

COMMITTEE ON CONSUMER AND WORKER PROTECTION
CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AND WORKER
PROTECTION

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June 21, 2024
Start: 10:09 a.m.
Recess: 1:01 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Julie Menin, Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Gale A. Brewer

OTHER COUNCIL MEMBERS ATTENDING:

Lynn C. Schulman
Rafael Salamanca, Jr.
Oswald Feliz

A P P E A R A N C E S

Andrew Schwenk, Associate General Counsel at New York City Department of Consumer and Worker Protection

Carlos Ortiz, Assistant Commissioner for External Affairs at New York City Department of Consumer and Worker Protection

Elizabeth Wagoner, Deputy Commissioner of Office of Labor and Policy Standards at New York City Department of Consumer and Worker Protection

Claudia Henriquez, Director of Worker Rights in the Bureau of Labor Law at the Office of the New York City Comptroller

Joshua Bocian, Head of Government Affairs for GrubHub in New York City

Hayley Prim, Senior Policy Manager at Uber

Kassandra Perez-Desir, DoorDash

Andrew Rigie, Executive Director of the New York City Hospitality Alliance

Chris Lauber, Senior Director of Operations for a restaurant group in New York City

Ligia Guallpa, Executive Director of the Workers' Justice Project

Alejandro Grajales, Workers Justice Project

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

William Medina, member of the Worker Justice Project and leader of La Deliveristas Unidos

Antonio Solis, Workers Justice Project

Brianna January, Chamber of Progress

Darry Saldana, Bronx Chamber of Commerce

Millie Sialer, on behalf of Sandra Jaquez, owner of El Sol Restaurant in Manhattan and the head of New York State's Latino Restaurant Association

Justin Nelson, Co-Founder and President of the National LGBT Chamber of Commerce

Paul Zuber, Executive Vice President of the Business Council of New York State

Jian Hui, delivery worker

Jose Yos, Workers Justice Project

David Dimas, member of Los Deliveristas Unidos

Kovon Flowers, delivery worker

Youssef Mubarez, Yemeni American Merchants Association

Beatrice Ajaero, owner of Nneji

Robert Lee, owner of Tidal Noodles

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

Bryan Lozano, Tech:NYC

Edward Hatchett, delivery worker

Sharon Brown, Rose of Sharon Enterprises

Joseph Mele, delivery worker

Raul Rivera, self

Christopher Leon Johnson, self

Dora Val Silva, self

2 SERGEANT-AT-ARMS: Good morning, this is a
3 microphone check for the Committee on Consumer and
4 Worker Protection. Today's date is June 21, 2024,
5 located in the Chambers, recording done by Pedro
6 Lugo. If you could just give us one second, we're
7 having technical difficulties.

8 SERGEANT-AT-ARMS: ERIC GOLDSTEIN: Good
9 morning and welcome to the New York City Council
10 hearing of the Committee on Consumer and Worker
11 Protection.

12 At this time, can everybody please
13 silence your cell phones.

14 If you wish to testify, please go up to
15 the Sergeant-at-Arms' desk to fill out a testimony
16 slip, even if you already registered online.

17 Written testimony can be emailed to
18 testimony@council.nyc.gov. Once again, that is
19 testimony@council.nyc.gov.

20 At this time and going forward, no one is
21 to approach the dais. I repeat, no one is to approach
22 the dais.

23 Chair, we are ready to begin.

24 CHAIRPERSON MENIN: [GAVEL] Good morning.
25 I am City Council Member Julie Menin, Chair of the

2 Committee of Consumer and Worker Protection. I want
3 to welcome all of you to today's hearing.

4 First, I want to acknowledge my
5 Colleagues who are present, Council Member Schulman,
6 and I'll acknowledge additional Colleagues as they
7 join.

8 Since the COVID-19 pandemic, the city's
9 streetscape has been transformed by the proliferation
10 of e-bikes, of mopeds, and other powered mobility
11 devices. Although these devices have certainly
12 expanded the ability for people to traverse the city,
13 they've also driven exponential growth in deadly
14 fires related to the lithium-ion batteries used to
15 power these devices as well as dangerous encounters
16 between cyclists and pedestrians and these micro-
17 mobility vehicles. The growth in e-bike and moped
18 usage is fueled by a surge in demand for food
19 delivery from third-party platforms. Large delivery
20 zones and pay incentives to complete deliveries
21 quickly have driven delivery workers to use e-bikes,
22 e-scooters, and powered mobility devices instead of
23 regular bicycles. The Council has passed legislation
24 to provide better conditions for restaurants that use
25 third-party platforms, to provide better working

2 conditions for third-party delivery workers, and to
3 facilitate the safe use of powered mobility devices
4 by delivery workers. Today, we will hear a number of
5 bills that relate to third-party food delivery and
6 powered mobility devices. I'm just going to list and
7 briefly describe these bills.

8 First, Proposed Intro. Number 30-A,
9 sponsored by Council Member Feliz, would establish
10 safety standards for powered bicycles and powered
11 mobility devices when used for food delivery
12 services, grocery delivery services, and businesses
13 using bicycles for commercial purposes. Mobility
14 devices used for delivery could be provided by the
15 company or by the delivery worker but could not be
16 provided at the food delivery worker's expense as a
17 term of their employment.

18 Second, Intro. 972, sponsored by Council
19 Member Powers, would require all third-party food
20 delivery services to verify that the mopeds used by
21 their food delivery workers are properly registered
22 prior to their use.

23 Third, Intro. 715, sponsored by Council
24 Member Schulman, would make third-party food delivery
25 services responsible for ensuring that their food

2 delivery workers operate e-bikes in accordance with
3 the laws concerning the operation of bicycles on
4 sidewalks and at intersections.

5 Fourth, Intro. 762, sponsored by Council
6 Member Salamanca, would establish exemptions for
7 third-party delivery services from the limits on fees
8 charged to restaurants. In 2021, this Council passed
9 a law to cap the fees third-party food delivery
10 services could charge restaurants. That cap protects
11 restaurants from exorbitant fees imposed by delivery
12 services, which was critical during the pandemic and
13 continues to be vital to this day. Intro. Number 762
14 would amend this law by allowing third-party delivery
15 services to increase their fees for restaurants that
16 choose to pay more for additional services, such as
17 marketing in the app.

18 We are hearing as well three bills
19 introduced by Council Member Abreu that were prompted
20 by third-party apps' responses to the historic
21 minimum pay legislation passed by the Council. After
22 the minimum pay standard went into effect, some of
23 the platforms changed their apps to make it harder
24 for consumers to tip their workers. Platforms have

2 also not been transparent with their workers about
3 which method they are using to calculate pay.

4 Intro. 737 would establish gratuity
5 standards for food delivery workers.

6 Intro. 738 would require third-party food
7 delivery services that solicit gratuities to do so
8 before or at the same time an online order is being
9 placed.

10 Lastly, Intro. 859 would require third-
11 party food delivery services and third-party courier
12 services to disclose the pay method, display a
13 running tally of a food delivery worker's working
14 time, and provide food delivery service workers with
15 an itemized pay statement for each pay period.

16 I look forward to hearing from everyone
17 here in terms of their testimony on these bills.

18 I will now turn it over to Council
19 Member Schulman to make her opening statement. Thank
20 you.

21 COUNCIL MEMBER SCHULMAN: Thank you, Chair
22 Menin, and good morning.

23 I'm proud to speak to you about Intro.
24 715. This important legislation seeks to enhance the
25 safety and accountability of food delivery companies,

2 requiring third-party food delivery services to be
3 responsible for the safe operation of electric food
4 delivery bicycles. As you know, electric bicycles
5 have become a crucial part of our food delivery
6 infrastructure. However, this convenience must not
7 come at the expense of public safety. Right now,
8 delivery workers are essentially incentivized for
9 speed, and their top priority is quickly completing
10 their next delivery. This often results in driving
11 recklessly, often putting the lives of pedestrians at
12 risk as well as compromising their own safety. Intro.
13 715 specifically requires food delivery companies to
14 ensure that their delivery workers operate electric
15 bicycles in compliance with Sections 19-176 and 19-
16 195 of our City Code, which govern bicycle use on
17 sidewalks and at intersections. This bill mandates
18 that these companies accept financial liability for
19 any civil penalties resulting from violations of
20 these sections while workers are engaged in
21 deliveries. Additionally, the legislation provides an
22 important safeguard for delivery workers and
23 companies alike. Workers must notify their respective
24 third-party delivery service of any fines within 10
25 days of issuance. In turn, it offers an affirmative

2 defense for companies if they were not properly
3 notified of a violation by their delivery worker.
4 This bill is not just about assigning responsibility.
5 It is about creating a safer environment for all New
6 Yorkers, pedestrians, cyclists, and delivery workers.
7 By holding companies accountable, we ensure that they
8 take an active role in promoting safe riding
9 practices and mitigating risks associated with the
10 increasing use of electric bicycles. I urge my fellow
11 Council Members to support this legislation,
12 recognizing that it strikes a necessary balance
13 between fostering innovation in our food delivery
14 sector and maintaining the safety and well-being of
15 our community. Thank you, Chair.

16 CHAIRPERSON MENIN: Thank you very much.
17 I'll call on additional Council Members for their
18 opening statements as they join, so I'm now going to
19 turn it over for the Administration to testify.

20 We'll be hearing testimony from Carlos
21 Ortiz, Assistant Commissioner for External Affairs at
22 DCWP, Elizabeth Wagoner, Deputy Commissioner of OLPS
23 at DCWP, and Andrew Schwenk, Associate General
24 Counsel.

2 I'm going to turn it over to Committee
3 Counsel to administer the affirmation.

4 COMMITTEE COUNSEL SWAINE: Please raise
5 your right hands.

6 Do you affirm to tell the truth, the
7 whole truth, and nothing but the truth before this
8 Committee, and to respond honestly to Council Member
9 questions?

10 ASSISTANT COMMISSIONER ORTIZ: I do.

11 DEPUTY COMMISSIONER WAGONER: I do.

12 ASSOCIATE GENERAL COUNSEL SCHWENK: I do.

13 COMMITTEE COUNSEL SWAINE: You may begin.

14 ASSISTANT COMMISSIONER ORTIZ: Thank you.

15 Good morning, Chair Menin and Council Member
16 Schulman, Members of the Committee on Consumer and
17 Worker Protection. My name is Carlos Ortiz, and I am
18 joined by my colleagues Elizabeth Wagoner and Andrew
19 Schwenk.

20 Thank you for the opportunity to testify
21 today on Introductions 30-A, 715, 737, 738, 762, 859,
22 and 972 relating to delivery worker gratuities and
23 pay transparency, delivery fee caps, and ensuring app
24 responsibility with respect to street safety. Since
25 the start of the Administration, DCWP has helped

2 deliver more than 600 million dollars into the
3 pockets of New Yorkers. We provide fundamental
4 consumer and worker protections and financial
5 empowerment programming to New Yorkers. We strive to
6 ensure that consumers who have been deceived or
7 exploited have recourse, that workers have a
8 passionate defender of defend their rights, and that
9 all New Yorkers have the support they need to improve
10 their financial health.

11 Just over a year ago, Mayor Adams
12 announced the nation's first-of-its-kind minimum pay
13 rate for app-based restaurant delivery workers, the
14 most significant advancement of workers' rights in
15 New York City in the 21st century. Ahead of
16 implementation, DCWP conducted a comprehensive study
17 of the industry, considered thousands of comments
18 received from food delivery workers, apps, advocates,
19 restaurants, researchers, elected officials, and
20 members of the public when studying this historic
21 rate. We continue to collaborate closely with key
22 advocates and stakeholders across the space.

23 Delivery workers are essential workers
24 for New York City. They have braved harsh weather
25 conditions, harmful wildfire smoke, and even the

2 pandemic to ensure New Yorkers are fed. Thanks to
3 their incredible organizing and determination, tens
4 of thousands of workers have now seen their weekly
5 pay double, with their combined annual earnings on
6 track to increase by over 775 million dollars this
7 year. This Administration will continue to stand
8 shoulder to shoulder with delivery workers and ensure
9 their fundamental rights to fair and dignified pay
10 are protected.

11 Moving to today's bills, I would like to
12 start off by commending the Council, and specifically
13 Council Member Abreu, for recognizing a key issue
14 that delivery workers are facing since certain major
15 apps made changes to make it harder to tip delivery
16 workers. We strongly support Introduction 737 and
17 738, which would require third-party food delivery
18 service apps to give customers the option to leave
19 for gratuity during an order transaction and include
20 a suggested gratuity option of 10 percent. Before
21 apps began paying the minimum pay rate in early
22 December 2023, they generally made tipping a delivery
23 worker a simple process, giving consumers the option
24 to tip during the order transaction. However, after
25 they began paying the minimum pay rate, two of the

2 three most used apps removed the option for a
3 consumer to add a tip when placing an order. As a
4 result, delivery workers' tips received on those apps
5 have decreased dramatically, by 85 million dollars in
6 total since the apps changed their tipping options.
7 Conversely, other apps, including one of the three
8 most used apps, continued to allow tipping when
9 placing an order and, while the average tips on order
10 placed on those apps did decrease slightly, workers
11 are receiving substantially higher tips on those
12 apps. To us, this speaks to the fact that New
13 Yorkers, when given an option, recognize the
14 incredibly difficult jobs these workers perform and
15 choose to tip them. As we understand the intent of
16 these bills, they would require apps to restore to
17 consumers the option they previously had to tip
18 workers when placing an order. We recommend changes
19 to the bill text to make clear that apps must offer
20 consumers these tipping options. We are eager to
21 engage in the legislative process as soon as possible
22 to finalize this legislation to best support delivery
23 workers in our city.

24 Introduction 859 would require third-
25 party food delivery services and third-party courier

2 services to provide delivery workers with sufficient
3 information on their pay calculations. We are fully
4 supportive of clear pay transparency for workers as
5 well as this legislation. The apps are required to
6 report aggregate monthly pay information to DCWP so
7 that we can monitor compliance, but apps have not
8 been transparent with workers themselves about their
9 pay calculations. Workers should have full
10 information about how their pay is calculated so they
11 are not left with questions about an app's pay
12 structure. We believe this legislation will help
13 ensure this happens and will make it easier for
14 advocates to educate workers on the minimum pay rate.

15 Council Member Salamanca's bill,
16 Introduction 762, would amend the current fee caps
17 for third-party food delivery services. The caps on
18 fees that delivery apps can charge restaurants were
19 first created by the Council during the COVID-19
20 pandemic and were later made permanent under Local
21 Law 103 of 2021. Currently, delivery apps can only
22 charge a restaurant a total of 23 percent of an order
23 in fees, broken down as follows, up to 15 percent for
24 delivery fees, up to 3 percent for transaction fees,
25 and up to 5 percent for other fees. Introduction 762

2 would increase the cap on other fees from 5 percent
3 to 25 percent, potentially allowing delivery apps to
4 charge restaurants up to 43 percent of an order in
5 fees. As an enforcement agency, DCWP will enforce the
6 fee caps at the limits mandated by local law, and I
7 would also like to note that the current fee caps are
8 subject to ongoing litigation.

