locations
19 are available because nobody wants them. They are
20 not financially viable locations. The 300 or so
21 desirable locations are all taken. I urge my fellow
22 committee members to sign onto Intro. 0499. In doing
23 so, many who came to this country will be able to
24 realize the American dream.

25 And with that, we've been joined also by Council
Members Yeger and Moya. I'd now like to turn it over

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1
2 to Council Member Rosenthal to deliver opening
3 remarks on her bills. Can someone unmute Council
4 Member Rosenthal?

5 COUNCIL MEMBER ROSENTHAL: Terrific, thank you so
6 much. Uhm, good afternoon, I'm Council Member Helen
7 Rosenthal. My pronouns are she and her. I want to
8 begin by thanking Chair Ayala for holding this
9 hearing and including two of my bills which seek to
10 provide requirements for employment transparency for
11 all workers. Uhm, I'm especially grateful because I
12 know it was at the last minute. So, thank you for
13 that.

14 The pandemic has had devastating impact on our
15 local economy and on working New Yorkers. Especially
16 as more New Yorkers reenter the workforce, it's
17 critical that all employees are protected to every
18 extent possible from abuse and exploitation. Intro.
19 0974 is a simple, straight forward and necessary bill
20 that requires all New York City employers to include
21 notification in job advertisements if a new hire will
22 be expected to sign a mandatory arbitration and/or
23 non-disparagement clause in their employment
24 agreement.

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3 Non-disparagement clauses can restrict employees
4 from discussing workplace issues and concerns on
5 social media and in other public formats with severe
6 repercussions if they do speak out. My legislation
7 helps to protect workers by ensuring that before they
8 except the job, they can still decide whether they
9 would sign such an agreement and they are fully aware
10 of any restrictions that they will face.

11 As we know, the ability to speak out about issues
12 such as harassment and discrimination, is absolutely
13 essential to a safe and healthy workplace. Any
14 potential employee should have the right to decide
15 whether or not they will accept restrictions on
16 speaking publicly about their place of employment
17 before taking the job. This is especially the case
18 because violating the agreements can have resounding
19 financial and legal ramifications.

20 0974 also requires employers to notify job
21 application in advance if they will be required to
22 sign a mandatory arbitration clause. Mandatory
23 arbitration serves to discourage workers from going
24 to court if workplace safety or other labor laws are
25 being violated. Arbitration clauses can also
essentially dissolve the protections that workers

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3 receive from federal laws such as the Civil Rights
4 Act, the Equal Pay Act, the Whistle Blower Protection
5 Act and the Family and Medical Leave Act. The bottom
6 line is that workers need to know in advance what
7 they will be required to agree to upon accepting a
8 job.

9 My second piece of legislation Intro. 0508
10 prohibits employers from forcing low-wage workers to
11 enter into non-compete agreements as a condition of
12 employment. Low-wage workers by definition have to
13 work multiple jobs in order to make a living and
14 restricting workers ability to survive and improve
15 their lives through additional employment
16 opportunities is a cruel reality faced by many in the
17 food service industry and other sectors. My
18 legislation seeks to end that practice. I wish the
19 city could do more but transparency is the first
20 step.

21 Thank you again to Chair Ayala and the staff,
22 Stephanie in particular, on the Committee on Consumer
23 Affairs and Business Licensing. I also want to thank
24 my staff Madhuri Shukla and Sarah Crean for their
25 help in bringing this legislation to the floor. I
look forward to administration, the administration's

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3 and public testimony and my office welcomes any
4 further feedback on these bills. Thank you.

5 CHAIRPERSON AYALA: Thank you Council Member
6 Rosenthal. I want to recognize that we've also been
7 joined by Council Members Koo and Lander. Uhm, I
8 will now turn it over to Council Member Moya's prime
9 sponsor of Introduction 2397 to deliver an opening
10 statement, Council Member Moya.

11 COUNCIL MEMBER MOYA: Thank you. Thank you madam
12 Chair. Thank you for the great work that you've been
13 doing. I'm here to talk about my bill Intro. 2397, a
14 Local Law in relation to severance pay for hotel
15 service employees. As you know, our recovery
16 continues to be challenged and we need to do what we
17 can to protect workers. The very workers that are
18 not only key to mobilizing our local economy but are
19 the backbone of New York City's tourism economy.

20 New York cannot have a fair and full economic
21 recovery if it leaves behind out of work employees
22 and families struggling to make ends meet.
23 Especially after having lost their federal
24 unemployment benefits this week. The population that
25 makes up the hospitality industry, the hotel

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1 workforce are precisely the communities hardest hit
2 by COVID, Immigrants, Latinos, Asians, Blacks.

3
4 So, this bill is about protecting these workers
5 livelihoods and preparing for the true economic
6 recovery. And while most of New York City's hotels
7 have taken steps to reopen from increased safety
8 measures to recalling workers to accommodate
9 increased travel accommodations needs, we need to
10 incentivize that revitalization of New York City's
11 hotel industry by getting workers back to work.

12 For the hotels that remain fully closed, we want
13 to incentivize an incremental reopening where hotels
14 can choose to either restore at least part of their
15 workforce and available rooms or pay moderate
16 severance to workers that continue that continue to
17 experience unemployment. These workers have served
18 as ambassadors to our great city and continue to be a
19 vital foundation of our economy. We cannot leave
20 them behind, let's do the right thing and ease the
21 pain and reduce the fear that unemployed families are
22 facing. Thank you Madam Chair.

23 CHAIRPERSON AYALA: Thank you Council Member
24 Moya. I will now turn it over to our moderator

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3 Committee Counsel Stephanie Jones to go over some
4 procedural items.

5 COMMITTEE COUNSEL: Thank you Chair Ayala. I am
6 Stephanie Jones, Counsel to the Committee on Consumer
7 Affairs and Business Licensing and I will be
8 moderating this hearing. Before we begin, I'd like
9 to remind everyone that you will be on mute until you
10 are called on to testify. At which point, you will
11 be unmuted by the host. During the hearing, I will
12 be calling on panels to testify. Please listen for
13 your name to be called, as I will periodically be
14 announcing who the next panelist will be.

15 At this hearing, we will first be inviting
16 testimony from the Department of Consumer and Worker
17 Protection followed by testimony from members of the
18 public. During the hearing, if Council Members would
19 like to ask a question of the Administration or a
20 specific panelist, please use the Zoom raise hand
21 function and I will call on you in order. We will be
22 limiting Council Member questions to five minutes,
23 which includes the time it takes to answer your
24 questions. For all panelists, when called on to
25 testify, please state your name and the organization
you represent, if any.

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3 We will now call representatives of the
4 Administration to testify. We will be hearing
5 testimony from Michael Tiger, Deputy General Counsel
6 at the Department of Consumer and Worker Protection.
7 We will also be joined for questions by Benjamin
8 Holt, Deputy Commissioner at DCWP, and Carlos Ortiz,
9 Director of Legislative Affairs at DCWP. At this
10 time, I will administer the affirmation.

11 Administration panelists, do you affirm – please
12 raise your right hands and I will call on each of you
13 individually. Do you affirm to tell the truth, the
14 whole truth, and nothing but the truth before this
15 Committee and to respond honestly to Council Member
16 questions? Deputy General Counsel Tiger?

17 MICHAEL TIGER: I do.

18 COMMITTEE COUNSEL: Thank you. Deputy
19 Commissioner Holt?

20 BENJAMIN HOLT: I do.

21 COMMITTEE COUNSEL: Thank you. Director Ortiz?

22 CARLOS ORTIZ: I do.

23 COMMITTEE COUNSEL: Thank you. At this time, I'd
24 like to invite Deputy General Counsel Tiger to
25 present his testimony.

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3 MICHAEL TIGER: Thank you Ms. Jones. Good
4 afternoon Chair Ayala and members of the Committee on
5 Consumer Affairs and Business Licensing. I am
6 Michael Tiger, the Deputy General Counsel for the
7 Department of Consumer and Worker Protection, or
8 DCWP. I am joined today by Benjamin Holt, Deputy
9 Commissioner of DCWP's Office of Labor Policy and
10 Standards, and Carlos Ortiz, our Director of
11 Legislative Affairs. Thank you for the opportunity
12 to testify on the suite of legislation before the
13 Committee this afternoon.

14 DCWP's mission is to protect and enhance the
15 daily economic lives of New Yorkers to create
16 thriving communities. We enforce key consumer
17 protection and workplace laws that serve countless
18 New Yorkers throughout the City, as well as focus on
19 initiatives that support New Yorkers and communities
20 with low incomes in building wealth and improving
21 their financial health.

22 As you may know, last week, the Mayor appointed
23 Peter Hatch as the new Commissioner to lead DCWP's
24 work. Commissioner Hatch is no stranger to public
25 service on behalf of New Yorkers, having held
critical roles throughout the Mayor's tenure in

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3 office. Most recently, he served as the City's
4 COVID-19 Public-Private Partnership Czar, securing
5 meals and millions in financial assistance to New
6 Yorkers in need. Chair Ayala, I know that you and
7 Commissioner Hatch have spoken, and he is eager to
8 work with you and your colleagues on our mutual goals
9 to improve the lives of working families in New York
10 City.

