



Legislation Text

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Res. No. 211

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.4638/A.2307, known as the Nail Salon Accountability Act, which aims to raise standards and improve working conditions for those in the nail salon industry.

By Council Members Brannan, Hanif, Gennaro and Avilés

Whereas, There are over 4,000 nail salons in New York City, and more than 40,000 nail salon workers across the State; and

Whereas, The majority of these workers are immigrant women; and

Whereas, For years, this industry has been plagued by problems related to worker exploitation, unhealthy working conditions, and wage theft; and

Whereas, In 2015, The New York Times published an article exposing many of these problems, prompting former New York Governor, Andrew Cuomo, to introduce a package of legislation and convene a multi-agency taskforce aimed at improving conditions in the nail salon industry; and

Whereas, The regulatory changes established both a bill of rights for nail salon workers and strict requirements on providing workers with personal protective equipment; and

Whereas, The taskforce, meanwhile, was given the authority to recover lost wages and close businesses that were either unlicensed or not in compliance with the law; and

Whereas, Although the 2015 changes did help to provide a level of protection for nail salon workers, labor violations are still frequent in the industry; and

Whereas, In February 2020, the New York Nail Salon Workers Association released the results from a

survey they conducted of nail salon workers in New York State; and

Whereas, According to their findings, 82 percent of the respondents reported being victims of wage theft; and

Whereas, These hardworking nail salon workers were missing wages that on average totaled \$181 per week, or \$9,412 a year; and

Whereas, Although the survey and report occurred before the declaration of the COVID-19 emergency, 86 percent of respondents reported not receiving paid sick leave from their employers, even though they were entitled to this leave; and

Whereas, At a time when nail salons were forced to close for months due to the COVID-19 pandemic, this theft of wages and sick leave is particularly devastating; and

Whereas, At the State level, Assemblymember Catalina Cruz and Senator Diane Savino have introduced S.4638/A.2307, respectively, as a way to strengthen protections for New York's nail salon workers; and

Whereas, This legislation, known as the Nail Salon Accountability Act, would make a number of changes to existing law in order to strengthen worker protections in the nail salon industry; and

Whereas, For instance, if enacted, the new law would require nail salon owners and operators to undergo training on how to provide adequate information to their staff on worker entitlements, such as wages, leave, and occupational health and safety; and

Whereas, Salon owners and operators would also be required to submit payroll records each month, and their licenses could be denied or not renewed if they fail to meet any of the workplace standards; and

Whereas, Linking the businesses' licenses to their compliance with labor laws is an important tool to reduce wage theft and worker exploitation by ensuring accountability and flushing out bad actors; and

Whereas, In 2019, former New York Governor Andrew Cuomo announced that the State would begin phasing out the subminimum wage, which allows employers to pay workers below the minimum wage if they

receive tips; and

Whereas, In theory, eliminating the subminimum wage is meant to raise the wages of nail salon workers and eliminate the confusing tip credit; and

Whereas, The report by New York Nail Salon Workers Association, however, showed that 79 percent of those surveyed were not even receiving the subminimum wage, therefore making it unlikely that these workers will receive the new higher pay once it goes into effect by the end of 2020; and

Whereas, As the New York Nail Salon Workers Association states, “Compliance with the law must become part of the cost of doing business”; and

Whereas, Nail technicians themselves have to be licensed, and this process includes taking a 250-hour approved course and successfully sitting an exam; and

Whereas, Given that a majority of nail salon workers in New York are immigrant women, who are particularly vulnerable to exploitation, strengthening the law to protect their wages, working conditions and their worker entitlements, should be a given; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York state legislature to pass, and the Governor sign, S.4638/A.2307, known as the Nail Salon Accountability Act, which aims to raise standards and improve working conditions for those in the nail salon industry.

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