9 Lastly, Introduction 715 would require
10 food delivery companies to be responsible for
11 ensuring that their workers who use micro-mobility
12 devices follow appropriate traffic laws. Introduction
13 30-A, which the Department of Transportation
14 previously testified on in January, would establish
15 new requirements for businesses using a bicycle for
16 commercial purposes, such as third-party food
17 delivery, grocery delivery, and courier services.
18 This includes the requirement that any powered
19 mobility device, such as an e-bike, used by a worker
20 on behalf of such businesses meet certain safety
21 certification standards. Introduction 972 would
22 require third-party food delivery services to verify
23 the registration of mopeds used by delivery workers.
24 The Administration is committed to ensuring that
25 micro-mobility devices are used safely on our

2 streets. Along with our colleagues at DOT, we are
3 working on a comprehensive policy review of how
4 micro-mobility delivery is regulated in New York
5 City. We believe it is vital to address the current
6 situation holistically with an approach that tackles
7 both street safety priorities and workers' rights.
8 Each of these three bills addresses issues that will
9 inform vital components of that unified approach.

10 A key point that DOT and DCWP would like
11 to stress is that delivery apps have a responsibility
12 to ensure that workers have access to and use safe
13 equipment and that workers are not compelled into
14 unsafe riding practices because of dangerous demands
15 made of them by those same apps. For example, we have
16 heard reports from workers that apps may penalize or
17 deactivate them if they do not deliver orders within
18 the delivery app's mandated timeframe, despite there
19 being obstacles such as traffic, restaurant delays,
20 or route issues that are outside of a worker's
21 control. The perverse incentives flowing from apps'
22 unrealistic delivery times could be a major
23 contributing factor to some of the unsafe practices
24 we are observing in our city today. Another example
25 I'd like to share is when workers receive app orders

2 while in transit, and if they don't respond to these
3 app orders, they are penalized subsequently.

4 Ultimately, workers are compelled into these
5 situations because the deactivation can be
6 financially devastating for them and their families.

7 One final point underscores DOT and
8 DCWP's holistic approach. Introduction 30A would
9 bring street and device safety protections to grocery
10 delivery workers in addition to restaurant delivery
11 workers. This is an important step in the right
12 direction from a street safety perspective, but it
13 should go even further for the issues DCWP enforces
14 and has responsibility for. As discussed in the
15 Administration's Blueprint for Economic Recovery,
16 workers who deliver all types of consumer goods would
17 benefit significantly from minimum pay and other
18 protections so, as we work on all this legislation
19 together, the Administration wants to ensure it
20 addresses the root causes of unsafe riding, that it
21 does not have unintended consequences on workers, and
22 that each bill works in concert to develop better
23 policy outcomes for New Yorkers.

24 Thank you for the opportunity to testify
25 on these bills and for your collaboration with our

2 efforts to support working New Yorkers. We look
3 forward to answering any questions you may have.

4 CHAIRPERSON MENIN: Thank you very much.
5 I'm now going to turn it over to Council Member
6 Salamanca for his opening statement.

7 COUNCIL MEMBER SALAMANCA: Thank you,
8 Madam Chair, and good morning to all. Good morning to
9 you, panel.

10 I would like to speak on my bill, Intro.
11 762. Intro. 762 is a comprised solution that is the
12 result of months of collaboration with New York City
13 restaurants, the Council, food delivery platforms,
14 and other key stakeholders in New York City's
15 delivery ecosystem. Intro. 762 offers restaurants
16 more flexibility to opt into supplemental marketing
17 and promotional plans, which are critical for small
18 businesses trying to compete against national chains.
19 This bill ensures fairness and transparency in the
20 industry and protects restaurants from exploitation
21 while helping them attract new customers on their
22 terms. Intro. 762 protects businesses by prohibiting
23 third-party apps from purchasing restaurant names for
24 advertising purposes without consent, while also
25 guaranteeing restaurants' ability to set prices for

2 items ordered through third-party apps compared to
3 in-person or direct orders. A benefit to restaurants,
4 Intro. 762 gives restaurants an option to include
5 physical marketing materials with orders, enhancing
6 in-house advertising efforts in the process.

7 Furthermore, Intro. 762 allows
8 restaurants greater flexibility to obtain restaurant-
9 tailored marketing services provided by third-party
10 platforms to expand outreach to new customer bases.
11 Intro. 762 also protects consumers by maintaining
12 both the 15 percent cap on delivery fees as well as
13 the 3 percent cap on credit card processing fees. A
14 common misconception is that Intro. 762 guarantees
15 that all restaurants will be listed and discoverable
16 on third-party platforms regardless of whether they
17 opt into additional marketing services.

18 Lastly, this bill creates a level of
19 government oversight by requiring the Department of
20 Consumer Affairs and Worker Protection to conduct
21 regular assessments of the industry to ensure rules
22 and regulations are being followed. These measures
23 are crucial for balancing the future success of all
24 members of the delivery ecosystem, consumers,
25 carriers, restaurants, and delivery platforms. This

2 proposal strengthens from its previous version of
3 Intro. 813 with input from the stakeholders, which
4 has widespread support from small and independent
5 restaurants throughout the city and will provide some
6 of the strongest restaurant protections in the
7 country.

8 I thank my Colleagues who have already
9 co-sponsored Intro. 762 and look forward to working
10 with the industry stakeholders to pass this piece of
11 important legislation. Thank you, Madam Chair.

12 CHAIRPERSON MENIN: Thank you, and I'll
13 now turn it over to Council Member Abreu for his
14 opening statement.

15 COUNCIL MEMBER ABREU: Good morning. Thank
16 you, Chair. Thank you to the admin. Sorry I'm a
17 little late. I just came back from a school
18 graduation, but on my way here I was paying attention
19 to the testimony, and I'm very excited to see that
20 the Admin doesn't only support the intent of the
21 bill, but you strongly support the bill, and every
22 time when you find all your bills to be strongly
23 supported by the Administration, we're sending a
24 message, and so we're sending a message that we're
25 standing up for our deliveristas. We're sending a

2 message that we're standing up for working-class
3 families.

4 Intro. 738 would require that the tipping
5 option be displayed at checkout, not after consumers
6 have already received their orders, they close down
7 the apps, and are chowing down. In response to their
8 minimum wage agreement with deliveristas, delivery
9 apps have retaliated by hiding the tip menu for
10 consumers, knowing that deliveristas will lose out on
11 meaningful earnings, and they have. Uber and DoorDash
12 removed it, but Grubhub kept it and, as the testimony
13 today by our Deputy Commissioner Ortiz, those apps
14 that have kept the tipping option at checkout, like
15 Grubhub, earnings and tips have been mostly on par
16 with the tips that we have seen before the minimum
17 wage went into effect but, for those apps that have
18 removed the tipping at checkout, we're talking about
19 85 million dollars. That is insanity, and that
20 difference would make the difference for our working-
21 class families, and that's why we're here today.

22 Intro. 737 would require that the
23 suggested minimums to be set at 10 percent. It would
24 only be suggested, is what I will say. A 20-dollar
25 order, a 2-dollar tip, I mean, come on now. Also, if

2 you do not want to provide those 2 dollars on a 20-
3 dollar order, when people are driving their orders
4 during blizzard conditions or during times at which
5 they're scorching weather like this heatwave today,
6 then it is your option to not tip, but we want to
7 provide that option because it makes it a lot more
8 fair, and this comes at no cost to the apps or the
9 users, but it contributes to better consumer habits.

10 Intro. 857 would require third-party food
11 delivery services and third-party courier services to
12 provide food delivery workers with standard
13 information relating to their pay calculations. A
14 crazy idea. We want to know how people's pay is
15 getting calculated. We want to know their active time
16 worked. For God's sake, is this something that we
17 have to fight for through legislation? Any worker in
18 this city should know their active time worked. They
19 should know how their pay is getting calculated, and
20 the fact that we're fighting these apps on this is
21 insanity to me. It's insanity. Thank you, Chair.

22 CHAIRPERSON MENIN: Thank you, Council
23 Member.

24 Okay, we're going to go into questions
25 for the Administration. The Administration had

1 announced a number of months ago that you would be
2 creating an Office of Sustainable Delivery. What is
3 the status of that Office?
4

5 ASSISTANT COMMISSIONER ORTIZ: Thank you
6 for the question, Chair Menin. As I mentioned in my
7 testimony, we've been currently engaging with DOT to
8 develop this comprehensive policy review. I also know
9 that the Mayor's Office and the Deputy Mayor of
10 Operations have been working closely with Central
11 Staff as well to identify the particular policies
12 that this new body will work through, particularly as
13 it relates to street safety priorities and workers'
14 rights. I expect that we'll be working on that over
15 the summer, and then we can have actual content for
16 the council to look at in September or early fall.

17 CHAIRPERSON MENIN: Okay. I'm going to
18 really urge the Administration to move as
19 expeditiously as possible on that. We really need
20 that because right now we're dealing with an alphabet
21 soup of agencies on this, and there's no sort of one
22 entity that has control over the myriad issues so we
23 really want to see that move forward as quickly as
24 possible.
25

1
2 What specific measures will be put in
3 place to prevent e-bikes and mopeds from speeding on
4 sidewalks and endangering pedestrians?

5 ASSISTANT COMMISSIONER ORTIZ: Well, I
6 think, something I really like to highlight is the
7 fact that apps bear a certain responsibility here for
8 promoting certain practices, and we need to make sure
9 that any approach identifies their accountability in
10 this, and what I really want to talk about then is
11 arbitrary deactivations, unrealistic delivery times,
12 contacting workers while they're in transit. I think
13 these are some of the issues that we really need to
14 address in a comprehensive policy review to ensure
15 that workers are not compelled into unsafe practices.
16 Additionally, I think I'd also just want to note
17 again that we were certainly supportive of expanding
18 the minimum pay rate to other industries that engage
19 in delivery for independent contractors, and I think
20 those pieces from a DOT and DCP perspective would be
21 really important.

22 CHAIRPERSON MENIN: Okay. A number of
23 questions on the legislation. I want to start with
24 Intro. 762. I understand, obviously, there's active
25

2 litigation, but what is the Administration's position
3 on Intro. 762?

4 ASSISTANT COMMISSIONER ORTIZ: Thank you,
5 Chair. I think on the advice of the Law Department, I
6 can't comment on the position of the legislation.
7 There is ongoing litigation. I can provide a status
8 update of that if that's helpful. Let me just say
9 that the City had a motion to dismiss the litigation,
10 but that was denied, and currently we're in a process
11 of discovery and depositions, and hence why I can't
12 provide further comment. I think Council Member
13 Salamanca's point is well-taken. As in the hearing
14 last session and today's hearing, I think it's
15 important to hear from stakeholders in this space,
16 and I really would be encouraged to hear from
17 restaurants, apps, delivery workers, all about the
18 impacts of the fee cap.

19 CHAIRPERSON MENIN: Look, I understand
20 there's active litigation, but I still think the
21 Administration can comment on the legislation, which
22 is not subject to the litigation.

23 ASSISTANT COMMISSIONER ORTIZ: I think for
24 us, the litigation is still outstanding. For us, we
25 will enforce the fee caps wherever they're set, but

2 in terms of resolving the litigation, I think that's
3 a key question.

4 CHAIRPERSON MENIN: Okay. How many
5 complaints has the Administration received related to
6 fee caps?

7 ASSOCIATE GENERAL COUNSEL SCHWENK: Thank
8 you, Council Member. We've received one single
9 complaint about the fee caps since the law was put
10 into place. That was a complaint received in 2022. It
11 was successfully mediated by our office. It was a
12 restaurant who alleged that one of the delivery apps
13 had violated the credit card transaction fee cap and,
14 through our mediation efforts, we were able to secure
15 a return of over 500 dollars to the restaurant to
16 make that restaurant whole for the overcharge on the
17 credit card transaction fee.

18 CHAIRPERSON MENIN: And how many
19 violations have been issued?

20 ASSOCIATE GENERAL COUNSEL SCHWENK: No
21 violations.

22 CHAIRPERSON MENIN: No violations. Okay.
23 In terms of, if you're concerned that increased fees
24 could lead to restaurants losing access to their
25

2 customers, how do you plan to mitigate the risk of
3 reduced revenue for these businesses?

4 ASSISTANT COMMISSIONER ORTIZ: I don't
5 think that's a concern that we've articulated,
6 although if restaurants do feel that's a concern, I
7 think this hearing is a perfect setting for them to
8 share. Ultimately, I think for us, no matter where
9 the fee caps are at, we'll make sure to communicate
10 that proactively to restaurants and continue the
11 engagement we've had with the app industry, too, to
12 ensure compliance with local laws.

13 CHAIRPERSON MENIN: Other than amending
14 the fee cap, which is obviously the subject of Intro.
15 762, is there any additional support either your
16 agency or SBS will be providing to restaurants to
17 help them succeed?

18 ASSISTANT COMMISSIONER ORTIZ: Well, I
19 think from, I guess, going into the other parts of
20 our agency's work, we do have a lot of programming
21 that supports small businesses in our city. I'd like
22 to think, for example, about Mayor Adams' expansion
23 of our free tax prep program for self-employed New
24 Yorkers. SBS is a key partner in that, and I know we
25 always work to help educate small businesses on their

2 responsibilities, and we'll continue doing that good
3 work.

4 CHAIRPERSON MENIN: Moving on to Intro.

5 737, 738, 859, you indicated, as Council Member Abreu
6 noted, that you strongly support this legislation in
7 terms of 737. How many complaints have you received
8 regarding restrictions on third-party food delivery
9 service conduct?

10 ASSISTANT COMMISSIONER ORTIZ: Well, I

11 think with respect to tipping in particular, we
12 received eight complaints for delivery workers
13 related to tipping as it relates to what's currently
14 in Local Law. I will say we have received a lot of
15 complaints from folks about the changes that happened
16 to the interfaces, albeit none of that is necessarily
17 illegal right now. All this legislation would change
18 that, so we don't have clear numbers on that, but I
19 think it's something that workers are talking about a
20 lot and definitely have complaints about.

21 CHAIRPERSON MENIN: How many violations

22 have you issued on that subject?

23 DEPUTY COMMISSIONER WAGONER: We have not

24 issued violations on the tipping subject because the

2 issues that are present in this bill, it's not
3 currently illegal to change the tipping interface.

4 CHAIRPERSON MENIN: Okay, and how many
5 complaints have you received regarding the sale,
6 lease, and rental of powered bicycles, powered
7 mobility devices, and storage batteries for such
8 devices?

9 ASSISTANT COMMISSIONER ORTIZ: This is
10 with respect to Local Law 39, correct?

11 CHAIRPERSON MENIN: Yes.

12 ASSISTANT COMMISSIONER ORTIZ: We've
13 received over 40 complaints with respect to Local Law
14 39. I think since that law took effect in September
15 of 2023, we've conducted close to 600 inspections,
16 issued violations to close to 200 brick and mortars
17 as well as 25 online retailers as well.

18 CHAIRPERSON MENIN: Have you encountered
19 challenges in terms of enforcing this Local Law?

20 ASSISTANT COMMISSIONER ORTIZ: No, I think
21 this is the type of work that is really a bread and
22 butter for our Consumer Protection Team, being able
23 to identify and proactively inspect locations. It was
24 certainly a high priority for us when this law was in
25 place and additionally why we recommended so many

2 amendments earlier this year to increase penalties,
3 to provide the City with ceiling authority for
4 recidivist behavior so we're looking forward to those
5 amendments taking effect in September for us.

6 CHAIRPERSON MENIN: Can you provide an
7 update on the City's trade-in program that was
8 established pursuant to local law 131?