11 Turning toward the legislation at hand today,
12 these bills relate to subjects that span a wide range
13 of the agency's work, from consumer protection and
14 licensing, to protecting workers from exploitative
15 business practices. This is all the more vital as
16 our City begins its recovery from the effects of the
17 pandemic, and we work to ensure that that recovery is
18 equitably felt and shared by all New Yorkers.

19 Introduction 0499 would allow corporations,
20 partnerships and other business entities to apply for
21 a newsstand license. Currently, the City's
22 Administrative Code only allows an individual, whose
23 principal source of income will be derived from the
24 newsstand, to apply for a license to operate that
25 newsstand. In New York City, there are more than 320
active licensees operating newsstands, primarily

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3 located in Manhattan. When DCWP receives a newsstand
4 license application, we forward the application to
5 the Department of Transportation, which conducts a
6 site review for the proposed newsstand, and the
7 Public Design Commission or the Landmarks'
8 Preservation Commission, depending on the
9 circumstances of the newsstand's location.

10 Once DOT and PDC or LPC approve the site of the
11 newsstand, and the applicant satisfies all other
12 license requirements, such as paying the license fee,
13 DCWP does not have discretion to deny a license
14 application. Following the agency approvals,
15 JCDecaux, New York City's street furniture franchisee
16 who fabricates, installs, and owns the newsstands in
17 which licensees operate, will construct the
18 newsstand, for which the licensee is required to pay
19 a portion of those costs. We would like to better
20 understand the intent of Council's bills which
21 Council Member Koslowitz statement alludes to. But
22 note that it would allow corporate brick-and-mortar
23 stores to obtain a license for a nearby newsstand and
24 then use that newsstand as a sidewalk extension of
25 their stores.

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3 Also, if this bill were to be enacted, we would
4 like to discuss with Council whether there should be
5 additional requirements for licensees, now that more
6 sophisticated business entities would be able to
7 obtain licenses. As one example, it may make sense
8 for Council to then require newsstands to obtain
9 insurance, as the City typically requires for
10 entities given the right to operate in the public
11 space. We look forward to working closely with
12 Council on this bill during the legislative process.

13 Introduction 2318 contemplates licensing labor
14 service providers in New York City. At our oversight
15 hearing this past April convened by Chair Ayala,
16 regarding employment agencies and body shops, we
17 heard powerful testimony from New Yorkers who have
18 had their basic labor protections violated by
19 unscrupulous so-called labor brokers. As we
20 testified to, workers should never have to suffer
21 through discrimination, harassment or other
22 violations of their rights and protections. DCWP is
23 committed to enforcing the worker protection laws we
24 are charged with enforcing and to collaborating with
25 sister agencies and stakeholders with the authority
to enforce other vital worker protections.

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3 We support the intent of this legislation to
4 protect vulnerable workers but would like to work
5 with Council to ensure the legislation has its
6 intended impact. First, DCWP would like to work with
7 Council to better understand the universe of
8 potential licensees this legislation implicates,
9 where those businesses are located and how they
10 operate in the City.

11 Second, it is our understanding that many of
12 these labor service providers may already be
13 considered employers, meaning that they already have
14 existing obligations to provide a variety of notices
15 and postings of rights relating to minimum wage,
16 overtime, and other vital worker protections.
17 Therefore, we would like to ensure that there is a
18 clearly defined universe of licensees and that any
19 protections we establish for these workers are not
20 duplicative of state or federal law and will have
21 long-term benefits. These concerns, if not addressed
22 in the legislation, would make licensing and
23 enforcement difficult for our agency. Additionally,
24 the Law Department is still reviewing the language of
25 the legislation but we look forward to continue to

1
2 work with the Committee as the legislative process
3 continues.

4 Introduction 2397 would entitle hotel employees
5 to severance pay during major closures of a hotel.
6 DCWP believes that job stability, both in terms of
7 income and scheduling, is key to improving the
8 economic lives of New Yorkers. Therefore, in
9 furthering those principles, the Administration
10 supports the intent of this legislation.

11 Lastly, Introduction 0508 would prohibit
12 employers from requiring low-wage workers to enter
13 into non-compete agreements and would require
14 disclosure of a non-compete requirement at the
15 beginning of the hiring process for all other
16 employees. Introduction 0974 would require
17 employment advertisements to disclose if an
18 employee's contract will include a mandatory
19 arbitration or non-disparagement clause. DCWP
20 supports the goals of these bills as well. We
21 believe that workers with limited resources, limited
22 incomes, and workers who have performed vital roles
23 for their employer, should not be restricted in their
24 employment opportunities because of non-compete
25 agreements.

1
2 Similarly, mandatory arbitration clauses
3 requiring workers to waive their right to be in court
4 and non-disparagement clauses limiting what workers
5 can say in any dispute with their employer are
6 typically one-sided agreements imposed without
7 consideration or meaningful disclosure to the workers
8 they restrict. These requirements strip workers of
9 legal right, legal rights to enforce their rights,
10 silence workers' voices and sequester complaints and
11 violations away from the public eye. We look forward
12 to engaging with Council in the legislative process,
13 and the Law Department will also continue to review
14 the bills' text.

15 Today's agenda speaks to the many ways DCWP
16 currently works to help New Yorkers, particularly
17 during these difficult times as we recover from the
18 impact of the pandemic. It highlights the importance
19 of having protections for our city's consumers and
20 workers that are commonsense and reflective of
21 today's evolving marketplace, such as the recent
22 legislation passed by the Council to modernize the
23 City's Consumer Protection Law.

24 As always, we value the Council as our partner in
25 ensuring that consumer and workers' rights continue

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3 to remain a priority for the City. And, under the
4 leadership of Commissioner Hatch and Chair Ayala, we
5 hope that our mission to protect and enhance the
6 daily economic lives of New Yorkers to create a
7 recovery that works for us all in New York City.

8 Thank you again for the opportunity to testify
9 and I look forward to discussing any questions you
10 may have.

11 COMMITTEE COUNSEL: Thank you Deputy General
12 Counsel Tiger. Uhm, Chair, would you like to begin
13 by asking questions?

14 CHAIRPERSON AYALA: Yes.

15 COMMITTEE COUNSEL: Oh, okay.

16 CHAIRPERSON AYALA: Thank you. Uhm, I believe
17 that Council Member Rosenthal had to leave. So, uhm,
18 is that correct? Is she still here? Did Council
19 Member Rosenthal leave? Did we lose her? Okay.

20 COMMITTEE COUNSEL: Yeah, I believe so.

21 CHAIRPERSON AYALA: Okay, I was going to allow
22 her to ask questions first. Okay, uhm, good
23 afternoon Deputy General Tiger. So, I have a
24 question regarding Intro. 2318.

25 So, I'm trying to understand what you were trying
to say in your opening remarks. So, is it DCWP's

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3 position that as written the language on the bill
4 makes it difficult to determine who is an operator
5 and who is not?

6 MICHAEL TIGER: Well, thank you for that question
7 Chair Ayala. I mean, I think this is it's uh, these
8 are sort of a complex space of different types of
9 arrangements. You know we license, already license
10 employment agencies under the New York State General
11 Business Law. Hemp agencies are exempted from that
12 law. This bill as we understand it intends to
13 require life insurer of a certain type of temp
14 agencies. So, it's not that it's unclear, it's just
15 that these are complex topics that are important and
16 we just, we want to engage in further discussion with
17 you to make sure this maximizes the protection for
18 workers.

19 CHAIRPERSON AYALA: Understood. I mean, I think
20 that when we initially began having the conversation
21 on body shops, there was a lot of confusion about
22 what type of business would be considered or agency
23 would be considered a body shop. Since that time,
24 has DCWP had an opportunity to study the issue a
25 little bit more? Deeply? Do you feel like the

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3 agency is in a position where you better understand
4 who the players potentially would be?

5 MICHAEL TIGER: I mean, I think we're - I mean
6 and my colleague Mr. Ortiz can sort of comment of the
7 outreach we've done to advocates and some of the
8 people that testified at that important oversight
9 hearing that, that you convened.

10 But I mean, we have started to sort of dig into
11 this and that's why we do have some question based on
12 like how the framing of the law is and this is why we
13 want to engage with you about how best to maximize
14 worker protections. Because I think we're on the
15 same page of trying to protect vulnerable New
16 Yorker's and so, we just want to, we want to continue
17 that discussion as part of the legislative process.

18 CHAIRPERSON AYALA: Understood.

19 CARLOS ORTIZ: Chair Ayala, if I could just add
20 in there as well and I know uhm, that particular
21 oversight hearing that you held and chaired was
22 particular valuable for us in terms of the testimony
23 we received from workers. I think that helped us get
24 an insight into the industries that were really
25 impacted with communities such as folks that were
perhaps formerly incarcerated residents and following

1
2 that, we have, you know we have conducted outreach
3 with organizations that testified to that hearing.
4 So, I think that is all to say that this legislative
5 process has been helpful and we're looking forward to
6 engaging more uh, on this bill.

7 CHAIRPERSON AYALA: Carlos, have you had
8 conversations also with maybe some of the labor
9 leaders who uhm, represent some of these workers now?

10 CARLOS ORTIZ: I think, if my memory serves
11 correctly, particularly following that hearing, we
12 engaged with some organizations in Queens. I believe
13 it's new uh, Immigrant Community Empowerments. Uhm,
14 to address kind of complaints that they had brought
15 forward during that hearing and to follow-up on
16 recurrent educational processes we could put in place
17 with them.

18 CHAIRPERSON AYALA: Yeah, yeah, I mean I get the
19 complexity right of trying to identify whose who and
20 how do you classify right what type of business falls
21 under uhm, this licensing agreement. But assuming
22 that we knew who the players were, based on the
23 language of the bill, is DCWP comfortable with you
24 know with the language and would you say that we did
25

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3 everything that we could to sufficiently protect and
4 shield the workers and to empower them?

5 MICHAEL TIGER: That's a good question Chair
6 Ayala. I mean, this is why we think it's important
7 to have continued this dialogue as we proceed with
8 the legislative process. Because as I mentioned, we
9 are definitely of the same mind of protecting these
10 vulnerable workers and make sure they are not
11 exploited by unscrupulous businesses.

12 So, I mean, there are provisions that as we go
13 through the legislative process uh, that we can
14 discuss about how we can strengthen. I mean one
15 example is the retaliation provision and that's a
16 very important part of the workers rights laws that
17 OLPS enforces and I know it's a soundly provision
18 that you included in the draft bill but we have ideas
19 about how that provision could be strengthened. It's
20 something that we would like to engage with you on as
21 the legislative process continues.

22 CHAIRPERSON AYALA: And you probably wouldn't
23 know this but besides constructions, are you aware of
24 any other industry that labor brokers operate?

25 MICHAEL TIGER: Uhm, to be honest, I'm not aware
of that as I sit here today but again, we want to

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3 hear from advocates and other labor leaders and we
4 continue to serving – can continue to engage with
5 them and continue to dialogue with you and the
6 Committee.

7 CHAIRPERSON AYALA: Understood. Uhm, I want to
8 allow some time. I want to recognize Council Member
9 Yeger, uhm, Council Member Yeger?

10 COMMITTEE CLERK: Starting time.

11 COUNCIL MEMBER YEGER: Thank you very much Madam
12 Chair. I'll use this time to make a brief statement
13 and I'll leave the questions for the end and you can
14 answer them Mr. Tiger after my time expires.

15 First, I want to express my support of Intro.
16 0499 uhm, for very simple reasons. First of all, uh,
17 the main concern that you seem to have in your
18 testimony is, we would like to better understand the
19 intent of the Council's bill. And I think Council
20 Member Koslowitz's statement satisfied that. Uhm,
21 uh, more to the point, uh, this bill passed the New
22 York City Council at a time when the New York City
23 Council has wisdom. So, I see it as a no brainer for
24 us to address this at this time as this session is at
25 its tail end and give Council Member Koslowitz the
courtesies of passing a bill that she's been working

1 on for the entirety of her time in this legislative
2 body and I think it's appropriate and I think it
3 makes sense. And I think she laid out why and I
4 think the Committee Report lays out why as well. So,
5 unless there are more significant issues, I don't
6 have problem with this bill. I will just point out
7 that you know that it would allow corporate brick and
8 mortar stores to obtain a license for a nearby
9 newsstand and then use that newsstand as a sidewalk
10 extension of their stores. With respect I find that
11 concern so laughable and I'm trying to hold it in.
12

13 Today, we allow restaurants to expand onto the
14 streets, to expand past that footprint to do whatever
15 they want with no oversight whatsoever. Even a
16 restaurant that opened yesterday can do that and you
17 know, under the claim of well, this is coronavirus
18 pandemic related and restaurants have to recover.

19 So, you know, we've already uhm, uh, jumped the
20 shark if you will with respect to allowing businesses
21 in this city to take over the streets of New York.
22 So, I find that concern to be that necessarily
23 compelling.

24 With respect to uhm, Introductions 0508 and 0974,
25 I don't have a problem with disclosures, I think

1 disclosures are a good thing. I think lawyers like
2 us like disclosures. Uhm, you know they set the
3 record. Uh, straight for what is anticipated from
4 both sides. I will however take issue with the idea
5 that you have in your testimony that this is an
6 agreement. Typically a one sided agreement that
7 posed without consideration. That's just not true.
8 The consideration is a job. That's the
9 consideration. In consideration of receiving a job
10 and a paycheck every two weeks, an employee is asked
11 in certain circumstances to enter an agreement that
12 they are not going to uh, uh, engage in a damaging
13 behavior to the company, to the employer. This is
14 typical, this is normal but more to the point, I
15 don't see at all how this Council has the legal
16 authority or the moral imperative and authority to
17 pass a bill like this. This is something that we
18 typically do although we're not at the passing stage
19 yet, this Council is renown for passing
20 unconstitutional and unlawful bills and I view this
21 as one.

22
23 We do not have the legal authority to step in the
24 way of contracts that are entered into at arm's
25 length between consenting adults, entities or

1 parties. And I'd be interested as my time is about
2 to expire in a minute to hear why it is that the
3 department or if maybe the department has considered
4 that question, uh, whether or not we have the legal
5 authority to do this. And as you know, uhm, as an
6 attorney at an agency in this city, you typically,
7 I'm sure had the experience of seeing our laws thrown
8 out with a hardy chuckle of an enterprising judge,
9 knowing that we've once again overstepped our bounds.
10

11 And with respect to uh, Council Member Moya's
12 Introduction 2318, uhm, you know I think that - I'm
13 sorry, 2397. I think that there are very, very
14 significant issues about uhm, the closure of hotels
15 over the last two years and what happens to those
16 employees and I think that that's a societal need
17 that we do have to address as a government body, as
18 the government of New York City. It's something that
19 we have to look into in a very real way and I think
20 it has to be holistic. I think it can't just be
21 severance. I think it has to be in a very real way
22 that an agency of this city has to be tasked with
23 finding people jobs when they are losing jobs.

24 Uhm, you know, this is something that we've seen
25 the last two years. Unemployment has spiked in a

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3 very, very high way and we have people in this city
4 who cannot find a job at a time when unemployment is
5 about to be significantly reduced or just has been
6 significantly reduced because of federal inaction.
7 And we're going to see the same shortly I believe
8 over the next several months as people start to run
9 out of their employment time.

10 So, it is something that we need to look at
11 holistically, not just in terms of severance pay for
12 hotel employees, but what is this city doing -

13 COMMITTEE COUNSEL: Time is expired.

14 COUNCIL MEMBER YEGER: Thank you very much. To
15 find employment for people in this city who need
16 jobs. And what we ought uh, certainly not do is step
17 in the way. We should be part of the solution, not
18 the problem and some of these bills, not 2397 but
19 some of these bills, I do find steps in the way of
20 finding employment.

21 So, the question that I'll leave you as my time
22 has expired is whether or not or why do you, if so,
23 believe that the Council has the legal authority to
24 uh, uh, insert itself into an arms' length
25 transaction, contractual relationship between two
parties?

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3 MICHAEL TIGER: Thank you Council Member Yeger
4 for your statement and that question at the
5 conclusion. We and the law department are continuing
6 to review uhm, Intro. 0508 and 0974. Uhm, and so I'm
7 not prepared today to talk about uhm, about that
8 element of those bills.

9 COUNCIL MEMBER YEGER: Okay, fair enough. I
10 don't mean to Madam Chair, with your permission, I
11 don't mean to impose on you a question that you
12 haven't determined uh, that has an answer. And so,
13 that's certainly fair and I look forward to hearing
14 more about it but what I would say is that again as
15 I've said in the past, you know we can have good
16 intents said in the past about topics generally. We
17 can have good intents and there are a lot of things
18 that we ought to do in this Council societally
19 speaking for the good of the people.

20 But those things are not necessarily within our
21 legal right to do. Just because it's the right thing
22 to do doesn't mean it's the legal thing to do and we
23 have to be cognizant of that. With that, Madam
24 Chair, I'm very, very grateful for your indulgence
25 for allowing me to go back and forth and I recognize
that uh, that you've recognized that I have a holiday

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3 that's starts in approximately three hours. So, I
4 have to go but I will commit as you know Madam Chair.
5 I will review the testimony after the hearing. I do
6 do that. I am a big nerd. Uhm, I am very grateful
7 to everybody who is taking the time to be here and
8 thank you very much again Madam Chair.

9 CHAIRPERSON AYALA: Thank you.

10 BENJAMIN HOLT: If I may briefly respond to a
11 point that the Council Member made, uhm, as my
12 colleague said, I think we defer to the law
13 department with respect to the question on legal
14 authority. Uhm, however, I would point out that
15 limitations on non-compete agreements are not a
16 unique concept in the law. There is a body of case
17 law that's been developed by state court judges, uhm,
18 who have developed criteria for when a non-compete
19 agreement is appropriate and when it is not. And
20 when it will be found void on grounds of being in
21 violation of public policy.