9 ASSISTANT COMMISSIONER ORTIZ: Yes, Chair.
10 That trade-in program is being managed by DOT. My
11 understanding is they'll be promulgating rules in
12 July, and they're looking to have registrants by the
13 end of the year for that program.

14 CHAIRPERSON MENIN: Okay, wonderful. I'm
15 now going to turn it over to my Colleagues for
16 questions.

17 First of all, Council Member Salamanca.
18 No? Okay, Council Member Abreu.

19 COUNCIL MEMBER ABREU: Thank you, Chair.
20 This is a question to Admin. Are there any tweaks to
21 the existing bills you would like to make?

22 DEPUTY COMMISSIONER WAGONER: I think with
23 respect to both of the bills concerning tipping, we
24 want to make sure to close a loophole we see in the
25 current text that would allow apps to continue to

2 have the option to offer a tipping interface or not
3 in the order process. We think it should be mandatory
4 that apps offer the tipping interface before the
5 order is placed.

6 COUNCIL MEMBER ABREU: Thank you. Very
7 helpful. DoorDash recently sent a communication to
8 its workers stating that my bills, Intro. 738 and
9 737, would decrease the amount of orders that
10 consumers make, thereby harming both restaurants and
11 deliveristas. This is confusing to me, considering
12 tipping is completely optional, whereas the New York
13 City surcharge that the apps responded with are not
14 optional. They were willing to push that cost onto
15 consumers and restaurants as part of their business
16 model and then remove tipping option at checkout to
17 artificially and disingenuously keep the total cost
18 down. Putting that aside, however, can you please
19 speak to the data on the volume of orders apps have
20 reported to the agency and what differences were
21 reported in terms of monthly deliveries made pre- and
22 post-minimum wage taking effect?

23 DEPUTY COMMISSIONER WAGONER: Yes, I'm
24 happy to. As you know, we receive monthly reporting
25 from the apps on a variety of topics that allow us to

2 monitor compliance. That includes reporting on the
3 total number of deliveries, and so we can compare the
4 first quarter of 2023 to the first quarter of 2024.
5 In other words, when there was no minimum pay rate,
6 then compared to the first quarter of 2024 when there
7 was a minimum pay rate and what we see is an increase
8 of 8 percent.

9 COUNCIL MEMBER ABREU: There's an
10 increase.

11 DEPUTY COMMISSIONER WAGONER: That's
12 right.

13 COUNCIL MEMBER ABREU: Not a decrease or
14 not even the same level. It's an increase.

15 DEPUTY COMMISSIONER WAGONER: That's
16 right.

17 COUNCIL MEMBER ABREU: So is it fair to
18 say that this notion that tipping at checkout would
19 reduce the orders?

20 DEPUTY COMMISSIONER WAGONER: We see no
21 reason to believe that that would occur if these
22 bills were.

23 COUNCIL MEMBER ABREU: And that's an
24 argument being made by big tech, just so you're
25 aware. Okay. Then there was the argument that

2 removing the tipping at checkout, which was done in
3 retaliation, that that would impact, that that's
4 something that they're bearing as a cost. Is it your
5 understanding that the service charge is being done
6 to fund the minimum wage?

7 DEPUTY COMMISSIONER WAGONER: That may be
8 the case. What we're seeing in the data is that
9 customers are actually paying less for delivery now
10 under the minimum pay rate than they were previously,
11 in part because of these tipping changes.

12 ASSISTANT COMMISSIONER ORTIZ: Council
13 Member, I think just to piggyback on that a bit, I
14 really do appreciate the graph that we've been able
15 to put in our testimony. I think that really
16 showcases the issue that your bills are going after.
17 Essentially, that New Yorkers, when given an option,
18 do choose to tip. Again, this is all about options
19 and, ultimately, I think the minimum pay rate has
20 been a major success. Pay is up. Deliveries are up.
21 Tipping is still a component of take-home pay, and
22 we're just saying that let's make sure New Yorkers
23 have an option here so thank you very much for these
24 bills.

2 COUNCIL MEMBER ABREU: Just so folks are
3 also aware, that just because deliveristas got
4 minimum wage, they didn't get everything under the
5 sun. In fact, they're not getting minimum wage
6 necessarily per hour. There was a story, and I've
7 said this last night on Errol Louis, there was a
8 story of a deliverista who worked from 6 a.m. to 3
9 p.m., worked eight hours, and only made 63 dollars
10 because the minimum wage only applies to active time
11 worked, from the moment you pick up the delivery to
12 the moment you drop it off but, when you're doing
13 call time, those resources aren't necessarily pooled
14 evenly, and 63 dollars for eight hours is poverty
15 wages. If they had in fact been making minimum wage
16 per hour, they would have made nearly three times the
17 amount, somewhere around 180 something. That is what
18 we're up against right now, and there's a lot of
19 disingenuous arguments being made, and our job, I'm
20 so grateful that the Council and the Administration
21 is united on this issue. Thank you.

22 CHAIRPERSON MENIN: Wonderful. Council
23 Member Salamanca, some questions?

24 COUNCIL MEMBER SALAMANCA: Yeah, thank
25 you, Madam Chair. I will be brief.

2 I understand that you're limited on what
3 you can answer, but is the administration supportive
4 of the revised bill now from 813 to 762?

5 I apologize, Council Member Salamanca.
6 Just on the advice of the Law Department, because the
7 litigation that the Administration and the Council
8 are a party to, I really can't comment on the
9 legislation today. Although I am thankful for this
10 setting, as we've had many settings over the past few
11 years to discuss the fee caps and for stakeholders to
12 provide feedback to.

13 COUNCIL MEMBER SALAMANCA: An idea when
14 the litigation will be completed?

15 ASSISTANT COMMISSIONER ORTIZ: It's hard
16 to predict. I did mention earlier that we did file a
17 motion to dismiss, but it was denied, and right now
18 we're in, I think, a process of discovery and
19 depositions of key folks so I don't really have a
20 timeline I can share on specifics there.

21 COUNCIL MEMBER SALAMANCA: I just want to
22 point out certain keys on this new bill. Under the
23 current law, the max that can be charged at
24 restaurants is approximately 23 percent. That's
25 broken down by 15 percent for delivery, 5 percent for

2 marketing, and about 3 percent for order processing.
3 Now, Intro. 762 would merely raise the cap on fees
4 from marketing services for those restaurants who
5 desire to give their promo a boost.

6 With that, I have no further questions
7 since I understand you're limited on what you can
8 answer on this bill. Thank you, Madam Chair.

9 CHAIRPERSON MENIN: Thank you, Council
10 Member.

11 I'll now turn it over to Council Member
12 Feliz.

13 COUNCIL MEMBER FELIZ: Thank you. Thank
14 you so much, Chair Menin, for this hearing and also
15 to all my Colleagues who have bills before this
16 Committee today.

17 A few questions on Intro. 38. What's the
18 Administration's position on this bill?

19 ASSISTANT COMMISSIONER ORTIZ: Thank you,
20 Council Member Feliz. I think our position has not
21 changed significantly from what DOT testified to in
22 January. We believe that apps bear responsibility
23 here to ensure that workers have access to safe
24 devices, are using safe devices, that they're not
25 being compelled into unsafe riding practices. I think

2 for us at DCWP, we're looking to work very closely
3 with our colleagues at DOT to make sure we're
4 developing a comprehensive policy to address street
5 safety priorities, such as your bill as well as
6 worker rights components for us.

7 COUNCIL MEMBER FELIZ: Thank you, and what
8 are ways that the bill could be properly implemented?
9 The bill would, of course, require that the apps
10 provide a UL certified e-bike to workers who don't
11 have one. I know we're basically inventing the wheel.
12 We would be the first in the entire country to create
13 an employment program like that so what are ways that
14 we could get this properly implemented? What are
15 systems that still need some work so that we could be
16 able to get this right?

17 ASSISTANT COMMISSIONER ORTIZ: Well, I
18 know in January, DOT mentioned as a part of their
19 implementation that they would consider aspects such
20 as safe dispatch requirements, ensuring that workers
21 are dispatched on safe devices, compliance planning
22 and things like that that the apps could report to
23 them. I think these are some of the key components
24 that DOT would work through, and we would certainly,
25

2 through our experience in our own delivery side of
3 the space, would be informative of that, too.

4 COUNCIL MEMBER FELIZ: Okay. Are there any
5 tweaks that you would recommend for the bill, or
6 would you say, as written, we could move it forward
7 to vote and pass it?

8 ASSISTANT COMMISSIONER ORTIZ: Well, I
9 would say one thing that I think is important from
10 the Administration perspective, I mean, I think there
11 are a number of bills, for example, in today's
12 hearing that have to deal with street safety issues,
13 worker rights issues. I think for us, it's critical
14 that these pieces all work together in a unified
15 approach, just thinking even definitionally to make
16 sure things are aligned, just make sure that all
17 these bills are working together. You know, I've
18 certainly had experiences in other spaces where
19 things can happen piecemeal, and I don't think that's
20 what anybody wants here, and so our goal is to make
21 sure that we have close coordination and
22 collaboration with the Council. I know the Mayor's
23 Office and the Deputy Mayor of Operations have been
24 working closely with central staff on these issues so
25 I'm looking forward to developing this over the

2 summer and having some content for the Council into
3 the early fall.

4 COUNCIL MEMBER FELIZ: Perfect. Thank you
5 so much, and we look forward to continued
6 conversations about this bill just to make sure we
7 get it right. We're, again, inventing the wheel. It
8 requires a lot of pieces, getting them properly, just
9 to make sure that we could get this right on the
10 first round.

11 Also, just want to say, we have a major
12 problem. Want to briefly go over some of the fire-
13 related numbers. Numbers related from January through
14 end of May. Last year, we had 97 fires due to e-
15 bikes. This year, we've made a little bit of
16 progress, but not enough. 89 fires. Just eight less
17 fires compared to last year. Also, injuries. 65 last
18 year from, again, January through end of May versus
19 44. We've made some progress, but clearly it is not
20 enough, and we need everybody to step up, including
21 the companies. The companies have their biggest
22 market in the City of New York, and it's unacceptable
23 that on a problem as serious as this one, they
24 continue to just look away and hope that somebody
25 else resolves the challenge so look forward to

2 getting this bill to the finish line. I would say
3 this bill is obviously not perfect yet, and I look
4 forward to listening from the apps, just to make sure
5 that whatever tweaks need to be made are made but,
6 again, we have a major problem, a problem related to
7 safety of workers, and we need the companies to step
8 up. It is unacceptable that, again, the companies,
9 whether it's, well, I won't mention any, but it's
10 unacceptable that companies with their largest
11 market, they just, again, continue to just look away
12 and hope that somebody else resolves the problem so
13 look forward to working with everyone, every single
14 company, and every single stakeholder. Get feedback
15 about different ways of getting this bill right, so
16 that once and for all we can finally resolve this
17 problem but, yeah, I want to thank all of you for
18 working with all of us to craft this bill and resolve
19 this issue. Thank you so much.

20 CHAIRPERSON MENIN: Thank you, Council
21 Member.

22 Council Member Abreu.

23 COUNCIL MEMBER ABREU: Thank you again,
24 Chair. With regard to pay transparency, can you speak

2 to what delivery workers are currently able to see on
3 their pay stub?

4 DEPUTY COMMISSIONER WAGONER: Right now
5 the apps have a great deal of discretion in terms of
6 what information they give workers about their pay,
7 and so the interface is going to vary depending on
8 the app, but what we are hearing from workers is that
9 they are not getting details about how elements of
10 their pay are calculated so that they're unable to
11 understand or predict kind of what they're going to
12 receive, and so the concept behind the bill is a good
13 one to require apps to give workers more information
14 about the pay calculation.

15 COUNCIL MEMBER ABREU: To your knowledge,
16 are workers, or at least based on what you're
17 hearing, are workers able to see a breakdown of their
18 active time versus their on-call time? Have you heard
19 any issues about that?

20 DEPUTY COMMISSIONER WAGONER: At some
21 apps, that is the case. But in terms of how that
22 allocation of on-call time translates to dollars,
23 that is at some apps at least opaque to workers.

24 COUNCIL MEMBER ABREU: You know, you can
25 name the apps. I mean, tell me which ones.

2 Is there any way currently for workers to
3 check for wage theft or otherwise verify the number
4 on their pay stub matches what they were expecting
5 for the week?

6 DEPUTY COMMISSIONER WAGONER: Yes. There,
7 workers can file a complaint with DCWP at
8 nyc.gov/workers or by calling 3-1-1 and, through a
9 combination of information that the worker has about
10 their individual trip time and the reporting we're
11 getting from the apps, we are able to check and
12 verify that for most people. There are some open
13 investigations but, for the most part, we are able to
14 help workers with that.

15 COUNCIL MEMBER ABREU: Let me ask you
16 another question. If an app tells deliveristas, if
17 this bill moves forward and you support this bill,
18 this will likely result in you losing your tipping,
19 would you consider that as retaliation?

20 DEPUTY COMMISSIONER WAGONER: I think I
21 cannot speak to the app's motivations behind making
22 that change.

23 COUNCIL MEMBER ABREU: But if someone is
24 engaging in the activity of supporting this bill,
25 supporting our bills, and then there's a threat that

2 says your tipping option may be removed if these
3 bills pass, would that be considered retaliation?
4 Because if not, then that's something we should look
5 into.

6 DEPUTY COMMISSIONER WAGONER: Certainly, a
7 threat against a worker for exercising protective
8 rights under the law is retaliation.

9 COUNCIL MEMBER ABREU: And would you
10 consider supporting these bills' protected activity,
11 supporting Council legislation protected activity?

12 DEPUTY COMMISSIONER WAGONER: That's a
13 complicated legal question. I'd have to think about
14 that one.

15 COUNCIL MEMBER ABREU: All right. Thank
16 you.

17 CHAIRPERSON MENIN: Okay. Thank you very
18 much. I want to thank the Administration for... oh,
19 Council Member Salamanca.

20 COUNCIL MEMBER SALAMANCA: Just have one
21 question in terms of the litigation. Should the City
22 lose this lawsuit, how much would it cost the City?

23 ASSOCIATE GENERAL COUNSEL SCHWENK: I
24 don't think we have any sort of estimate of that
25 figure here, and I think we'd be happy to put you in

2 touch with Law Department attorneys who might be able
3 to answer more questions about the current state of
4 the litigation.

5 COUNCIL MEMBER SALAMANCA: All right. I've
6 heard a number of about it will cost the City about a
7 billion dollars.

8 ASSOCIATE GENERAL COUNSEL SCHWENK: Yeah,
9 we couldn't possibly estimate right now at this state
10 of play.

11 COUNCIL MEMBER SALAMANCA: Okay. All
12 right. Thank you.

13 CHAIRPERSON MENIN: Council Member Feliz.

14 COUNCIL MEMBER FELIZ: Thank you so much.
15 A few more questions. The next round of questions on
16 Intro. 972-2024 by Council Member Powers, which would
17 require that the third-party apps verify licensing
18 for those that are doing deliveries with mopeds. I
19 would state the same points that I mentioned earlier
20 in the context of mopeds. Unacceptable that we have a
21 large amount of individuals engaging in deliveries
22 with mopeds and the companies turning a blind eye on
23 those that are engaging in deliveries without
24 licensing. A big issue when people don't use
25 licenses, we see what I've seen, you only need to

2 spend a minute in the streets of New York City to see
3 it is people engage in recklessness, whether it's
4 running red lights, so much more, putting everybody
5 at risk, including themselves so I think Intro. 972
6 is a very important bill to make sure that the
7 companies are playing a role in helping us resolve
8 that issue, rather than, again, saying hopefully
9 somebody else can resolve it. Quick question. The
10 bill would require that the apps verify that the
11 mopeds are licensed. What are ways that we've thought
12 about ways that they could potentially do that?
13 Obviously, they have a large fleet, different
14 companies, and some workers are working for different
15 companies at the same time, if I'm correct.