22 And some examples of that include non-compete
23 agreements that are overbroad with respect to the
24 duration where a geographic area that they cover,
25 non-compete agreements that do not protect or go to
any legitimate business interest.

1
2 So, I would just note that we are not talking
3 about an area here where there is no prior history of
4 regulation.

5 CHAIRPERSON AYALA: Did you want to follow it up?

6 COUNCIL MEMBER YEGER: Thank you Madam Chair.
7 Yes, I will say I recognize that and for example, you
8 know non-compete clauses on attorney's have been
9 found to violate public policy.

10 Uhm, you can't keep somebody from practicing law
11 just because you don't want them to. But what I
12 would also say is that, when we pass a bill that is a
13 one size fits all law across the board banning non-
14 compete clauses, that does not fit within the body of
15 law on how - of course I've reviewed non-compete
16 clauses because those are fact specific increase.
17 They relate to the, the uh, the topical concerns
18 regarding the actual information that the employee
19 had during the time of being employed at this
20 particular company. It's not something that we can
21 legislate in my view, because each time it's a fact
22 specific increase.

23 So, for example, saying to a, a, the person who
24 bags your groceries, that they can never work for
25 another grocer, which surely uh, violate every body

1 of case law on this topic of non-compete clauses.

2 But to tell a clerk in uhm, in a buying situation, a
3 buying product for a particular enterprise that you
4 can't work for the same kind of company within this
5 city for the next year, I don't think is necessarily
6 an unfair or uh, violating the public policy of a
7 non-compete clause case law that has established
8 itself in New York.

9
10 So, again, no one size fits all rule and that's
11 why I'm very, very concerned about the Council trying
12 to pass a law that regulates that.

13 BENJAMIN HOLT: And just to be clear again, I'm
14 not commenting on the actual legal authority but, but
15 this bill is limited to low-wage workers with respect
16 to any ban on non-compete agreements. It is not a
17 one size fits all bill that would cover any employee.

18 COUNCIL MEMBER YEGER: I read the bill. Thank
19 you very much. Thank you Madam Chair.

20 CHAIRPERSON AYALA: Thank you Council Member
21 Yeger. Uhm, I mean, Council Member Rosenthal is not
22 here to speak on the bill but I mean, has the
23 department encountered the issue of exploited
24 employment contract clauses before? Is it something
25 that you've been working on?

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3 MICHAEL TIGER: Uhm, my colleague Mr. Holt can
4 talk about this in greater detail if necessary but
5 this is definitely something we are aware of and this
6 definitely comes up in our enforcement of other
7 workplace workers' rights law. Especially when we do
8 the uh, when we enforce Fair Work Week protections
9 for fast-food workers. Uhm, we have definitely
10 encountered mandatory arbitration clauses for
11 example, in their agreements.

12 Uhm, and so, this is not something that we have
13 systemically researched and produced a report on but
14 it's something that we have encountered. Ben, is
15 there anything you want to add to that?

16 BENJAMIN HOLT: No, that's right. Mandatory
17 arbitration agreements are the primary example which
18 we in our enforcement experience, see most commonly
19 in the fast-food industry. And you know, I think uh,
20 yeah, in terms of what we have seen that has been the
21 most prominent example.

22 CHAIRPERSON AYALA: Uhm, so does the -- so, I
23 mean, does the Administration then share the concerns
24 of the Council that the clauses, disempower workers
25 and protect business interests?

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3 MICHAEL TIGER: I mean we think broadly speaking,
4 all the three types of clauses that are implicated by
5 the two bills are troubling, are troubling in both
6 theory and in practice.

7 So, again, we do support the intent of these
8 bills and as we said and I said to, you know at top
9 and into Council Member Yeger, we are going to engage
10 with the Council as the legislative process continues
11 on the bills text. And the law department is also
12 continuing to review it.

13 CHAIRPERSON AYALA: Yeah, I get Council Member
14 Yeger's point. I think that you know the concern is
15 like, you know you're working at a fast-food
16 establishment right. Uhm, the likelihood of you know
17 becoming unemployed is probably like you know, is a
18 little bit higher right. And, you know, your
19 inability to be able to move onto you know from
20 McDonalds, you know from one franchise owner to the
21 next or to move over to a Burger King. Like, it
22 doesn't make any sense to me, especially you know in
23 2021.

24 So, I think yeah, our legislation shouldn't be a
25 one size fits all approach but I think that there's
an intent here right. That we want to do what we can

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1 as a body to really protect uhm, you know those
2 individuals that need protection. So, I'm confident
3 that, that we can get there and uhm, you know I look
4 forward to continuing to have this conversation.
5

6 MICHAEL TIGER: Absolutely.

7 CHAIRPERSON AYALA: Uhm, are there any other
8 members that would like to ask questions at this
9 point? No, okay, seeing none, I will take the
10 liberty to ask one more. Regarding the hotel
11 severance pay. So, does the administration feel like
12 this bill offers appropriate protections to hotel
13 workers who are obviously in a precarious state given
14 the status of the hotel industry?

15 MICHAEL TIGER: Actually, for you know - thank
16 you for that question Chair Ayala. As I noted in our
17 testimony, we support this legislation exactly for
18 the reasons you noted and Council Member Moya noted
19 about the precarious situation. This particular
20 group of workers are in right now and how important
21 it is to make sure that they are economically secure
22 as we all emerge from the pandemic for a better
23 future.

24 Our agency has not done specific work on the
25 hotel industry and so, is not prepared today to offer

1 additional prescriptions about how to help hotel
2 workers. But that's definitely something that we can
3 engage with this Committee on further.
4

5 CHAIRPERSON AYALA: I would appreciate that.
6 Alright, uhm, unless we have any questions; I have no
7 further questions.

8 COMMITTEE COUNSEL: Okay, thank you Chair. Uhm,
9 seeing no further hands raised, I will turn it to
10 public testimony. I'd like to remind everyone that
11 unlike our typical Council hearings, we will be
12 calling individuals one by one to testify. Each
13 panelist will be given two minutes to speak. Please
14 begin once the Sergeant has started the timer.

15 Council Members who have questions for a
16 particular panelist, should use the Zoom raise hand
17 function and we will call on you after the panel has
18 completed their testimony.

19 For panelists, once your name is called, a member
20 of our staff will unmute you and the Sergeant at Arms
21 will give you the go ahead to begin once they've
22 started the timer. Please wait for the Sergeant to
23 announce that you may begin before delivering your
24 testimony. I would like to now welcome Danny Coley
25

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3 to testify followed by John Simmons and then Tierra
4 Williams. Danny.

5 SERGEANT AT ARMS: Time starts now.

6 COMMITTEE COUNSEL: Okay, we'll circle back with
7 Danny in a little and see if he is available to
8 testify. So, we will move onto John Simmons followed
9 by Tierra Williams and then Shi Green. Uh, John.

10 SERGEANT AT ARMS: Time starts now.

11 JOHN SIMMONS: Good afternoon, my name is John
12 Simmons and I am a proud Construction Worker. I want
13 to first take the time out to thank Diana Ayala and
14 the entire Committee Council for allowing me space
15 today to shine some light along with the disturbing
16 news on body shops. My story is far from being
17 unique. Unfortunately, there were countless justice-
18 affected workers like myself who share [LOST AUDIO
19 50:01].

20 CHAIRPERSON AYALA: John, you got muted.

21 JOHN SIMMONS: We all look forward to finally
22 being free, only to be welcomed by predatory
23 employers with criminal backgrounds to employ us.
24 Which is like being stripped and raped of who we
25 truly are.

CHAIRPERSON AYALA: John, I'm sorry.

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3 JOHN SIMMONS: I promised myself -

4 CHAIRPERSON AYALA: John?

5 JOHN SIMMONS: That I would never return. I was
6 full of determination, hungry for success. Yes it
7 didn't take long to realize that the system had
8 something else planned for me. I was unemployable in
9 the eyes of the world. There weren't many
10 opportunities for me other than low-wage jobs that
11 didn't help cover my basic survival needs. To add
12 insult to the already injured, I ended up at a
13 center, at the Center for Employment Opportunities,
14 where they knew that it didn't make a difference what
15 kind of a job we got as long as it would help us
16 maintain our freedom.

17 It was through CEO that I was introduced and
18 wound up working for body shops. What is extremely
19 dangerous is that these body shops know we have to
20 keep employment in order to maintain our freedom.
21 They are aware that they have the power to send us
22 back to prison. This is used to force us into
23 working in unsafe, unhealthy and unsanitary
24 conditions. They know we are blocked from working in
25 many other fields, so they drive our wages down and
deny us any needed benefits like healthcare.

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3 Many of us knew that the way we were being
4 treated was very unfairly, but we also knew that
5 complaints would lead to retaliation, so we kept
6 quiet -

7 SERGEANT AT ARMS: Time expired.

8 CHAIRPERSON AYALA: You may proceed John.

9 JOHN SIMMONS: We kept quiet as per New York
10 State law. We couldn't even participate in labor
11 protests. There is no real freedom for these body
12 shops [INAUDIBLE 51:54]. Furthermore, it wasn't
13 until I was introduced to the unionized trades that I
14 finally gained my freedom.

15 SERGEANT AT ARMS: Mr. Simmons, you're coming in
16 very muddled.

17 JOHN SIMMONS: My life. I am finally able to
18 achieve real hope and financial independence. Body
19 shops are a real threat to people like me.

20 Once again, I urge you, the City Council to
21 regulate them and protect those men and women who
22 truly seek a second chance at life. And for knowing
23 that the words of my testimony did not call upon deaf
24 ears, I want to commend the Committee on Consumer
25 Affairs - [LOST AUDIO 52:32].

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3 SERGEANT AT ARMS: Mr. Simmons, you are coming in
4 very muddled and you just cut off your sound.

5 JOHN SIMMONS: 2318 into passage. I speak for
6 all body shop workers. I want to thank you City
7 Council in advance.

8 CHAIRPERSON AYALA: Thank you John.

9 COMMITTEE COUNSEL: Thank you John. Next, we'll
10 call Tierra Williams followed Shi Green and then
11 Bishop Mitchell Taylor. Tierra.

12 SERGEANT AT ARMS: Time starts now.

13 TIERRA WILLIAMS: Good afternoon, my name is
14 Tierra Williams. I am a member of Local Laborers' 79
15 and an intern with the organizing department. Thank
16 you to the City Council and Chair Ayala for the
17 opportunity to testify today about my experience and
18 ongoing lack of oversight I have at Body Shops in the
19 construction industry.

20 I was one of the 18 primarily Black women
21 survivors of sexual abuse or assault who were
22 involved in the Attorney General's landmark \$1.5
23 million sexual harassment settlement against Body
24 Shop contractor Tradeoff. While employed by
25 Tradeoff, I was subjected to constant harassment.

1
2 Tradeoff failed to address complaints, and instead
3 protected sexual abusers.

4 I know many Black women, formerly incarcerated
5 New Yorkers and also immigrants who also work for
6 non-union labor brokers or Body Shop contractors.
7 These dangerous jobs barely provide enough money for
8 survival. Body shop workers are often desperate, in
9 need of work after getting released from prison.
10 They must maintain employment as a condition of their
11 parole. They face the real threat of re-imprisonment
12 if parole officers discover they are out of work.
13 Complaining about job conditions, sexual harassment,
14 and other mistreatment can cost these workers their
15 freedom.

16 Firms like Tradeoff make big money sending Black
17 and Brown construction laborers to work on
18 development projects for poverty wages, with little
19 training, and no benefits. Even those offering
20 slightly over minimum are not doing us any favors.
21 When I was making minimum wage, I relied on public
22 assistance benefits, so tax dollars were basically
23 subsidizing the Body Shop. When I got a small raise,
24 I was kicked off those benefits, so any money I
25 earned went towards paying for healthcare for my

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1 family at the end of the month. We deserve to be
2 treated as human beings, not as bodies to be abused
3 and exploited on construction sites.
4

5 For Black women construction workers like me,
6 unionization and collective bargaining are essential
7 for creating work places where contractors and
8 developers treat us with dignity and respect and
9 providing real family-sustaining benefits.

10 SERGEANT AT ARMS: Time expired.

11 TIERRA WILLIAMS: Most of us just want to work.

12 CHAIRPERSON AYALA: Go ahead Tierra.

13 TIERRA WILLIAMS: Most of us just want to work,
14 stay out of jail, and become good members of the
15 society and pay our taxes. I commend the Committee
16 on Consumer Affairs and Business Licensing for
17 bringing forward this bill and urge the swift passage
18 of the Body Shop Bill Intro. 2318. Thank you.

19 CHAIRPERSON AYALA: Thank you.

20 COMMITTEE COUNSEL: Thank you Tierra. Next, we
21 will call on Shi Green to testify followed by Bishop
22 Mitchell Taylor and then Han Lu. Shi.

23 SERGEANT AT ARMS: Time starts now.

24 SHI GREEN: Hi, good after- can you guys see me?
25 Hello?

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3 COMMITTEE COUNSEL: Yes, we can hear you.

4 SHI GREEN: Oh good. Good afternoon and thank
5 you for the opportunity to testify this afternoon at
6 the Committee on Consumer Affairs and Business. My
7 name is Shi Green and I am the Executive Director of
8 Pathways to Apprenticeship. A nonprofit organization
9 focused on reentry and other low-income workers that
10 seek to in poverty by providing access to
11 apprenticeships in New York City building trades that
12 lead to solid careers. I am here today to ask the
13 Council to pass the Body Shop bill Intro. 2318.

14 I grew up affected by the justice system. I saw
15 my parents in and out of the justice system. I
16 didn't want my kids to grow up like that. Pizza way
17 and the construction industry were my opportunities
18 to turn things around. Construction can lift people
19 of color in justice affected by workers. I'm sorry,
20 justice affected workers out of the system and
21 recidivism but not when employers are contributing to
22 the feeding off the cycles of poverty fear, and fears
23 of incarceration, which is exactly what body shops
24 do.

25 Body Shops in the construction industry coerce
workers into dangerous jobs for little pay with no

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1
2 benefits. Reentry workers face barriers to
3 employment, housing and education and take the jobs
4 that they can get. Body Shop employees know this and
5 rely upon reentry workers for their workforce.
6 Because they know these workers have to maintain
7 employment and will do almost anything to get their
8 lives back on track. Doing anything in these
9 situations could mean putting themselves in
10 physically dangerous situations, excepting extremely
11 low pay or keeping quiet about wage theft.

12 These employers know workers wont speak out of
13 fear of losing their jobs and being reported to their
14 parole officers for being unable to maintain
15 employment. That kind of parole violation could land
16 a worker back in jail. Construction body shops must
17 be regulated. These companies are ruthless in their
18 exploitation of workers. They do not treat them as
19 worthy of a second chance. They use this countries
20 system of mass incarceration as a feeder workforce
21 because they think society will look the other way
22 when it comes to these workers. New York City must
23 show them otherwise.

24 SERGEANT AT ARMS: Time expired.

25

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1
2 SHI GREEN: Labor laws and regulating body shops.

3 I urge Council to pass Intro. 2318. Thank you.

4 CHAIRPERSON AYALA: Thank you.

5 COMMITTEE COUNSEL: Thank you Shi. Next, we'd

6 like to invite Bishop Mitchell Taylor to testify

7 followed by Han Lu and then Rob Bookman. Bishop

8 Mitchell Taylor.

9 SERGEANT AT ARMS: Time starts now.

10 BISHOP MITCHELL TAYLOR: Good afternoon, my name

11 is Bishop Mitchell G. Taylor, I am representing Urban

12 Upbound. An advocacy organization dedicated to

13 breaking cycles of poverty and eliminating the

14 barriers to economic mobility. Thank you Chair Ayala

15 and all the Council Members present for holding this

16 hearing on such an important topic. Urban Upbound

17 supports the regulation affirms exploiting vulnerable

18 reentry workers as practices of these agencies are

19 damaging to our community and individual workers.

20 As our city and state move toward implementing

21 criminal justice reforms, it is imperative that

22 legislators assist reentry workers in breaking down

23 barriers to successfully reentering their

24 communities. One of those barriers is the scarcity

25 of work. Open to those following - open to those

1 that are following incarceration. And the use of
2 this to exploit the vulnerability of their position.
3 Construction is one of the few industries welcoming
4 formally incarcerated individuals. Prompting
5 unscrupulous firms and employers to prey on them.
6 Body shops have emerged, firms and agencies that are
7 funneling reentry workers to these nonunion firms,
8 offering low wages, little to no benefits and often
9 times poor safety conditions.
10

11 These firms damage the financial health of our
12 communities and keep those reentering society in an
13 impoverish state. Body shops or nonunion
14 construction labor brokers that engage in
15 exploitative practices, preying on reentry workers
16 and offering poverty level wages. These firms are
17 largely unlicensed and provide from using mass
18 incarceration as a feeder system. Sounds familiar.

19 Sublime the city's richest developers with cheap
20 and vulnerable workforce. Body shop contractors
21 exploit reentry workers by taking advantage of their
22 restrictive rights following incarceration, affording
23 them little to no practices and low wages. Body
24 shops forced to poverty -

25 SERGEANT AT ARMS: Time expired.

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3 BISHOP MITCHELL TAYLOR: It must be regulated to
4 end their abusive practices. Urban Upbound is a
5 staunch supporter of Intro. 2318. We must regulate
6 body shops to protect the formally incarcerated
7 population and their families. Thank you. I want to
8 thank the City Council in advance for their
9 responsibility to act to end the abuses that are a
10 part of this bill. Thank you again.

11 CHAIRPERSON AYALA: Thank you Bishop and thank
12 you always for your support.

13 BISHOP MITCHELL TAYLOR: Thank you.

14 COMMITTEE COUNSEL: Thank you. Next, we'd like
15 to invite Han Lu to testify followed by Rob Bookman
16 and then Adwoa Twumasi. Han.