16 ASSISTANT COMMISSIONER ORTIZ: Thank you,
17 Council Member. I think, well, one, I want to make
18 sure I want to be clear for the Administration's
19 perspective that street safety is paramount. I think
20 we all bear responsibility to make sure we're
21 following appropriate traffic laws and rules for the
22 safety of our friends and neighbors and family, but I
23 do think you've hit the nail on the head that there
24 are certain aspects of this that are responsibility,
25 too, of apps that are engaging tens of thousands of

2 workers throughout our city. For example, I think,
3 thinking about my work with my colleagues at DOT, for
4 example, and their standing up with the Rebel Scooter
5 Program, they have had aspects of confirming that
6 folks were wearing helmets, confirming the identity
7 of the riders on the Rebel Scooters. That's a case
8 I've heard an example of that I'm sure DOT would
9 delve in further for but, again, I think we are
10 certainly as an Administration and I'm sure as a
11 Council, we are having to develop these robust policy
12 responses because of these dynamics that have
13 happened in our streets that are certainly dynamics
14 of unsafe practices that are being driven from app
15 companies.

16 COUNCIL MEMBER FELIZ: All right. Thank
17 you so much.

18 CHAIRPERSON MENIN: Okay. Any more
19 questions? Going once, going twice.

20 Okay. Thank you to the Administration. We
21 really appreciate your testimony today.

22 ASSISTANT COMMISSIONER ORTIZ: Thank you
23 very much, Chair.

24 CHAIRPERSON MENIN: We will move right
25 into the public comment period because we are eager

2 to hear from the public so I'm now going to open the
3 hearing for public testimony.

4 I want to remind members of the public
5 that this is a formal government proceeding and that
6 decorum should be observed at all times. As such,
7 members of the public should remain silent at all
8 times.

9 The witness table is reserved for people
10 who wish to testify. No video recording or
11 photography is allowed from the witness table.
12 Further, members of the public may not present audio
13 or video recordings as testimony, but they may submit
14 transcripts of such recordings to the Sergeant-at-
15 Arms for inclusion in the hearing record.

16 If you wish to speak at today's hearing,
17 please fill out an appearance card with the Sergeant-
18 at-Arms and wait to be recognized. When recognized,
19 you'll have two minutes to speak on today's hearing
20 topic, which is Intro. 30-A, 715, 737, 738, 762, 859,
21 and 972.

22 If you have a written statement or
23 additional written testimony that you wish to submit
24 for the record, please provide a copy of that with
25 the Sergeant-at-Arms. You may also email written

2 testimony to testimony@council.nyc.gov within 72
3 hours of this hearing. Audio and video recordings
4 will not be accepted.

5 I will now call the first panel. The
6 first panel is Claudia Henriquez from the New York
7 City Comptroller's Office.

8 Just put the red light on. Thank you.

9 CLAUDIA HENRIQUEZ: Okay. Good morning. My
10 name is Claudia Henriquez. I'm the Director of Worker
11 Rights in the Bureau of Labor Law at the Office of
12 the New York City Comptroller, Brad Lander and, as
13 you all know, when Comptroller Lander was a Member of
14 this Council, he spearheaded the labor protections
15 for delivery workers. Many of those standards are in
16 place today, and this set of issues is very important
17 to him.

18 At the Bureau of Labor Law, our mission
19 is to protect vulnerable workers from exploitation,
20 and that is why we are here today. Comptroller Lander
21 strongly supports Intro. 737 and 738, which establish
22 standards around the solicitation of gratuities for
23 app-based delivery workers. As my colleagues at the
24 Department of Consumer and Worker Protection already
25 testified, it's well-documented that after the

2 Minimum Pay Law went into effect, certain platforms
3 changed their tipping structures so that customers
4 could only tip after the order was placed or
5 delivered. This resulted in lower overall tips to
6 workers on those platforms, and so we support
7 legislation that would regulate this. We did want to
8 flag an issue with the way that the language is
9 drafted. Both bills state that where tipping is
10 solicited or if tipping is solicited, then these
11 requirements would apply, and we encourage the
12 Council to be thoughtful about that wording so that
13 it doesn't inadvertently provide a loophole for the
14 apps to remove the tipping option altogether, and
15 which we understand has already been threatened.

16 Comptroller Lander also supports Intro.
17 859, which would promote pay transparency. Workers
18 have the right to this information just like workers
19 in other industries have access to their itemized
20 paychecks and time records.

21 Some of the bills before the Council
22 address traffic safety, and we support that workers
23 be protected, that they are not incentivized to
24 engage in unsafe acts, such as running red lights,
25 because of the time pressures. I see that I'm almost

2 out of time. The remainder of my comments will have
3 been submitted in writing.

4 CHAIRPERSON MENIN: Great. Thank you very
5 much. Thank you.

6 Okay. I'm now going to call the next
7 panel. Hayley Prim, Joshua Bocian, Kassandra Perez-
8 Desir, and Bryan Lozano. Please come up. Thank you.

9 Okay. Please begin.

10 JOSHUA BOCIAN: Good morning. My name is
11 Joshua Bocian, and I'm the Head of Government Affairs
12 for GrubHub here in New York City. I'd like to thank
13 Chair Menin and the Members of the Committee for the
14 opportunity to testify today in support of Intro.
15 762, the Fair Competition for Restaurants Act, as
16 well as a range of issues facing delivery couriers in
17 our city. While my testimony today focuses on 762,
18 the Fair Competition for Restaurants Act, and the
19 need to provide New York's independent restaurants
20 with long overdue relief from caps on marketing
21 services, I'd like to thank the Council and recognize
22 the important work being done to support delivery
23 couriers. GrubHub continues to be a willing partner
24 in these efforts, and we see reasonable paths forward
25 on a number of these proposals being heard here

2 today. We look forward to continuing those
3 conversations.

4 Intro. 762, the Fair Competition for
5 Restaurants Act, is the result of nearly two years of
6 collaboration and compromise so it's no surprise to
7 see that it has broad support from multiple borough
8 chambers of commerce, from restaurant groups like the
9 New York State Latino Bar and Restaurant Association,
10 and from countless restaurant owners themselves from
11 across the city, many of whom are here today to voice
12 their support. Together, we've made the Fair
13 Competition for Restaurants Act, Intro. 762, the
14 strongest bill of its kind in the country. This
15 amendment will give New York's independent
16 restaurants a fighting chance against the big
17 national brands and their massive advertising
18 budgets. It affords them the choice, let me repeat
19 that, the choice to take advantage of tools to expand
20 their customer base, reward loyalty, and increase
21 orders. At the same time, it includes a number of new
22 safeguards to ensure restaurants' interests are
23 protected. This bill is a win-win-win for
24 restaurants, for diners, and for the couriers who
25 deliver their orders. I'd like to thank the Chair and

2 the Committee for holding this hearing today and
3 discuss the Fair Competition for Restaurants Act,
4 Intro. 762, and the whole host of issues facing our
5 industry. By passing this amendment, we can assure
6 that New York's small, independent restaurants are
7 afforded a level playing field and the right to
8 compete fairly. Let's take this crucial step together
9 to strengthen our delivery ecosystem for the benefit
10 of all New Yorkers. Thank you.

11 HAYLEY PRIM: Good morning. Hayley Prim,
12 Senior Policy Manager at Uber. Good morning, Chair
13 and Members of the Committee, we will submit written
14 testimony detailing our concerns regarding intros
15 715, 30-A, Intro. 972, and our support for Intro.
16 762. I will focus my two minutes on Council Member
17 Abreu's tipping and pay calculation bills, which we
18 oppose in current form, but welcome any conversation
19 on any of the legislation listed on the agenda.

20 First, some facts on tipping. Delivery
21 workers who use Uber Eats currently make a minimum of
22 \$19.56 per hour plus tips. Uber Eats customers have
23 the option to tip their delivery provider on every
24 single order and, since January 1, they've tipped in
25 total more than 25 million dollars, or on average, a

2 million dollars each week. Third-party food delivery
3 workers are the only app-based workers with mandated
4 minimum pay in the city and, by law, they receive
5 more information and have more choice than any app-
6 based delivery worker in the city. The DCWP's
7 November 2022 report stated that the new pay standard
8 would ensure that delivery workers would no longer be
9 so reliant on tips and predicted that tipping may be
10 reduced or eliminated in light of workers' higher
11 pay. When the pay standard went into effect, Uber
12 Eats did not take away the option for consumers to
13 tip. The only thing that changed was when consumers
14 would be able to tip, and that decision was made in
15 part to help comply with requirements from this
16 Council's previous legislation.

17 The Council is also considering a bill
18 that would create new requirements related to
19 workers' pay calculations. However, components of
20 this bill are technically impossible to implement.
21 Other components would likely lead to more questions
22 and confusion from workers, and others contradict
23 pieces of the pay standard. Uber supports
24 transparency. Workers already receive pay statements
25 every week, which provide detailed information

2 related to earnings, gratuities, total trips, and
3 more. Just this past week, we launched an addendum to
4 pay statements, which provides more information about
5 the expenses, paid sick leave, and workers'
6 compensation components that the DCWP explicitly
7 considered when calculating the pay standard. We
8 welcome continued conversation with the Council on
9 these bills and others being heard today.

10 KASSANDRA PEREZ-DESIR: Thank you. Good
11 morning, Chair, Members of the Committee. I'm
12 Kassandra Perez-Desir on behalf of DoorDash. New York
13 City's current price controls on restaurant delivery
14 services are outdated, extreme, and risk causing
15 further harm to restaurants, dashers, and consumers.
16 Intro. 762 is a common-sense solution that guarantees
17 restaurants have low-cost delivery options. It
18 addresses concerns raised by the Council and
19 stakeholders alike, and the Council should advance
20 this bill so restaurants have every option available
21 to help them recover and flourish.

22 However, the other bills under
23 consideration today take a one-step-forward, three-
24 steps-back approach with respect to delivery services
25 in New York City and will create significant,

1 unintended consequences. Intro. 30 would require
2 delivery workers to have certified e-bikes provided
3 by platforms, regardless of how much they use the
4 platform. These amendments still completely ignore
5 that restaurant delivery platforms are the only
6 entities contributing to e-bike safety by paying
7 workers an additional \$2.26 per hour under the City's
8 minimum pay rules, amounting to approximately 50
9 million dollars to workers for the purchase of e-
10 bikes. We remain steadfast in our opposition to any
11 policy imposing overlapping expenses on a select few
12 while ignoring businesses selling these dangerous
13 products in the first place. Even platforms and the
14 LDU can understand that imposing millions in
15 additional costs on platforms could reduce or
16 eliminate e-bikes as an option, essentially putting
17 many out of work.

18
19 Intro. 737 and 738 mandate that platforms
20 solicit tips at checkout and suggest a tip of 10
21 percent. However, the narrative is misleading. In
22 reality, tipping post-checkout is to balance rising
23 consumer costs resulting from the minimum pay rules.
24 DCWP's support is surprising, given the suggested
25 changes to tipping on page 36 of their study. Still,

2 higher consumer costs have resulted in an estimated
3 850,000 fewer orders for dashers and 17 million
4 dollars in lost revenue for merchants in just a two-
5 month period. Mandating tips at checkout will only
6 exacerbate this. Worse yet, the proposals single out
7 restaurant delivery platforms while others delivering
8 groceries, alcohol, and other goods are not subject
9 to any of the same pay or regulations.

10 Finally, we oppose Intro. 715, which
11 would incentivize more traffic violations, not less.
12 We look forward to continuing to work with the
13 Council over the summer on these concerns. Thank you.

14 CHAIRPERSON MENIN: Excuse me one second.
15 We just want to take a moment to recognize we have
16 students in the balcony from Ballet Tech Public
17 School for Dance. We really appreciate you being
18 here.

19 Number of questions that I have for this
20 panel, and I'm sure my Colleagues do as well. What
21 have you done to ensure that your delivery workers
22 are riding certified e-bikes and registered mopeds
23 while delivering for your service?

24 HAYLEY PRIM: Hi. Hayley from Uber. I can
25 answer this question in a few different ways. For

1 anyone who says they plan to ride a moped to make
2 deliveries on the app, we require them to upload
3 insurance documentation as well as information from a
4 registration. We also use real-time ID checks and
5 reports from customers to make sure customers are on
6 the right vehicle. For example, if they say they're
7 on a manual bicycle and they're going 30 miles per
8 hour, that's a clear indication that they're not
9 registered the correct vehicle. Uber has also
10 invested in partnerships in New York City, which go
11 to increase delivery workers' access to UL-certified
12 bikes, including through the Zumo partnership, as
13 well as the Equitable Commute partnership.

14
15 CHAIRPERSON MENIN: And what type of
16 active training do you do for delivery workers?

17 HAYLEY PRIM: We don't provide active
18 training. We do send safety tips and road safety tips
19 to delivery workers on a regular cadence.

20 CHAIRPERSON MENIN: What percentage of
21 your delivery workers are using e-bikes, and what
22 percentage are using mopeds?

23 HAYLEY PRIM: More than 50 percent of
24 workers who've registered through the app say they're
25

2 using an e-bike or a manual bike. The use of mopeds
3 is much, much smaller.

4 CHAIRPERSON MENIN: And what measures are
5 you taking to ensure that individuals that are
6 delivering on the platform have the proper equipment
7 and are able to operate in a safe manner?

8 HAYLEY PRIM: I'm happy to jump in, but
9 also...

10 JOSHUA BOCIAN: I'll answer if you want.

11 CHAIRPERSON MENIN: Yeah, yeah, if it
12 would be helpful.

13 JOSHUA BOCIAN: Josh Bocian with Grubhub.
14 Just to start off to say that I think most of our
15 answers are the same to the ones that Hayley already
16 gave you. It looks like Cassandra agrees that most of
17 our answers are the same there.

18 In terms of ensuring that individuals
19 have proper equipment, we cannot compel our
20 contractors to use certain types of equipment. Safe
21 delivery is required in our delivery partner terms
22 and conditions. However, much like my colleagues
23 here, we do send out regular communications to the
24 couriers, making sure and encouraging them to follow
25 the rules of the road, do things such as safe

1 charging with e-bikes, making sure that they're doing
2 what they're supposed to be doing. I would also say
3 that we support bipartisan legislation that's
4 currently pending in the United States Congress
5 regarding UL-certified e-bikes and e-batteries, and
6 we actually think that those that are not UL-
7 certified should be banned. There was also a package
8 of legislation that recently passed in Albany, which
9 had, I think, five or six bills, if I remember
10 correctly, that specifically dealt with e-bikes about
11 point of sale and that only UL-certified batteries
12 should be sold, etc. We supported that package of
13 legislation as well.