17 SERGEANT AT ARMS: Time starts now.

18 HAN LU: Good afternoon, it's my privilege to be
19 testifying in support of Chair Ayala's Introduction
20 2318. My name is Han Lu, my pronouns are he and
21 they. I am a Senior Staff Attorney at National
22 Employment Law Project or NELP. NELP is a national
23 nonprofit law and policy org that advocates for good
24 jobs for all. I submitted testimony for this hearing
25 and from the related Committee hearing on April 19th
are more detailed and we're available to provide any

1 additional information but in brief, the body shop
2 business model benefits from a lack of transparency,
3 both the public and to their own workers. We have
4 data on a national level that demonstrates that Black
5 and Latinx workers are dramatically overrepresented
6 in Brokered labor.
7

8 Labor Brokers create two tier workplaces where
9 brokered workers who are paid less, train less, often
10 work alongside permanent employees. This business
11 model in the case of body shops is particularly
12 egregious because of the well-documented structural
13 racism within the criminal legal system. It's
14 targeting of Black, Latinx immigrant communities and
15 people in poverty through a variety of policing and
16 prosecutorial strategies, that list of strategies is
17 very long. But in our case here it is parole.

18 Columbia University published a recent report
19 concluding that Black and Latinx New Yorkers are
20 twelve and four times more likely to be
21 reincarcerated while on parole for technical
22 violations, meaning no new criminal offense.

23 New York State's Parole System requires people on
24 parole to seek and maintain employment under a threat
25 of reincarceration. Those accused of violating

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3 parole rules in New York can be held in jail for
4 several months as allegations are resolved and there
5 is no right to a bail setting. The pressure these
6 workers on parole face to maintain employment is real
7 and well founded. The point here is that body shops
8 lower the floor for all workers, especially in
9 negotiating work conditions with employers, by
10 targeting workers with records -

11 SERGEANT AT ARMS: Time expired.

12 HAN LU: Bill 2318 is a common sense first step
13 in bringing transparency to the opaque and
14 unregulated low labor broker industry and protecting
15 workers from being pushed into under paid and unsafe
16 work. Thank you all for your time and leadership
17 today.

18 CHAIRPERSON AYALA: Thank you.

19 COMMITTEE COUNSEL: Thank you for your testimony
20 Han. Next, we'd like to call Rob Bookman to testify
21 followed by Adwoa Twumasi and then Betel Serra. Rob.

22 SERGEANT AT ARMS: Time starts now.

23 ROB BOOKMAN: Good afternoon. Thank you. I am
24 switching topics here and testifying in favor of
25 Karen Koslowitz's Intro. Number 0499. And even
though she is not here, I want to thank her for not

1
2 forgetting about the Immigrant Sidewalk Newsstand
3 Operators. This bill as she said, was passed 20
4 years ago, almost word for word. Almost unanimously
5 by the City Council, Mayor Giuliani and a peak of
6 political fitness against the City Council waited
7 until after your last meeting to veto it. So, if you
8 didn't have an opportunity to override that veto and
9 we thank her for remembering the importance of this
10 bill.

11 I submitted written testimony. I'll summarize.
12 There are six main reasons why this bill was
13 important then and it's important now. Number one,
14 it's a misinterpretation of the law that requires
15 newsstands operators to be licensed in their
16 individual capacity. We're not aware of any other
17 category, which uses the word person which has been
18 interpreted that way.

19 Everybody else can avail themselves to the
20 corporations law in former partnership or a business.

21 Second, it will protect mom and pop newsstand
22 operators from personal liability which they are
23 exposed to now. On a trip and fall for example,
24 because they can't be a corporation or a partnership.

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3 It also makes it much more difficult for them to get
4 insurance to cover it because they are personal.

5 Third, it is pro-worker and pro-immigrant. Right
6 now, 320 newsstand operators – there is no legal
7 system for me to bring in my worker and make them an
8 owner. This will allow that to happen. Just like
9 you did with vendors recently. This will allow the
10 existing newsstand operators who are aging out to
11 bring in their longstanding workers and make them an
12 owner and then by making them a partner or a
13 shareholder you know in the corporation. That is
14 pro-worker and since most of these people are
15 immigrants, it's a way for them to as the Department
16 of Consumer Affairs said, it proved their wealth. It
17 improved the lives of working families by making them

18 –

19 SERGEANT AT ARMS: Time expired.

20 ROB BOOKMAN: Just a couple – I'll finish up.

21 Uhm, it also reduces new newsstand construction
22 because most of the clients that we see, most of the
23 individuals, they want to become an owner in the
24 existing good newsstands, not spend a lot of money
25 uh, and a lot of time trying to get a location built
in a lousy location. Often locations that community

1
2 boards are not in favor of and Mr. Whiles and his
3 company is not in favor of building. So, there's
4 good reasons to try to reduce the number of new
5 applications. This bill will do that.

6 Uhm, and finally to respond to consumer affairs,
7 it will not impact the two newsstands per person
8 requirement. It's still in the loss. Corporations
9 are not going to be taking over newsstands. You
10 still only will be allowed to be on two newsstands.
11 It still has to be a principle employment. So the
12 farfetched concern that the Council for Consumer
13 Affairs said of a nearby store wanting to open up.
14 It will not be allowed first of all. They could do
15 it now I suppose and nobody has done it. We have
16 never heard that and it still has to be a principle
17 employment.

18 That's not our focus. The focus on this bill is
19 to allow these existing mom and pops and their
20 workers to share ownership and share you know the
21 benefits of ownership. It's long overdue that we
22 correct Giuliani's veto and pass this bill and we
23 thank you very much for considering it again.

24 CHAIRPERSON AYALA: Thank you so much.
25

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3 COMMITTEE COUNSEL: Thank you. Next, we'd like
4 to call Adwoa Twumasi followed by Betel Serra and
5 then Skylar Marin. Adwoa.

6 SERGEANT AT ARMS: Time starts now.

7 ADWOA TWUMASI: Yes, uhm, good afternoon. My
8 name is Adwoa Twumasi with Maxwell Hotel and the
9 Local Sisters Council. I am a room attendant and as
10 we all know hotel industries in New York City has
11 been hit very hard. That right now, about still
12 about 90 percent of hotels are closed. Some
13 permanent and some temporary. The owners, I don't
14 know they are -, I know that right know things are
15 very slow opening. But some are also trying to not
16 make an attempt to open.

17 We are at the moment in limbo, the hotel workers.
18 We do not know what to do uh, when the hotels are
19 opening. We are not in the loop, so uh, I'm begging
20 that uh, this bill be passed because there are some
21 of us, a lot of us that we are almost, everybody is
22 hard working. It's not like we don't want to work.
23 We all want to work. So, we're begging that this
24 bill pass. Uhm, at the moment, uhm, so many people
25 are depending on their head of household and we need
to uhm, we need to make money to take care of our

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1 household, our children. Right now, our
2 unemployment, my unemployment has exhausted. I'm
3 still looking, we're still looking for jobs but
4 where. So, please, help us, we're begging that the
5 hotel industry uhm, the owners at least try and open
6 with some capacity. We are not saying that it should
7 be 100 percent capacity but at least some capacity so
8 a lot of us can go to work. This is all I'm asking.
9 Thank you very much.

10
11 CHAIRPERSON AYALA: Thank you so much.

12 COMMITTEE COUNSEL: Thank you for your testimony.
13 Next, we will be inviting Betel Serra to testify
14 followed by Skylar Marin and then Derick Bowers.
15 Betel.

16 BETEL SERRA: Good afternoon and thank you for
17 the opportunity to be speaking on behalf of myself
18 and many other people who are presently struggling.
19 My name is Betel, I live in Harlem with three kids
20 who are still in school. I'm a single mom raising
21 them. I was working at the New York Hilton and I've
22 been there for 15 years. Since unemployment ended,
23 simple things like grocery shopping for my kids has
24 become more stressful. I'm worried about being able
25 to provide. I support this hotel because its been

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3 really hard for me and my family to make ends meet
4 since being laid off from my job. I'm counting on
5 being hired back to work so that I can keep
6 supporting my family. Many New York hotels receive
7 millions in federal aid during the pandemic and now
8 it's time for workers to also get some support when
9 we need it the most.

10 This bill, this is the right thing to do. Thank
11 you so much for the opportunity again.

12 CHAIRPERSON AYALA: Thank you.

13 COMMITTEE COUNSEL: Thank you for your testimony
14 Betel. Next, we will invite Skyler Marin followed by
15 Derick Bowers and then Ed Wallace. Skyler.

16 SERGEANT AT ARMS: Time starts now.

17 SKYLER MARIN: Thank you. I'm speaking on 2318.
18 I just want to start by saying that we are not
19 against licensing of labor brokers or labor
20 companies. We do have certain issues that are in the
21 uhm proposal. Specifically regarding notice of
22 assignment with 24 hours' notice to the employee
23 where they are going for their shift. The problem
24 with this is twofold. One being that when the boys
25 pull out in the morning, if we don't send
replacements right away, our clients are then delayed

1
2 and we can delay the entire construction project,
3 which is very costly to everybody and the entire
4 process will be delayed.