14
15 KASSANDRA PEREZ-DESIR: And just to add to
16 that, in addition to directly providing workers with
17 financial resources to pay for e-bikes and batteries
18 through the minimum pay standard, DoorDash has taken
19 additional steps to support access to safe e-bikes.
20 We improved the access to certified bikes by
21 investing 250,000 dollars in the Equitable Commute
22 Project to fund the development of the first-ever
23 trade-in program dedicated to delivery workers in New
24 York City. This program will run trade-in events on a
25 biweekly basis to help delivery workers transition

2 from their existing device to a new UL-certified e-
3 bike. Delivery workers have three options to choose
4 from, and e-bikes are priced as low as 700 dollars.
5 Additionally, forging partnerships with reputable
6 manufacturers and retailers to offer certified e-
7 bikes to dashers at affordable prices. We have
8 partnerships with e-bike suppliers that offer
9 delivery workers discounted bikes and batteries that
10 are certified to UL standards. These collaborations
11 allow dashers to purchase e-bikes for as low as 949
12 dollars. We also invest in education, 100,000 dollars
13 in the FDNY Foundation to support battery safety
14 education initiatives and regularly update and remind
15 dashers of the best practices. We also advocate for
16 Congress and the U.S. Consumer Product Safety
17 Commission to set federal battery safety standards
18 for e-bikes and all micro-mobility devices to stop
19 uncertified products from entering the United States
20 in the first place.

21 CHAIRPERSON MENIN: What changes have you
22 made to the platform since minimum pay went into
23 effect?

24 JOSHUA BOCIAN: So, at Grubhub, Council
25 Member, as the minimum pay went into effect, we've

1 had to make adjustments to our platform to ensure
2 that the number of couriers that are on the platform
3 are in the correct correlation to the number of
4 orders that are there, and so we've had to do things
5 such as have couriers sign up for blocks, for
6 example, in order to make sure that, again, we have
7 the right number of people on the road in order to do
8 those deliveries. This is an interesting conundrum
9 because, in fact, when the DCWP passed the minimum
10 wage, they predicted in their own study, and I would
11 invite Members of the Committee to take a look at the
12 study, that, in fact, the industry would be forced to
13 become more efficient, which would likely result in
14 less couriers on the road. That has come to fruition.
15 We still have about 20,000 folks at Grubhub who are
16 active on our platform at any given time, but I do
17 know that's less than before DCWP's minimum wage. I
18 will say that we think that there's a way to increase
19 the number of couriers and to increase their pay,
20 which is to pass Intro. 762. We firmly believe that
21 amending the cap on restaurants will lead to more
22 exposure to diners, which will lead to more orders
23 for restaurants, which will lead to more

2 opportunities for the couriers to make deliveries,
3 thus leading to more money.

4 CHAIRPERSON MENIN: I have a question on
5 that, but before I move on to a question on that, any
6 other comments that either of you want to make on
7 that topic?

8 HAYLEY PRIM: I was just going to say
9 similar. Prior to the earning standard, we were open
10 access. Since the launch, we had to limit workers'
11 ability to go online in order to match the supply and
12 demand.

13 CHAIRPERSON MENIN: In jurisdictions that
14 have enacted a cap fee, how many users opt for the
15 minimum fee level and how many opt for the maximum
16 fee level?

17 JOSHUA BOCIAN: I can answer this. In
18 similar jurisdictions where the fee cap has been
19 amended, the overwhelming, and we're talking 90-plus
20 percent of our restaurants, stayed at the exact same
21 package that they had prior to COVID, prior to those
22 fee caps going into effect. I can give you a specific
23 example in San Francisco where we know that
24 approximately 15 percent of our restaurants are at
25 the basic package, and about 85 percent of our

2 restaurants or so in San Francisco opt for more
3 services above the basic package.

4 HAYLEY PRIM: I was just going to comment
5 that the vast majority of caps since COVID have been
6 repealed or removed by those jurisdictions, but we do
7 offer merchants different pricing plans currently all
8 over the country outside of New York City that range
9 from light to premium options, and we see restaurants
10 take advantage of that flexibility to choose the plan
11 that works best for them.

12 CHAIRPERSON MENIN: I'm going to now turn
13 to my Colleagues for questions. Council Member Abreu.

14 COUNCIL MEMBER ABREU: Yeah, I have a
15 question for Grubhub. Can you please tell me whether
16 or not your tipping option remained at checkout after
17 minimum wage went into effect?

18 JOSHUA BOCIAN: Yes.

19 COUNCIL MEMBER ABREU: So what do you say
20 about this notion from Uber and DoorDash that passing
21 the minimum wage required them to remove the tipping
22 at checkout? What do you have to say to that?

23 JOSHUA BOCIAN: We're running our business
24 and they're running their business. I'm not going to
25 comment on how they're running their business. I

1 think you're going to have to ask my two colleagues
2 about that. Council Member, I will say this. That is
3 correct. We did not change our tipping policy.

4 However, we are under a tremendous pressure to do so
5 from our business because we are now at a competitive
6 disadvantage. What we have seen, and this you can
7 take it from the company that hasn't changed this
8 tipping policy, is that in fact because of the DCWP
9 minimum wage, we are actually seeing a decrease of
10 approximately 25 percent of what our customers are
11 tipping the couriers so to say that there's not been
12 an effect, we actually have data to show that there
13 is an effect.

14
15 COUNCIL MEMBER ABREU: And just, the Admin
16 made clear that apps like Grubhub, which have kept
17 tipping at checkout, for the most part have, even
18 though there's been a slight decrease in tipping, it
19 has been by far the most helpful for deliveristas
20 compared to the other apps, like Uber and DoorDash,
21 we have seen an 85-million-dollar drop so I guess I
22 would ask DoorDash the question, what do you make of
23 the fact that your colleagues at Grubhub have kept
24 tipping at checkout, which have been favorable for

2 deliveristas, and you guys decided against doing
3 that?

4 KASSANDRA PEREZ-DESIR: Thank you. So
5 similarly, I'm not going to speak on behalf of
6 Grubhub, but I will speak on behalf of DoorDash and
7 our position on moving tips to post-checkout.
8 Because of the NYC pay regulations, they forced
9 DoorDash and other platforms to increase consumer
10 fees as you know. In response to this, we made tips
11 an option post-checkout, the intent wasn't to make
12 tipping harder, but it was to limit the number of
13 consumers who were abandoning placing an order
14 because of the higher cost. Each lost order not only
15 guarantees that there won't be a tip, but it results
16 in no earning opportunity at all for dashers. That's
17 bad for dashers, restaurants, and customers in the
18 city so making these tips available after checkout is
19 not so nefarious and definitely not retaliatory. As I
20 mentioned in my testimony, it was even suggested by
21 DCWP in their own study on page 36 that I referenced,
22 and you will all have a copy of that. It was
23 suggested in that study of the pay standard as a
24 strategy to reduce consumer costs, so this was
25 acknowledged by the Administration as well.

2 COUNCIL MEMBER ABREU: Understood, and
3 where you're engaging it is not necessarily illegal
4 behavior, but it is certainly behavior that has bad
5 intent and is behavior that is, I believe,
6 inconsistent with the needs of deliveristas. You
7 mentioned in your testimony that orders have
8 decreased. The Admin said 8 percent has increased.
9 How do you reconcile the Admin's testimony versus
10 yours? Is there false reporting or is there actual
11 decrease?

12 KASSANDRA PEREZ-DESIR: I have the same
13 question. That was the first that I'd heard of it,
14 and we are looking to follow up with them to find
15 out.

16 COUNCIL MEMBER ABREU: Because there is a
17 reporting requirement, and they said it was 8 percent
18 and, in your testimony, you mentioned that it's for a
19 period of two months.

20 KASSANDRA PEREZ-DESIR: That's right.

21 COUNCIL MEMBER ABREU: So I'm curious to
22 know if that overall year period, if that matches
23 what's been reported, because that discrepancy is
24 very concerning.

2 KASSANDRA PEREZ-DESIR: And it's
3 significant as well that the last two months, those
4 numbers, as I mentioned, are 850,000 drop in orders
5 and 17 million dollars in loss of revenue so that's
6 just April and May alone so we can certainly...

7 COUNCIL MEMBER ABREU: So would you say
8 that the Administration is lying?

9 KASSANDRA PEREZ-DESIR: No, I would not
10 say that. I would say that we have to talk after the
11 hearing and figure out all of the numbers and compare
12 them.

13 COUNCIL MEMBER ABREU: So they're either
14 lying, they're misreporting, or what you said does
15 not characterize the entire year period that they
16 reported?

17 KASSANDRA PEREZ-DESIR: I'm not speaking
18 for the entire industry, only for DoorDash.

19 COUNCIL MEMBER ABREU: Yeah, okay.

20 CHAIRPERSON MENIN: Council Member
21 Salamanca, questions?

22 COUNCIL MEMBER SALAMANCA: Yeah, thank
23 you. Thank you, Madam Chair.

24 I want to thank the panel for being here
25 today. I just want to speak a little bit about Intro.

2 762. I know that there is some opposition on it, and
3 I just want to get some clarity. I thank you for the
4 Cranes article in New York that came out. It
5 mentions, I know that the person who wrote this op-ed
6 is Lisa Sorin. She's from the Bronx Chamber of
7 Commerce, and she makes mention in terms of the Bronx
8 Chamber of Commerce being in favor of Intro. 762, but
9 something that was quoted here, and I just wanted to
10 get your intake on it, in terms of the opposition for
11 the bill. It reads that opponents of this bill have
12 argued that this amendment would just allow delivery
13 companies to charge restaurants more for marketing
14 services. Can you speak a little bit about that?

15 JOSHUA BOCIAN: Sure, Council Member. I'll
16 take a first stab at this, and then I'm sure my
17 colleagues will either correct me or jump in. I think
18 there's a great misconception out there that, in
19 fact, Intro. 762 lifts the cap completely, and that
20 the cap completely just goes away. Let's keep in mind
21 here, and let's remember that at the height of COVID,
22 there were about 92 such caps that were in place
23 across the entire country, in municipalities small
24 and big. There's one left of this type, and it's here
25 in New York City so we are not lifting the cap

2 completely. What we're doing is we are amending the
3 cap in a similar way that the cap has been amended in
4 major municipalities all across the country, whether
5 that be Chicago or Philadelphia, Seattle, San
6 Francisco, just to name a few. 762 is literally the
7 culmination of two-plus years of conversations with
8 the Council, with restaurants, with advocacy
9 organizations to try and find a way to continue to
10 give restaurants guidelines and guardrails, rather,
11 and at the same time allow us to continue to operate
12 here in New York City so let me go through some of
13 the safeguards that 762 specifically has for
14 restaurants. One, the right to be listed and
15 discoverable on the platforms. Two, the right to
16 include their own marketing materials in the
17 deliveries. Three, to write their own in-app menu
18 prices. Four, the right to prohibit delivery
19 platforms purchasing their restaurant's names for
20 advertising. Finally, it requires DCWP to do
21 compliance assessments on a regular basis. We have
22 literally put everything in this bill and agreed to
23 everything that we've been asked to by the Council
24 and, Council Member, I would invite you, when other
25 folks come up here today to perhaps testify against

2 this piece of legislation, to ask them what more that
3 they want, to ask them what else we should put in the
4 bill, to ask them what their suggestions are, because
5 we have been asking for two-and-a-half years, and we
6 have yet to get an answer.

7 COUNCIL MEMBER SALAMANCA: Thank you.

8 KASSANDRA PEREZ-DESIR: Thank you, Council
9 Member. I want to have an opportunity to respond to
10 that as well and to add to it that, because of the
11 way that the amendments in this bill are structured,
12 the platforms will be required to provide the
13 restaurants the option to obtain delivery for a 15
14 percent commission, as you're well aware, and non-
15 delivery services, such as pickup and listing fees
16 for a 5 percent commission, plus transaction fees
17 inclusive of marketing or any other fees. If
18 restaurants want to pay more for additional
19 marketing, they're free to do so, but they are not
20 required to do so. In addition to the increased
21 customer visibility restaurants receive on Plus and
22 Premier plans, DoorDash offers restaurants access to
23 sponsored ads and promotions. A 0-dollar delivery fee
24 for customers on DoorDash Marketplace. DoorDash also
25 invests in marketing and advertising for DoorDash

2 Marketplace, which helps drive growth for
3 restaurants.

4 COUNCIL MEMBER SALAMANCA: What would
5 happen if a restaurant were to choose the minimum
6 package in terms of marketing?

7 JOSHUA BOCIAN: All restaurants,
8 regardless of what package they have, will be
9 searchable and will be able to be found on the
10 platforms. That is a guarantee of Intro. 762. Nobody
11 gets hidden. Does not matter what package you have.

12 COUNCIL MEMBER SALAMANCA: All right. All
13 right. Thank you.

14 The Chair stepped out for a minute. She
15 asked me just to take over. We're just going to hand
16 it over to Council Member Oswald Feliz for questions.

17 COUNCIL MEMBER FELIZ: Thank you so much.
18 Thank you. A few questions for all of you. What's
19 your position on Intro. 30-A, which requires that you
20 verify UL certification and provide a UL-certified e-
21 bike, and also Intro. 972, which requires you verify
22 licensing for if mopeds are used for deliveries.

23 HAYLEY PRIM: I can start. I think on
24 Intro. 30-A. Thank you. I know we've been talking
25 about this for a long time. I appreciate the new

1 language. It was nice to see that it was broader and
2 more inclusive so that third-party grocery delivery
3 services, other restaurants, or other small
4 businesses that contract with workers who operate on
5 e-bikes would be included in this. However, I still
6 have concerns that so far this is the only industry
7 that's currently paying workers a wage that has
8 allocation for expenses that should be going towards
9 e-bikes as stated in the study. I think from only
10 Uber's data, we know that, sorry, I have a number
11 here. More than 9,000 workers have already earned at
12 least 900 dollars towards expenses since the earning
13 standard went into effect. The DCWP in their study
14 said that a new e-bike is 1,800 dollars so it's
15 reasonable to expect that after one year they'll have
16 earned enough to purchase a UL-certified e-bike based
17 on the DCWP study so that is a concern of ours that
18 remains.

19
20 COUNCIL MEMBER FELIZ: Okay. What about
21 Intro. 972, which requires that all of you verify the
22 licensing for mopeds?

23 HAYLEY PRIM: Sure. Happy to start. I
24 think, you know, we're open for discussion on that.
25 We do currently collect insurance information as well

2 as information that comes from the registration of a
3 vehicle for delivery workers. That bill, I believe,
4 should, similar to 30-A, be expanded to include other
5 companies that operate with mopeds, but I would love
6 to talk through some flexibility of how we collect
7 that information and what exactly verifying
8 registration means. We are not the DMV. Of course, we
9 would want to have a better understanding of what
10 exactly that means to the Council.

11 COUNCIL MEMBER FELIZ: Okay. Can we also
12 hear from the other companies? Same two questions,
13 30-A and also 972.

14 KASSANDRA PEREZ-DESIR: Yeah. Thank you,
15 Councilman. On the mopeds issue, it has been
16 difficult to invest more in, well, on the e-bikes,
17 the battery safety initiatives when we're already
18 directly compensating the workers for the e-bikes and
19 the safety equipment. We feel that the platforms and
20 the City must come together to align on how we can
21 contribute to this issue and not have duplicative and
22 unsustainable requirements. We, like the City, have
23 also struggled to identify the best way to actually
24 help this transition occur, and think the City's
25

2 participation in a trade-in scheme is essential to
3 that success.

4 Additionally, on the mopeds, before
5 gaining access to the platform, every prospective
6 dasher must have a current valid government ID. This
7 is for e-bikes and also mopeds alike. They have to
8 have a Social Security Number and complete a
9 background check. Dashers using motor vehicles,
10 including mopeds, have to have a driving history
11 check is also run, verifying their eligibility to
12 drive. It also provides an individual's driving
13 record, driving history, and minor violations such as
14 speeding or running stop signs. Even after this
15 approval to dash, dashers undergo regular background
16 check reruns to ensure our records are up to date,
17 dependent on DMV record databases, and to evaluate
18 any new information that should be considered in
19 determining dashers' eligibility to continue on the
20 platform.

21 JOSHUA BOCIAN: Council Member, let me
22 take the second question first, which is the moped
23 registration question. I think currently, as the bill
24 is written, we oppose the piece of legislation simply
25 for the same exact reasons that my colleague Hayley

2 at Uber said, which is I'm not sure how we verify or
3 certify a registration, right? We're not the DMV,
4 we're not the DOT, we're not the NYPD, and we don't
5 think that we should substitute for a City or State
6 agency whose job it is to do that type of
7 enforcement. However, we do require, currently,
8 anyone who is deciding to operate by a moped or car
9 to upload their registration, much like Hayley's,
10 much like Uber Eats, when they sign onto our platform
11 to become a courier so that would be that question. I
12 think we could potentially continue the conversation
13 with Council Member Powers to talk through that.

14 In terms of your legislation, Intro. 30-
15 A, if by my count, I think this is the third time
16 that we've had a conversation or a hearing on 30-A,
17 right? I think it was last October, January, and now
18 we're back. Much like my colleagues, I think we're
19 very appreciative of the fact that you've expanded
20 the folks who are covered under this bill, and I
21 think that that's a good first start. However, I
22 think we're still in opposition to it because we're
23 running into the same problems. If you deliver for
24 all three of our companies, how many e-bikes do you
25 get? How many e-batteries do you get? Do you get

2 three? In addition to what Cassandra said, there's
3 already \$2.26, which is specifically built in to the
4 DCWP minimum wage, which is supposed to go for this
5 exact type of thing, for this exact thing of safety
6 equipment so, for us, it feels like we're getting hit
7 twice where we're paying \$2.26 in the minimum wage
8 for safety equipment, and then we would be asked to
9 do it again so, I think to your point, we're not sure
10 the bill is quite ready yet, and perhaps we need to
11 have some additional conversation.

12 I just want to add one other thing. I
13 thought Council Member Menin asked an excellent
14 question of the Administration when she said, what's
15 the status of the idea of the Office of Sustainable
16 Delivery? We all sat through a meeting with the
17 Administration regarding that proposal. I think we
18 thought it was somewhat of a good idea, right? Let's
19 put everything that's kind of in these disparate City
20 agencies right now into one office. Let's see if we
21 can solve the problem holistically and do it that
22 way, and we'd love to see what the status of that
23 office is.

24 COUNCIL MEMBER FELIZ: All right. Thank
25 you. So, two points, and I guess the first one, the

1 first point is on the issue of moped registration
2 verification. I know some of you mentioned that there
3 are some systems uploading insurance information,
4 etc., but I think anybody that, again, just spent one
5 minute looking around in the streets of New York City
6 would agree that whatever system we have in place has
7 the same exact effect of having no system at all.
8 Whatever all of you have in place on that issue is
9 not working, not even close to working. And on the
10 minimum wage issue covering UL certified e-bikes,
11 what about new workers? What about workers that are
12 starting afresh? They want to do delivery work, but
13 they'll have to work a year with an uncertified e-
14 bike before they could actually afford a certified
15 one based on the wage-related numbers and the pricing
16 for these e-bikes so that's one year that they need
17 to work putting their lives at risk, putting their
18 homes at risk through a fire and etc., and I think
19 that that's a major problem, and it seems like on all
20 these issues, it seems like the overall narrative or
21 the thing that I hear from all the companies is, you
22 know, let the issue potentially go away on its own.
23 We don't want to play a role, and I think that's very
24 problematic so a few questions on that so what
25

2 exactly are you doing to resolve the fire safety
3 crisis that we're in and, yes, it's a crisis. Again,
4 97 fires last year from January through end of May.
5 This year, similar numbers. We're in a crisis. So
6 what exactly are you doing to resolve that? I know
7 you mentioned the Equitable Commute Project. What
8 else? And what do you say based on the numbers? Are
9 you doing enough?

10 HAYLEY PRIM: Well, I want to respond to
11 what you just said about how a new worker would have
12 to use an uncertified, unsafe bike for a year before
13 being able to afford a UL-certified bike. I think
14 that's exactly why we've set up these partnerships in
15 New York City, like Uber has Zoomo, I think Grubhub
16 is with JOCO, so that workers can rent on a weekly or
17 a monthly basis as they start out on the platforms
18 and earn money in order to save up for a UL-certified
19 bike so there's nothing that we're, I mean, we're not
20 hoping that workers buy an uncertified bike as they
21 start working on our platform just to earn for a UL-
22 certified bike.

23 KASSANDRA PEREZ-DESIR: And I can add to
24 that as well. This would require a lot of
25 partnerships with the industry and with the City as

2 well, specifically on proof of UL compliance for e-
3 bikes. Right now, this is a pointless exercise
4 because it would require us to remove almost every e-
5 bike based worker that uses our platform because very
6 few workers have UL-certified devices as was
7 mentioned. We believe the City did the right thing by
8 setting safety standards, switching from no standard
9 to UL 2849, and it was a fairly quick change to a
10 standard that relatively few bikes are certified to.
11 Even major reputable manufacturers have only recently
12 been able to catch up. Other efforts to reduce fires
13 by manufacturing UL-certified replacement batteries
14 for older products are only just becoming available.
15 Asking platforms to do this right now is essentially
16 asking us to cut off tens of thousands of people from
17 work.

18 COUNCIL MEMBER FELIZ: And based on the
19 different programs that you've worked on, we've had a
20 lot of conversations about them, the rentals, e-bike
21 rentals, the Equitable Commute Project, more or less,
22 how many delivery workers could they potentially
23 cover based on their fleet, amount of e-bike rentals
24 available, and etc.?

2 HAYLEY PRIM: I don't have specific
3 numbers. I know that the Zoomo partnership, they
4 recently got a new delivery of UL-certified bikes in
5 just this last quarter, so I'd have to check on the
6 number, but I think each of these programs began last
7 year, and they had a slow ramp up but what we've seen
8 is more and more uptake as people become more
9 familiar, since the City's new standards went into
10 effect so I can follow up with you on specific
11 numbers related to those two programs.

12 COUNCIL MEMBER FELIZ: All right. What
13 about the others?

14 JOSHUA BOCIAN: Yeah, Council Member,
15 Grubhub has two partnerships, one with JOCO and one
16 with an organization Whizz. I don't have the exact
17 number sitting in front of me, but if you get in
18 touch with us afterwards, I'll be happy to get you
19 the data that you're requesting, not a problem.

20 COUNCIL MEMBER FELIZ: Okay. All right.
21 Well, thank you so much. Again, just want to
22 reiterate, we have issues, and whatever has been done
23 is not even close to being enough. We're in the same
24 position we were at last year so whatever has been
25 done is not even close to being enough. We have

2 issues, and the companies need to play a role in
3 resolving them. Workers make these companies. They
4 make these companies possible, and companies should
5 look out for the workers a little bit more and look
6 out for their safety, for their homes, and everything
7 else so yeah. Thank you so much.

8 CHAIRPERSON MENIN: Thank you, and thank
9 you to this panel.

10 We are now going to move on to the next
11 panel, which will be comprised of Andrew Rigie and
12 Chris Lauber. Please come up. Thank you.

13 ANDREW RIGIE: Good afternoon. My name is
14 Andrew Rigie. Oh, ready to go?

15 CHAIRPERSON MENIN: Yes, please.

16 ANDREW RIGIE: Thank you. My name is
17 Andrew Rigie, and I am the Executive Director of the
18 New York City Hospitality Alliance. We represent
19 restaurants across the five boroughs. We strongly
20 oppose Intro. 762. The third-party delivery companies
21 have given this bill the phony name, the Fair
22 Competition for Restaurants Act, which is the exact
23 opposite of this proposal. Let's call it what it is,
24 the Bigger Fees for Big Delivery Bill. Today, the
25 City Council is hosting another hearing on another

1 package of bills to further regulate third-party
2 delivery companies because they're continually bad
3 actors. Still, they've been able to obscure the
4 intent of 762, which deregulates them to where
5 they're having it considered. The City Council should
6 not further entertain changing this fee cap law while
7 DoorDash, GrubHub, and Uber are suing the City of New
8 York to overturn this very same fee cap law. So far,
9 their lawsuit has been unsuccessful. They're also
10 suing the City to overturn another law this
11 legislative body passed that would prevent them from
12 withholding a restaurant's own customer information
13 from the restaurant, which is the technique they use
14 to control the consumer marketplace. It's
15 monopolistic-like behavior. Intro. 762 will increase
16 the maximum fees, the current cap of 23 percent, to
17 letting third-party delivery companies take a
18 whopping 43 percent of each order from a restaurant
19 while also charging the consumer a fee, too. The
20 average restaurant has single-digit profit margins,
21 if they're making any money. Does the City Council
22 want to let third-party delivery companies take
23 nearly half the money of each restaurant order? Yes.
24 The companies have agreed to a few good amendments
25

2 that the hospitality lines advocated for as
3 standalone laws that should be enacted but not as
4 part of a negotiation to gut this fee cap. Now, I
5 have a little... can I go? I didn't bring tons of
6 people here, so if I could get...

7 CHAIRPERSON MENIN: Yeah, we have to have
8 everyone speak the same amount, so if you could
9 please wrap up, and then you can submit your written
10 testimony.

11 ANDREW RIGIE: Will do. The most important
12 thing is that the companies are saying that the 5
13 percent marketing option will make them require
14 restaurants are listed and discoverable, but this
15 bill does not define what listed and discoverable is.
16 Under this language, they could technically make a
17 restaurant listable and discoverable, but only if a
18 restaurant customer types in the exact name or if a
19 customer is ordering from maybe a two-block radius.
20 There's various ways they can obscure this and make
21 it...

22 CHAIRPERSON MENIN: I have to ask you to
23 wrap up, please. Thank you.

24 ANDREW RIGIE: We're happy to obviously
25 submit all of our testimony, but these companies have

2 showed you over and over again who they are. The
3 Council and restaurants should believe them.

4 CHAIRPERSON MENIN: Okay. Next speaker,
5 please.

6 CHRIS LAUBER: Thank you, and good morning
7 to, I should say, actually, it is still morning,
8 technically, to members of New York City Council and
9 attendees. My name is Chris Lowder. I've managed
10 restaurants and hotel operations in New York for over
11 a decade, advised in some of the top hospitality
12 technologies used today, and I'm currently the Senior
13 Director of Operations for a restaurant group here in
14 New York City. I'm here today to urge you to maintain
15 the fee cap for the delivery platforms as they're
16 essential for the survival of restaurants in our
17 city. The fee caps implemented during the pandemic
18 have been a lifeline for countless restaurants. The
19 pandemic hit restaurants and hotels very hard, and
20 the delivery platform usage actually soared.
21 Restrictions for the indoor dining further increased
22 the reliance on these delivery and take-out
23 platforms, altering the landscape of our industry.
24 The fee caps have changed and created different
25 layers of marketing caps and fee caps and credit card

caps and otherwise, but these caps have been in place to check the absorbent fees from the platforms that would otherwise charge whatever they would like.

Without these caps, restaurant fees could double or worse. From an industry with thin profit margins of 5 to 10 percent, increasing these fees could mean the difference between staying open and closing.

Recently, I even had to argue with multiple platforms just to abide by the current regulations in place and not overcharge us when onboarding our restaurants so removing the fee cap would disproportionately affect smaller independent restaurants and bring bargaining power to larger restaurants, further creating an uneven playing field that favors larger chains. Small businesses in New York City create the vibrant culinary scene and culture that we have. In

conclusion, I would say maintaining the marketing fee caps is crucial for the survival of independent restaurants in New York. I urge this Council to consider the long-term implications of lifting these caps. I would also like to add that with these caps, searchable and discoverable is my number one concern because we find that they are looking to find exponential ways to add on to their potential fees.

2 CHAIRPERSON MENIN: Okay. Thank you for
3 your testimony.

4 I have a couple questions, and I'll turn
5 it over to my Colleagues for questions. With Intro.
6 762, since it's voluntary as to whether or not a
7 restaurant opts to do it, it's an opt-in, why still
8 the concern?

9 ANDREW RIGIE: Well, I would just say that
10 this didn't start at the beginning of the pandemic.
11 The reason we got here was because multiple hearings
12 in this Council about how they use their market
13 leverage and control to essentially force restaurants
14 to increase the fees that they pay. If you don't pay
15 to play, you essentially disappear. That's why I
16 mentioned listed and discoverable. It essentially
17 means nothing without it being defined. Sure, if I
18 pay 5 percent, I can be technically searchable but
19 not accessible, and then the representative goes to
20 the pizzeria around the corner and says, if you pay
21 25 percent, you can basically take the business from
22 the other restaurant so they continue to play each
23 other off of each other, and it's important to note
24 that the lawsuit, another one of their lawsuits,
25 difficult to keep up with all the times these

2 companies sue the City, but the Council did pass a
3 law that required the companies share customer
4 information with the restaurants and, because they
5 withhold that information, restaurants can't even
6 directly market via email and so forth so they have a
7 very sophisticated way of essentially leveraging
8 their market share and power to force places to pay
9 up and, if they don't, they lose their business. It
10 happened year after year after year, and that's why
11 we ended up here in the first place.

12 CHAIRPERSON MENIN: Can you comment on
13 other cities that have similar legislation and the
14 impact there?

15 ANDREW RIGIE: The ones that gutted the
16 fee cap?

17 CHAIRPERSON MENIN: In other words, other
18 cities that were mentioned earlier by some of the
19 third-party apps, San Francisco and other cities, and
20 how this kind of program works there.

21 ANDREW RIGIE: Yeah, their aggressive
22 lobbying campaigns were successful at gutting the fee
23 cap, and they have issues like the ones that we've
24 laid out. I mean, New York City always talks about
25 wanting to be the leader. We are a leader with this

2 fee cap, and the fact that we still have it in place
3 should be something that a city that leads wants to
4 promote, not be shamed about. Again, I can't speak
5 specifics of the whole history there, but we have a
6 long-documented history of the exploitation of local
7 restaurants by third-party delivery companies, much
8 of which has been documented in these Chambers.

9 CHAIRPERSON MENIN: Are there services
10 that you want to receive from third-party food
11 delivery services that aren't currently available?

12 CHRIS LAUBER: Would you be able to better
13 define the question?

14 CHAIRPERSON MENIN: Well, in other words,
15 are there things that you think the third-party
16 delivery apps should be offering to restaurants that
17 they're not offering? Are there things that would be
18 value-added?