5 Additionally, we receive requests you know the
6 night before for the next morning if there is a
7 weather emergency, if something breaks. There is
8 some kind of emergency or something that comes up
9 that we need to dispatch employees to our
10 construction sites as soon as possible. So, the 24
11 hour notice is really not feasible for that. Uhm,
12 additionally, regarding the unsafe working conditions
13 that were previously brought up, we send our
14 employees to construction sites that are run by
15 general contractors and we send our laborers there.
16 We are not responsible for any unsafe conditions that
17 are there and if there are any unsafe conditions and
18 we are notified, we take immediate action towards it.
19 All of our employees have the 40 hour SSD training
20 that was required by New York City and they have the
21 safety training to protect themselves. Again, if
22 there is anything that comes up that we are notified
23 about, we take immediate action towards it.

24 Uhm, additionally regarding uh, the wages and
25 everything that was brought up earlier, we pay our

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3 employees above minimum wage. Again, it is a minimum
4 wage and we pay them above it. And we work with
5 second chance companies such as CEO and community
6 colleagues that work with the previously incarcerated
7 individuals.

8 SERGEANT AT ARMS: Time expired.

9 CHAIRPERSON AYALA: You can proceed.

10 SKYLER MARIN: Thank you and that helps people
11 move up the ladder and get out of homeless shelters
12 and get back on their feet and once they have gotten
13 the experience and training with us, they move onto
14 bigger and better and uh, jobs and positions and
15 trades and unions and more companies.

16 So, the fact that we're being targeted as trying
17 to take advantage and exploit previously incarcerated
18 workers, it's just not true. We are helping them get
19 back on their feet. We're helping them become a you
20 know a better version of themselves. We are giving
21 them raises, we are promoting them throughout our
22 system and its paid off and it definitely helps
23 people. Uh, thank you.

24 CHAIRPERSON AYALA: Yeah, I have a couple of
25 questions Mr. Marin. So, I mean, first of all, if an
employee that you are directing to whatever workforce

1 construction. Uhm, when they get to you prior to
2 making the connection with the construction site, is
3 there some sort of orientation where uh, you know
4 potential employees are informed or advised that they
5 should you know, that they should report
6 inconsistency? That they should report you know
7 safety issues, if there is sexual harassment you know
8 at that job site or is the onus really on the
9 employee to have you know to be willing to come and
10 say hey, this is what's happening you know at my
11 worksite. Because if I'm a parolee and I'm out on
12 the condition that I am keeping you know a job, that
13 I'm employed. I'm probably going to be a little bit
14 more reluctant to uhm, you know to come to my
15 employer and, and, and bring these issues up for fear
16 that I may lose my job.

17
18 So, I'm wondering you know before you're making
19 that connection and supplying that work or to this
20 entity, are you taking the time to educate them on
21 what their rights are and encouraging them to come to
22 you with feedback?

23 SKYLER MARIN: Sure, so, uh, when anybody is
24 hired, first of all they are given the New York State
25 Mandatory Sexual Harassment Training that they have

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3 to go through. So, they are informed about that and
4 then in our handbook as well as our onboarding calls
5 with our human resources manager and our hiring
6 managers, they are instructed that if there are any
7 issues to bring to our attention in our handbook. We
8 have policies and procedures that they go through
9 either lead labor or foreman on the site or they go
10 directly to our HR manager. Uhm, additionally, we're
11 on major construction projects with site safety
12 managers and superintendents and if there are any
13 issues, we're hearing about it. And our employees
14 know that they can come to us with it.

15 CHAIRPERSON AYALA: Okay, so is it your position
16 that you are objecting to the bill?

17 SKYLER MARIN: I'm not objecting to the
18 licensing. I think the licensing is actually a good
19 thing and I do not disagree with the licensing. I
20 disagree with a lot of things that are being asked in
21 the proposal. Uhm, like I said, specifically the 24
22 hours' notice of where they are going the next day.
23 When we're being asked to disclose our tax credits.
24 That, I don't believe is necessary to licensing a
25 business to ensure that employees are safe. We're
also being asked to disclose our employees

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3 ethnicities and things such as that, which legally we
4 cannot ask them for it, they can disclose it to us.

5 Uhm, there's also something that we have to
6 publish our client list on a public website, which
7 again is not necessary for safety of employees for
8 having anything to do with their wages.

9 CHAIRPERSON AYALA: Hmm, hmm.

10 SKYLER MARIN: It's just — that's just I mean for
11 unions and other companies to target us and to
12 compete against us and again, to protect employees
13 and their right. Publishing our information is not
14 necessary whatsoever.

15 CHAIRPERSON AYALA: Are you only, uh, uh, uh, I
16 mean, are you only connecting potential employees to
17 construction site work or are there other uh, types
18 of work that uh, that they are being sent to?

19 SKYLER MARIN: Uh, we have two sides of our
20 company. Most of them are going to construction
21 sites, they are laborers. Uh, we also do janitorial
22 services as well and they go to completed buildings
23 and they're janitors, porters, handymen,
24 superintendents, things like that as well.

25 CHAIRPERSON AYALA: Thank you. That's helpful,
thank you.

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3 SKYLER MARIN: Sure.

4 COMMITTEE COUNSEL: Thank you for your testimony.

5 Next we will be inviting Derick Bower to testify
6 followed by Sandra Velez and then Ed Wallace.
7 Derick.

8 SERGEANT AT ARMS: Time starts now.

9 DERICK BOWERS: Chair Ayala and members of the
10 Committee, thank you for allowing us to testify
11 today. My name is Derick Bowers and I'm the Director
12 of Social Enterprise in New York City for Center for
13 Employment Opportunities. I wish to testify in
14 support of bill number 2318 but make some suggestions
15 to strengthen this bill.

16 SE's a nonprofit organization that was founded in
17 New York City in 1996. It provides comprehensive
18 employment support including immediate access to
19 transitional work individualized career coaching and
20 job placement services, exclusively to individuals
21 who have recently returned home from incarceration.

22 We are also a long time member of the ATI Reentry
23 Coalition, whose members collectively serve over
24 20,000 New Yorkers leading incarceration each year
25 providing access to employment and other critical
services. We commend the Chair and this Committee

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3 for your leadership in protecting workers. This bill
4 makes important changes to the licensing process for
5 labor service providers. As written, CEO's unsure if
6 we and other nonprofits throughout the city that hire
7 individuals in transitional jobs as part of a job
8 training program but are not employment staffing
9 agencies would be subjected to this legislation. But
10 we are fully supportive of the intent of this
11 legislation to improve the licensing process in the
12 city.

13 We want to offer some suggestions to make the
14 process easier for nonprofits to comply with this
15 law, particularly with regard to how entities provide
16 required information to employees in all staff
17 accessible areas and compliment systems for complying
18 with the numerous city regulations that many
19 nonprofits have as a city contractor.

20 I don't have time to go through these in two
21 minutes but they are submitted in writing as part of
22 my official testimony and record.

23 We would also encourage amending the bills so
24 that staffing agencies and employment agencies should
25 be subjected to these same licensing requirements.
Based on our reading, they appear to be exempt and we

1
2 are unsure why they are exempt. There is similar
3 vulnerability for workers employed by staffing and
4 employment agencies that this bill seeks to address.

5 Fundamentally, we are fully supportive of the
6 underlying purpose of this legislation, which we
7 believe would help protect workers in the city who
8 are vulnerable to exploitation by unlicensed labor
9 service providers. We have heard feedback from our
10 participants who have experience with seeing others
11 experience exploitation.

12 SERGEANT AT ARMS: Time expired.

13 DERICK BOWERS: Run unlicensed businesses
14 throughout the city and licensing process
15 enhancements can help address that. We strongly
16 support enacting stronger regulations to prevent
17 labor market exploitation because people returning
18 from incarceration are vulnerable to unscrupulous
19 employers and we rely on city government regulatory
20 agencies or police businesses and provide the public
21 with information that can help them avoid predatory
22 actors.

23 This legislation will strengthen that process and
24 with suggested changes will streamline the process
25

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3 for comply. We greatly appreciate your leadership
4 and your consideration of this testimony. Thank you.

5 CHAIRPERSON AYALA: Thank you.

6 COMMITTEE COUNSEL: Thank you Derick. Next, we'd
7 like to invite Sandra Velez to testify followed by Ed
8 Wallace and then James Versocki. Sandra.

9 SERGEANT AT ARMS: Time starts now.

10 SANDRA VELEZ: Good afternoon. My name is Sandra
11 Velez, I worked at the Roosevelt Hotel. I'm a single
12 mother of three. I worked at the hotel for 15 years.
13 The hotel closed due to the pandemic. Uh, you know
14 closed due to the pandemic. You know, I was relying
15 on my unemployment to take care of my kids and my
16 family, you know put food on my table, pay my rent.
17 Barely, I could pay certain things. It wasn't, I
18 couldn't pay everything but we survived.