19 CHRIS LAUBER: At the current 5 percent
20 rate, it appears to be an even playing field within
21 New York City. It's more based around proximity or
22 specific cuisine you're searching inside of an app
23 that then allows you to be found. The concern
24 underneath this, 762, is that searchable and
25 discoverable does not define how hard you have to

2 search to discover the restaurant you're looking for.
3 Therefore, it would create an uneven playing field.
4 For example, if, as Andrew mentioned earlier, our
5 restaurants had been next to each other and they had
6 two different marketing strategies inside, we would
7 then have one exponentially higher than the other,
8 which is ultimately what they're arguing is the
9 point. However, the margins are so thin going into
10 restaurants to begin with that it creates kind of an
11 effective rat race that would be exponentially
12 playing one off of the other to get higher and higher
13 in the fee cap until eventually it's exhausted.

14 ANDREW RIGIE: They could drop their
15 lawsuit on the customer information. One of the
16 things that restaurants want is to be able to market
17 directly digitally to their customers, but the third-
18 party delivery companies withhold that information
19 from the restaurants. That's why this City Council
20 passed a law that has a stay because they're suing
21 over it not to provide that information. There's
22 another thing. For example, if you're paying for
23 marketing and get me a new customer, incremental
24 business, yes, that, in theory, is worth more. I'll
25 pay a little bit of a higher marketing fee if you're

2 bringing me a new customer, a new order I would not
3 have normally had. I'll pay 15 percent for that
4 order. But what happens when that customer orders
5 again? Why am I continuing to pay 15 percent or 20
6 percent when it's not a new sale? I think there are
7 plenty of ways that these companies could work better
8 and in a more fair way with restaurants. I dispute
9 the claim that they've done everything that has been
10 asked for them. There is tons and tons and tons of
11 things that have been asked for them that they
12 haven't done. This is the classic sleight of hand.
13 Look over there, but don't look over here.

14 CHAIRPERSON MENIN: Okay. Do any of the
15 Colleagues have questions? Council Member Salamanca.

16 COUNCIL MEMBER SALAMANCA: Yeah, I just
17 have a few questions. Thank you for your testimony. I
18 have just a question. I know that in the previous
19 bill, I believe it was 813, there was opposition. We
20 had opposition from other restaurant associations,
21 but I've seen with this new (INAUDIBLE) bill, that
22 opposition has leaned to being in favor of that bill.
23 One of them being the New York State Latino
24 Restaurant and Bar Association. Can you explain to me

2 why now those individuals that were not in favor of
3 the previous bill are not in favor of the bill today?

4 ANDREW RIGIE: I'm going to be careful.

5 These folks are my good friends. I've been doing this
6 for 20 years. My integrity runs on this. Different
7 organizations are going to make different decisions
8 for different reasons just as elected officials are
9 going to do hopefully what you all feel is right.
10 I've studied these issues. We're all going to have to
11 answer to our members eventually and, while they may
12 feel they are doing the right thing, that is in their
13 right. I believe it is very misguided to agree to
14 this bill as is, and we will continue to fight and
15 represent our members, represent what we believe is
16 right, because we don't want to have to be back here
17 with our friends again, who may be on the opposite
18 side of it now, saying, oh, maybe we got to go back
19 and do something, and I would just say this day is a
20 perfect example. You passed the minimum pay rate.
21 They lobbied hard against it. You still passed it.
22 What did they do? They sued. Guess what? As you know,
23 the court upheld the minimum pay rate. So what did
24 they do? They went and obscured ways and made it more
25 difficult for the folks to tip, and now you have a

2 bill today to address that. I would suspect that if
3 you were to pass 762, we would be back here in the
4 future and dealing with the same types of issues that
5 we have been dealing with for years and years. Sorry,
6 I was a little long-winded.

7 COUNCIL MEMBER SALAMANCA: No, no, I
8 appreciate your comments. On the original bill, I was
9 on it, and I was just getting bombarded with calls
10 from my friends in the hospitality industry, and
11 those are the same individuals, once this new bill
12 was introduced, giving me a call saying they are in
13 favor of this bill, let's make it happen.

14 ANDREW RIGIE: And I know others who are
15 not, and I will tell you I've been receiving emails
16 from restaurants that are receiving stuff from many
17 of these companies, robocalls. You know, you are all
18 professionals at this. You know that when you lobby
19 hard enough and throw enough money at stuff and do as
20 much public relations, you can get people to come out
21 and testify against what I think is their own
22 interest but, like I said, people are going to do
23 what they feel is right. Just with my 20 years of
24 focus on all of these issues, I just have a very,
25 very bad feeling, especially as this bill is drafted,

2 because while it does other things, it's not putting
3 any guardrails on the most important point, which is
4 the listed and discoverable piece and the percentage.

5 COUNCIL MEMBER SALAMANCA: All right, just
6 one last question. I just want to get your comment on
7 this op-ed that was written.

8 ANDREW RIGIE: From Lisa?

9 COUNCIL MEMBER SALAMANCA: Yes. It says
10 opponents on this bill have argued that this
11 amendment would just allow delivery companies to
12 charge restaurants more for marketing, but that claim
13 fundamentally misses the point of this bill. What is
14 your comment towards that statement?

15 ANDREW RIGIE: Well, that's what I..

16 COUNCIL MEMBER SALAMANCA: Opponents of
17 this bill argue that this amendment would allow
18 delivery companies to charge restaurants more for
19 marketing, but the claim fundamentally misses the
20 point of this bill. The amendment strikes the right
21 balance of small businesses because it empowers
22 restaurant owners to make decisions that are best for
23 their own businesses by ensuring that platforms
24 maintain low-cost options that still provide
25 exceptional services to local restaurants and

2 unparalleled access to thousands of customers across
3 New York City.

4 ANDREW RIGIE: I love Lisa dearly, but I
5 think it completely misses the whole entire point and
6 it's exactly what these companies want to say. It's
7 an illusion of power. The real reason that we got
8 here before the pandemic, why this was an issue, it
9 was the illusion. It's like, yeah, you can pay
10 nothing and you basically get nothing, but they have
11 a very sophisticated way of basically leveraging
12 these businesses to get them to pay more so, sure,
13 they can, in a sense, pay more for marketing, but
14 what happens if they stay at the 5 percent level,
15 right? If I'm a restaurant in your District and I
16 continue to say, you know what, I'm just going to
17 continue to pay the 5 percent. Are these companies
18 going to guarantee that they're going to stay at the
19 same delivery level? Or is GrubHub or DoorDash or
20 Uber Eats going to go to that same restaurant in your
21 District and say, hey, you know what, the competing
22 restaurant across the street is now paying 25
23 percent, Mr. Restaurant, Mrs. Restaurant, if you
24 start paying me more, then you could start competing,
25 and they play each other off each other. I mean, this

2 is just what happens so I would just say in response
3 to that is that it's an illusion.

4 COUNCIL MEMBER SALAMANCA: All right. I
5 appreciate your statement. Thank you, Madam Chair.

6 CHAIRPERSON MENIN: Thank you. Any other
7 questions from Colleagues?

8 If not, we will move on.

9 Okay. Thank you very much to this panel.
10 We appreciate it.

11 ANDREW RIGIE: Thank you.

12 CHAIRPERSON MENIN: Okay. I'm going to
13 call our next panel. Ligia Guallpa, Alejandro
14 Grajales, William Medina, Antonio Solis.

15 Please come up. Thank you. Okay. Thank
16 you.

17 I'm also going to note we've been joined
18 by Council Member Brewer.

19 LIGIA GUALLPA: Ready?

20 CHAIRPERSON MENIN: Yeah.

21 LIGIA GUALLPA: Okay.

22 CHAIRPERSON MENIN: Please go ahead. Thank
23 you.

24 LIGIA GUALLPA: Thank you so much, Chair
25 Menin, for the opportunity to testify today. Also,

1 sponsors Shaun Abreu, Oswald Feliz, and Lynn Schulman
2 for giving us the opportunity. My name is Ligia
3 Guallpa. I'm the Executive Director of the Workers'
4 Justice Project. I want to thank Commissioner Vilda
5 Mayuga and the Department of Consumer Worker
6 Protection for their partnership. Actually, not only
7 implementing minimum pay, but also holding apps
8 accountable. We've been able to collect unpaid wages
9 from DoorDash and educate hundreds of workers. Over
10 the past six months, we have witnessed the
11 transformative power of minimum pay, lifting delivery
12 workers out of poverty, but the fight is far from
13 over. The apps continue to retaliate and sought
14 division. Since the implementation of minimum pay,
15 DoorDash, Uber have removed the tip option before
16 delivery, a system that they had in place before and
17 are actually intentionally used to discourage tipping
18 from consumers. This tactic is hurting workers, and
19 it's misleading the public and it's directly
20 impacting workers' pockets. We're thankful for Intro.
21 737, Intro. 738, which will focus on tip
22 transparency. These bills require app delivery
23 companies to actually show tipping at the beginning
24 of checkout, essentially restating the system that
25

2 they had in place before. Intro. 859 will actually
3 give ability for workers to be able to see their pay
4 and actually plan their finances in advance, which is
5 something that we should all have the right to do it.
6 While we deeply appreciate the advocacy and the
7 partnership of Council Member Oswald Feliz, Lynn
8 Schulman, and Keith Powers, and their noble
9 intentions of legislation Intro. 30, Intro. 715, and
10 also Intro. 972, we strongly support these
11 intentions, our concern is that without deactivation
12 protections could lead from thousands of people
13 losing their jobs so we want to be able to work with
14 City Council and Council Members to be able to ensure
15 that workers have deactivation protections and
16 incorporate legislative language that secure more
17 protections, giving power to workers to fight back on
18 fair deactivation.

19 CHAIRPERSON MENIN: Thank you. I'm just
20 going to ask you to wrap up.

21 LIGIA GUALLPA: Yeah. So we look forward
22 to building a stronger language so we can have more
23 comprehensive legislation that would lead to holding
24 these apps accountable so thank you so much.

25 CHAIRPERSON MENIN: Thank you.

2 LIGIA GUALLPA: I'm going to be
3 translating after he speaks.

4 CHAIRPERSON MENIN: Okay, thank you.

5 ALEJANDRO GRAJALES: (SPEAKING SPANISH)

6 LIGIA GUALLPA (INTERPRETER): I'm going to
7 try to summarize as quickly as possible. My name is
8 Alejandro Grajales. I'm a deliverista. Over the past
9 six months, we have witnessed the retaliations such
10 as removing the tipping option from the beginning of
11 the order, setting unfair scheduling restrictions and
12 unfair deactivations. The reality is that these apps
13 are becoming more abusive every day, and they're
14 constantly pressuring us to accept all deliveries.
15 They're pushing us to fulfill orders in a very short
16 time without taking into consideration the weather,
17 the traffic, and other working conditions. Apps are
18 using the algorithms to penalize if we don't deliver
19 on time and if we don't accept all orders from the
20 restaurants. Since the implementation of minimum pay,
21 DoorDash and Uber have eliminated the option to tip
22 at the beginning of the order, a system that they had
23 in place before and that consumers were used to
24 already. The apps continue to sow division,
25 confusion. An example of this is that DoorDash

2 recently sent a message, an email, threatening us
3 that they will completely eliminate the tipping
4 option, creating more fear, confusion, and division.
5 By removing the tipping option at the beginning of
6 the order, these apps are not only undermining our
7 income, but they're also devaluating our work. Many
8 of us continue to face arbitrary lockouts, unfair
9 deactivations. This leaves us vulnerable and
10 unprotected, with devastating consequences. We demand
11 the tip option to be restored at the beginning of the
12 ordering process, and we strongly support Intro. 737,
13 738, and together we can fight together for a more
14 just, equitable future for all deliveristas.

15 WILLIAM MEDINA: Thank you to the
16 President of the Consumer and Workers Committee,
17 Julie Menin, and all the Members of this Committee
18 for the opportunity to speak today. My name is
19 William Medina. I'm a member of the Worker Justice
20 Project and leader of La Deliveristas Unidos, and I'm
21 currently working delivering for Uber Eats. Delivery
22 work in New York City has become an essential job
23 that deserves labor protections and recognition. In
24 extreme heat days like today, we cannot afford to
25 stay at home but have to work in the streets to bring

1 food to our family's table, put a roof over our
2 family heads. As independent contractors, we don't
3 get the same labor protections like most New York
4 City workers. We don't have the right to a safe
5 workplace. We don't have the right to be protected
6 from unfair deactivations, which is a form firing us.
7 We don't have the right to refuse to work in a
8 situation in which I will be exposed to hazards. In
9 the past six months, DoorDash and Uber Eats removed
10 the tipping option until after the order was
11 delivered to discourage consumers from tipping. This
12 tactic is intended to harm our wallet and mislead the
13 public. While they continue to make millions in
14 profit, also other apps like Hungry Panda force
15 workers to pick up more than four to seven orders at
16 the same time just to save money and put pressure on
17 deliveristas to drive fast and avoid being penalized
18 by the apps. The apps are using deactivation to
19 pressure us to drive unsafely. Also, the app removed
20 the tipping option of consumers with the clear
21 intention to harm us. Many deliveristas have seen a
22 significant decrease in tips because consumers are no
23 longer provided with that option. I strongly support
24 Intro. 737 and Intro. 738, which each intend to bring
25

2 us to what used to be norm and common practices
3 before. Please note that DoorDash has threatened to
4 remove the tipping option if this bill is passed. We
5 need the Council to create stronger languages that
6 will mandate apps to provide tipping options to
7 consumers...

8 CHAIRPERSON MENIN: Okay, I'm going to ask
9 you to please wrap up.

10 WILLIAM MEDINA: Uber can do it as well.
11 Sorry.

12 CHAIRPERSON MENIN: You can submit your
13 written testimony. We just have to give every speaker
14 the exact same amount of time.

15 WILLIAM MEDINA: Thank you.

16 CHAIRPERSON MENIN: Great. Thank you so
17 much. A couple questions. Oh, so sorry.

18 ANTONIO SOLIS: (SPEAKING SPANISH)

19 LIGIA GUALLPA (INTERPRETER): We are
20 grateful to the Council Member and also the Chair for
21 the opportunity to speak today. I'm here in support
22 of Intro. 737 and 738, which focuses on pay
23 transparency. I have witnessed how DoorDash has made
24 it harder for consumers to tip with the sole
25 intention to hurt our pockets and protect their

1 interests. This week, DoorDash sent us a
2 communication threatening us to eliminate the tipping
3 if these bills are approved. The communication email
4 is full of lies, clearly sent to all deliveristas
5 with the sole intention of creating division,
6 confusion. I am including in my testimony a copy of
7 that email for your reference. DoorDash's attitude is
8 an insult and is a demonstration that these apps
9 don't care about us and will continue to treat us as
10 disposable labor without rights and without
11 protections. Despite their attacks, the division
12 they're creating, the misinformation campaign, we
13 will continue to fight for more rights and
14 protections, and we urgently need deactivation
15 protections, deep transparency, pay transparency,
16 throughout this process. GrubHub is the only company
17 that did not remove the tipping, which clearly is
18 example that Uber and DoorDash did this with the sole
19 intention to reduce our earnings. We are grateful
20 with the other bills, Intro. 030, 0970, 715, which we
21 support but, without deactivation protections, it
22 would only hurt us and create more deactivations
23 causing many of us to lose our jobs. We look forward
24 to working with you, especially to create together,
25

2 to be able to fight together to make this job safer
3 and better for all.

4 CHAIRPERSON MENIN: Thank you so much. I
5 have a number of questions. I just want to make sure
6 I understood you correctly. The copy of the email
7 that DoorDash sent is part of the testimony so that
8 it will be provided to the Committee. Thank you.
9 That's very helpful.