19 Now that they removed - took away the
20 unemployment from us, I really don't know how I'm
21 going to you know, support my kids, pay my rent.
22 Just live in general. I need for the hotel to open.
23 I want to work. I don't want to collect. I'm even
24 thinking of going to welfare because I don't know
25 what else to do. I don't have no income coming in
now. I honestly don't know what else to do.

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3 So, I support this bill. I need this bill to be
4 passed. We need this bill to be passed, because we
5 need to go back to work at the Roosevelt. Thank you
6 so much.

7 CHAIRPERSON AYALA: Thank you so much Sandra.

8 COMMITTEE COUNSEL: Thank you Sandra. Next, we'd
9 like to call Ed Wallace to testify followed by James
10 Versocki and then Lillian Uribe. Uh, Ed.

11 SERGEANT AT ARMS: Time starts now. Ed, you're
12 still on mute.

13 ED WALLACE: There you go. Sorry, uh, good
14 afternoon Chair Ayala and Committee members. My name
15 is Edward Wallace. I am an Attorney for JCDecaux
16 Street Furniture. The DOT franchisee that provides
17 the newsstands as well as bus shelters all maintained
18 by a union workforce. I just have to say I'm honored
19 to appear before this body where I was once
20 privileged to serve as a member of the New York City
21 Council.]

22 We make no objection and recognizes Rob Bookman's
23 efforts to the purpose of Intro 0499 before you, but
24 we want to provide a context of the on the street
25 state of play of newsstands and ask you to consider
even broader reforms to assure that the public, and

1 the striving New Yorkers who operate newsstands, many
2 of whom are recently arrived immigrants, as well as
3 the franchisee, my client, are protected. We support
4 improving service but we oppose inadvertently preying
5 upon hopeful hardworking people who bet their hard-
6 earned cash on a dream that increasingly turns into a
7 nightmare for the newsstand licensee and a
8 catastrophic economic loss for the franchisee.

9
10 And I would note this applies mostly to
11 individuals. So, the corporate form for those who
12 can use it, uh, may be helpful for them to acquire
13 stable wealth and ability to see, but not for the
14 individuals. Historically, as you know, newsstands
15 were just old, wooden sheds that sold newspapers.,
16 In 2005, the city envisioned coordinated street
17 furniture with advertising on newsstands, that my
18 client would sell. And we all thought about elegant
19 structure for placing the shacks. Unfortunately,
20 that world has changed, and the franchise agreement
21 itself, failed to address many issues. There was no
22 agreement between the franchisee, my client, who
23 functioned as builder/landlord and the newsstand
24 licensee who was, in practical terms, a tenant. We
25 don't want rent. I want to be very clear.

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3 We just want to make sure we can work together.

4 The newsstand licensees carry no insurance, as was
5 noted earlier. And prospective licensees frequently
6 pick sites with no foot traffic, yet the Department
7 of Consumer and Worker Protection, does not have the
8 authority to analyze the economic viability of a
9 site. Now that people get their news online -

10 SERGEANT AT ARMS: Time expired.

11 ED WALLACE: And lottery tickets often
12 fail, we wind up with empty shuttered structures. We
13 would ask you to consider uh, using this Intro. as a
14 broadening effort to protect the franchisee but the
15 new, the newsstand vendors and make the system work
16 better in the modern age when nobody is buying
17 newspapers anymore. Thank you so much for your time.

18 CHAIRPERSON AYALA: Thank you.

19 COMMITTEE COUNSEL: Thank you for your testimony.
20 Next, we would like to call James Versocki followed
21 by Lilian Uribe and then Chris Lopez. James.

22 SERGEANT AT ARMS: Time starts now.

23 JAMES VERSOCKI: Thank you Chair Ayala.

24 Actually, at this time, I'm going to reserve on
25 comments. So, uhm, but thank you very much for the
opportunity.

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3 CHAIRPERSON AYALA: Thank you.

4 COMMITTEE COUNSEL: Thank you James. So, next,
5 we'll call Lillian Uribe and then Chris Lopez
6 followed by a representative from the Hotel
7 Association of NYC. Lillian.

8 SERGEANT AT ARMS: Time starts now.

9 LILLIAN URIBE: Hi, good afternoon Council
10 Members. My name is Lillian and I've worked in
11 Roosevelt Hotel for 22 years as an attendant. I have
12 two kids. My daughter is in college right now. My
13 job allows me to pay for her college and support her.
14 Without unemployment insurance or my job back, I'm
15 worried that we will have to pull my daughter out of
16 school because I cannot afford to help her anymore.

17 A lot of the jobs are out there with a minimum
18 wage but for me, to be able to support my family on a
19 minimum wage, I would have to have two jobs. This is
20 something that I'm personally now having to think
21 about it. I urge the Council Members to support this
22 bill because I need to go back to my old job to be
23 able to provide for my family.

24 I really appreciate if you pass this law because
25 all of us, all the city is needed to work in.

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2 Everybody go back to a normal life. Thank you so
3 much and have a good afternoon.

4 COMMITTEE COUNSEL: Thank you for your testimony.
5 Next, we'd like to call Chris Lopez followed by a
6 representative from the Hotel Association of NYC.
7 Chris.

8 SERGEANT AT ARMS: Time starts now.

9 CHRIS LOPEZ: Good afternoon Council Members, my
10 name is Chris Lopez. I houseclean at the New York
11 Hilton for 20 years working in housekeeping. I live
12 in the Bronx with my daughter ten-years-old. She
13 just started school again this week but at the same
14 time, my unemployment insurance benefits have
15 suddenly stopped. The [INAUDIBLE 1:27:42] about
16 reopening.

17 Many of us are in limbo waiting for our jobs
18 back. I am very worried about being able to take
19 care of my family and my daughter. I support this
20 bill because I and the rest of my colleagues want to
21 go back to work, please. Thank you.

22 CHAIRPERSON AYALA: Thank you Chris.

23 COMMITTEE COUNSEL: Thank you for your testimony.
24 Next, we'll call a representative from the Hotel
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3 Association of NYC and we'll call on Danny Coley if
4 he's available to testify now.

5 SERGEANT AT ARMS: Time starts now.

6 DANNY COLEY: Uhm, this is from Danny Coley.

7 Uhm, good afternoon, my name is Danny Coley, I am a
8 former Body Shop worker and I am here to support Body
9 Shop Bill Introduction 2318.

10 Today I have a successful career as a member of
11 Laborers' Local 79 and for the first time, I earn a
12 decent salary with my benefits. But my road here
13 wasn't easy. Part of my transition back into the
14 workforce was difficult with a Body Shop called Marin
15 Laborers. Body Shops like Marin prey on the
16 vulnerabilities of justice-affected New Yorkers that
17 know how to recruit us. They know how to keep us
18 compliant, and how to profit off the racism of mass
19 incarceration.

20 And like I said before, you know I was coming to
21 work for low benefits, no medical coverage and I feel
22 like with no medical coverage with COVID-19 right now
23 is a disaster. I let that you know sink in
24 individuals minds. As far as the 24 hour thing, I
25 think it's appropriate as far as the bill goes
because I was a former foreman for Laborers and you

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2 know I've seen guys that you know might not even show
3 up in 24 hours. I don't even know or they are not
4 even properly trained.

5 So, with this bill, increases medical, increases
6 wages, increases training, just to keep everything
7 safe and as far as work conditions, I felt like I
8 worked in unsafe conditions and as the foreman, that
9 was my responsibility. So, with that being said, I
10 took on a lot of situations that was above my pay
11 rate and you know I felt like I was taken advantage
12 of. So, hopefully that this bill can be passed and
13 you know and I just pray that you guys can see what
14 we're looking at and hopefully you can pass this
15 bill. And thank you for hearing my story and I
16 appreciate even being on this panel. Thank you guys.

17 CHAIRPERSON AYALA: Thank you so much Danny.

18 COMMITTEE COUNSEL: Thank you Danny. Uhm, we'll
19 call a representative from the Hotel Association of
20 NYC is they are on and available to testify. Okay,
21 if we have inadvertently missed anyone who is
22 registered to testify today and has yet to be called,
23 please use the Zoom raise hand function now and you
24 will be called on in the order that your hand was
25 raised.

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3 Seeing no hands raised, that concludes our public
4 testimony and I will now turn it over to Chair Ayala
5 to offer closing remarks. Chair.

6 CHAIRPERSON AYALA: Thank you and I really want
7 to just thank uhm, you know all of the workers that
8 showed up today to render testimony. Uhm, I think
9 that it is pretty obvious that we still have a lot of
10 work to do to ensure that workers throughout the city
11 are well protected and uhm, and I appreciate your
12 honesty, your candor, just you know the ability to
13 come and show face is really important and I commend
14 you for that.

15 I know it isn't easy and I know that its been
16 very, very difficult for you and our hope is that you
17 know we will collectively you know get to a point
18 where uhm, you are better protected and treated
19 fairly. Uhm, and as equal partners of whatever
20 industry you become a part of.

21 So, thank you for that. Thank you to my
22 colleagues and thank you to our Committee Counsel
23 Staff for putting this hearing together. And with
24 that, this meeting is adjourned. [GAVEL]

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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 September 30, 2021