10 In terms of safety information that the
11 companies are giving, what information are they
12 giving to workers, and what do you feel is the best
13 way for them to give safety information to workers?

14 LIGIA GUALLPA: (SPEAKING SPANISH)

15 ANTONIO SOLIS: (SPEAKING SPANISH)

16 LIGIA GUALLPA (INTERPRETER): What I have
17 seen is that they have sent us a flyer, but that's
18 not enough. We need to make sure that there is
19 infrastructure, but also we need to make sure that as
20 independent contractors, it is important to know that
21 we are responsible of all the operating costs, from
22 the devices, from the safety gear, from the equipment
23 that we have to acquire, and somebody has to be
24 responsible for that, and that's why we need to make
25 sure that more is done.

2 CHAIRPERSON MENIN: Thank you very much. I
3 just want to see if any of my Colleagues have
4 questions. Council Member Feliz.

5 COUNCIL MEMBER FELIZ: Yeah. No questions,
6 but just want to thank all of you for all the work
7 you do. We in the City Council, we do very important
8 work, and we could only do it right when we work with
9 people like all of you, work with all of you, and
10 also listen to all of you so just want to thank you
11 for all the work you do, doing a great job amplifying
12 the voices and the needs of delivery workers, and
13 great speaking with all of you as well about Intro.
14 38. I look forward to working together to add those
15 additional protections that all of you mentioned.
16 Thank you so much.

17 CHAIRPERSON MENIN: Great. Thank you,
18 Council Member. Now, Council Member Abreu.

19 COUNCIL MEMBER ABREU: And to the
20 deliveristas, you already know where I stand on the
21 issue. You know that I'm with you at every step of
22 the way. I feel very, very confident that we'll get
23 these through so thank you for everything that you're
24 doing. Keep up the faith. Keep speaking for
25 yourselves and, again, I hope that what we can do as

2 a Council is going to improve the lives of you and
3 your families.

4 CHAIRPERSON MENIN: Thank you very much.

5 I'll now call up the next panel. Paul Zuber, Brianna
6 January, bear with me. Justin Nelson, Millie Sialer,
7 and Darry, sorry, it's hard to read, it's Saldana, I
8 believe it is.

9 Okay, please begin.

10 BRIANNA JANUARY: Good morning, Chair,
11 esteemed Committee. For the record, Brianna January
12 with Chamber of Progress in strong support of Intro.
13 762. Chamber of Progress is a tech industry coalition
14 promoting technology's progressive future and
15 inclusive access for all to that future. I'll note
16 that while our corporate partners do include tech
17 innovators like DoorDash, Grubhub, and Uber Eats,
18 they do not have a vote or veto on our positions.
19 That said, Chamber of Progress is in strong support
20 of Intro. 762, and we thank the good bill sponsor for
21 putting this compromised approach forward.
22 Importantly, Committee, restaurant associations
23 across the country have supported similar measures in
24 other major cities and even helped inform the
25 suggested cap update here. My industry colleagues

2 explained the mechanics of the bill and you do have a
3 copy of our written testimony so I won't be
4 repetitive, but I do just want to emphasize that
5 Chamber of Progress' support is really based on the
6 city's small businesses and consumers alike.
7 Committee, under 762, New York's independent
8 restaurants will have access and flexibility that
9 could be transformative. Small businesses are more
10 likely to benefit from marketing and visibility on
11 these delivery platforms which in turn would then
12 help level the playing field with widely known chain
13 restaurants and, consequently, we believe that this
14 would ultimately help lower prices for consumers that
15 are living in and visiting New York City alike. For
16 these reasons and for the benefit of New York's
17 consumers and small businesses, Chamber of Progress
18 encourages you to pass Intro. 762's compromised
19 approach, and I thank you for our time.

20 CHAIRPERSON MENIN: Thank you. Next
21 speaker, please.

22 DARRY SALDANA: Good afternoon, Chair
23 Menin and Members of the Committee. On behalf of the
24 Bronx Chamber of Commerce, please accept this
25 testimony in support of Intro. 762 legislation that

1 would amend the City's price control on third-party
2 food delivery. We support the bill because it will
3 promote the success of local restaurants in New York
4 City and it will help ensure they have access to the
5 products and services they need to reach new
6 customers and grow their businesses. The Bronx
7 Chamber of Commerce is rooted in a holistic community
8 and economic development in which advances economic
9 opportunity and growth innovation and comprehensive
10 business planning for the Bronx. Intro. 762 will help
11 local businesses. Passing this bill is critical to
12 supporting restaurants who need options for delivery,
13 marketing, and advertising. Third-party delivery apps
14 have proven to be valuable to the restaurant
15 industry, allowing these businesses to meet customers
16 where they are or take advantage of new opportunities
17 to increase their revenue. The City's current law
18 undermines the freedom that business should enjoy to
19 choose the best way to make themselves successful
20 through these tools. We badly need reform to help
21 businesses regain this control and support their
22 growth. Unfortunately, the City's existing policies
23 does the opposite and, instead of incentivizing to
24 outcomes, increases customers costs or reducing the
25

2 products and services that restaurants can access.
3 Either result hurt both businesses and workers by
4 reducing sales. Unfortunately, other regulations on
5 food delivery already having this effect. The higher
6 consumer costs that the City' other laws have caused
7 have already suffered millions of loss and orders of
8 hundreds of millions of dollars in sales. This not
9 only hurts the bottom line of local businesses,
10 delivery workers also suffer from loss of work
11 opportunities. Maintaining the status quo with
12 respect to the price control will exacerbate these
13 problems and furthermore undermine the ability to
14 grow their businesses. New York City law presents
15 needless risk with no benefits. While many cities
16 enacted price controls on food delivery in response
17 to the pandemic, almost none still have those laws
18 today. Most of these cities, counties, and states
19 eliminated price controls entirely.

20 CHAIRPERSON MENIN: Okay, I'm just going
21 to ask you to wrap up please and you can submit your
22 testimony.

23 DARRY SALDANA: It's time for New York
24 City to also make reforms to eliminate risks that are

2 entirely avoidable. If the current law is
3 invalidated...

4 CHAIRPERSON MENIN: Okay, I'm sorry, you
5 have to wrap up.

6 DARRY SALDANA: Thank you.

7 CHAIRPERSON MENIN: Thank you very much.
8 Okay, next speaker please. Thank you.

9 MILLIE SIALER: Good afternoon, Chair
10 Menin and Committee Members. Thank you for the
11 opportunity to speak today. I am Millie Sialer. I'm
12 here to testify on behalf of Sandra Jaquez, owner of
13 El Sol Restaurant in Manhattan and the head of New
14 York State's Latino Restaurant Association. I'm here
15 to support the Intro. 762, a local law that
16 establishes exemptions from limits on fees for third-
17 party delivery services. During the pandemic,
18 restaurant owners needed the City's third-party
19 delivery platform fee cap. We were scared and
20 dependent on delivery services and needed protection
21 from high fees. However, we find ourselves at the
22 moment now when the pandemic is over and restaurants
23 are looking for opportunities to market and grow
24 their businesses through new and diverse customer
25 base. By limiting the fees that platforms can charge

2 restaurant, New York City has limited the services
3 restaurants can access through those platforms. This
4 is a problem for two reasons. First, restaurant
5 owners should have the freedom to choose what's best
6 for our businesses and customers. Second, digital
7 platforms offer neighborhood restaurants like mine
8 valuable digital marketing and advertising
9 capabilities we couldn't afford otherwise. That helps
10 us compete with big chain restaurants which have big
11 marketing budgets and keep our businesses growing and
12 thriving. Intro. 762 works for both restaurants and
13 third-party delivery apps. It shields restaurants
14 from high delivery fees and offers us the option to
15 choose if we would like to purchase additional
16 marketing services from these delivery platforms.
17 This bill is an improvement on last year's Intro.
18 813, which I oppose because it didn't do enough to
19 protect restaurants from fees. Finally, as the
20 representative of NYS Latino Restaurant Association,
21 I want to emphasize Intro. 762 is the product of more
22 than a year discussion.

23 CHAIRPERSON MENIN: Thank you, I'm just
24 going to ask you to wrap up, please.

2 MILLIE SIALER: Thank you. We feel
3 legislation is incredibly reasonable, strikes balance
4 against safeguarding, and supporting our restaurants.
5 Thank you very much.

6 CHAIRPERSON MENIN: Thank you. Okay, next
7 speaker, please.

8 JUSTIN NELSON: Good afternoon, Madam
9 Chair and committee members. My name is Justin
10 Nelson. I'm Co-Founder and President of the National
11 LGBT Chamber of Commerce, better known as NGLCC and
12 NGLCCNY. On behalf of the hundreds of LGBT-plus
13 restaurants and thousands of LGBT-plus owned small
14 businesses in New York City, I'm pleased to speak
15 with you today about the small business benefits
16 offered by third-party delivery platforms and urge
17 your support of Intro. 762. I would say if NGLCC were
18 to survey our 30,000 affiliate member businesses
19 nationwide, I'm confident that virtually all would
20 prefer that the government limit fees that they can
21 be charged for any and every product and service,
22 except when they might choose to pay more. And why
23 would a business owner ever choose to pay more for a
24 product or service? The answer is easy. When services
25 succeed and they want more services, they're happy to

2 pay more. If I pay 5 percent of my revenue to
3 advertise and those ads deliver a 20 percent increase
4 in sales, then my next move is to try paying 6, 7, or
5 8 percent of my revenue and see if the results in
6 sales growth and return on investment continue to
7 grow. The odd thing about the delivery fee cap law is
8 that it stops our member restaurants from paying more
9 when they wish to pay more. Many members would say to
10 the Council, thank you for trying to help me by
11 reducing my costs, but no thank you because I'd like
12 to choose to pay these vendors more so they can
13 provide more services. 762 will return that decision-
14 making power to where it belongs, with the business
15 owner. Food delivery platforms build restaurant
16 websites, license meal ordering software, offer in-
17 app and email promotions to restaurants that choose
18 to use and pay for them. Small restaurants that can't
19 afford traditional advertising and marketing agency
20 services can offer and afford delivery firm services
21 because they don't require payments in advance.
22 Paying on a per order basis is an important option
23 for restaurants, but the fee cap law stops
24 restaurants from paying higher percentages of their
25 order amounts for making services that restaurants

2 desire. I cannot imagine that the Council intended
3 its restaurant protection efforts to hurt
4 restaurants..

5 CHAIRPERSON MENIN: Okay. I'm going to ask
6 you to wrap up, please.

7 JUSTIN NELSON: And I encourage you to
8 support 762. Thank you.

9 CHAIRPERSON MENIN: Thank you. Next
10 speaker.

11 PAUL ZUBER: All right, I'm going to try
12 to be short and sweet. My name is Paul Zuber. I'm the
13 Executive Vice President of the Business Council of
14 New York State. The Business Council is the largest
15 statewide business organization in New York. We
16 represent 3,200 members. We represent trade
17 association, professional associations, pretty much
18 all the local chambers in New York State, and a large
19 amount of our members are either headquartered or
20 doing business here in New York City. We're here
21 today to extend our strong support for Intro. 762. We
22 think that this bill is a win-win solution.
23 Restaurants will win because the cap on delivery fees
24 will remain in place, the strongest in the nation.
25 They will win because the marketing services portion

2 of the fee cap will be repealed, empowering
3 restaurant owners to choose how to spend or not to
4 spend their advertising and marketing dollars. One of
5 the things that we've been looking at at the Business
6 Council, one of the things that really concerns us is
7 cost of living. I think there was a poll a couple of
8 months ago from (INAUDIBLE) which talked about cost
9 of living, and it polled New York residents. 62
10 percent of New York residents said that cost of
11 living is either destroying their lives or having a
12 great impact on their lives. This bill is vitally
13 important for the consumers. Their litigation is
14 going on. We all know that. If the delivery apps win,
15 then we go back to the wild, wild west. If they lose,
16 then we've already seen data, and we've seen data
17 from the Business Council that the delivery apps are
18 not making money like we think. They're losing money.
19 There's the fear that it could cause increased costs
20 for consumers. There's a fear that the delivery apps
21 could give up on New York City and simply leave so we
22 think that this bill is a compromise solution that
23 works, that helps business, that helps consumers, and
24 that's why we strongly support the legislation.

2 CHAIRPERSON MENIN: Thank you very much.
3 Okay, Council Member Feliz.

4 COUNCIL MEMBER FELIZ: Thank you. Just a
5 quick question. So earlier, Council Member Salamanca
6 asked about groups that are supporting the fee cap
7 bill. Just curious. Maybe the New York City Latino
8 Restaurant, Bar and Lounge Association. I know you
9 were one of the groups that were initially opposed,
10 but now you're supporting the new version so just
11 curious what parts of the bill made you say yes.

12 MILLIE SIALER: I understand that our
13 friends at NYC Hospitality also brings that to light.
14 However, due to the fact that we're different
15 associations and our members are completely different
16 demographics, our association actually, we determined
17 our decision to support this because our members are
18 minority-owned small businesses who don't have the
19 marketing resources or advertising budgets to compete
20 with higher top-tier restaurants. You know, most of
21 our members are in Upper Manhattan. Bless you, Chair.
22 Most of our members are in Upper Manhattan and
23 certain areas and neighborhoods in all the five
24 boroughs where we come in and we see the necessity
25 that they need and, thankfully, with these third-

2 party apps, they're getting the traffic that they
3 don't get in person, but digitally so that's why we
4 support it.

5 COUNCIL MEMBER FELIZ: All right. Thank
6 you.

7 CHAIRPERSON MENIN: Great. Thank you to
8 this panel.

9 I will now call the next panel. Haoju Lu,
10 Jian Hui, David Dimas, Jose Yos. Please come up.

11 Okay. Great. Thank you. Please begin.

12 INTERPRETER: I will translate for him.

13 CHAIRPERSON MENIN: Okay. Thank you.

14 JIAN HUI: (SPEAKING MANDARIN)

15 INTERPRETER: Thank you for giving me this
16 valuable opportunity to talk about the working
17 condition of food delivery worker. My name is Jian
18 Hui. I come from China. I am a food delivery rider in
19 Flushing. In Flushing, thousands of food delivery
20 rider like me work day and night to make a living to
21 provide delivery service for the entire community.
22 However, at our workplace, we face a lot of challenge
23 and, today, I will focus on three main points.

24 JIAN HUI: (SPEAKING MANDARIN)

2 INTERPRETER: First, the platform's
3 working hours are not transparent. After the
4 implementation of the minimum wage regulation, the
5 platform does not clearly show our daily delivery
6 hours so we cannot calculate our delivery time and
7 wage accurately. We hope that the platform can show
8 the time we accept order, the time we pick up, and
9 then the delivery completion time for each order so
10 that we workers can verify our earnings.

11 JIAN HUI: (SPEAKING MANDARIN)

12 INTERPRETER: Second, the platform on
13 purpose hides the tipping interface, significant
14 reducing our tip income. Currently, customers cannot
15 easily tip us, and our tip income has dramatically
16 decreased from 10 each day to almost 0. Furthermore,
17 their platform, does not accrue our waiting time and
18 return time as our working hours, resulting our very
19 low actual hour wage. We work 10 and 12 hours every
20 day and earning only 100 or 130 dollar each day. We
21 strongly urge the platform to not hide their tipping
22 interface.

23 JIAN HUI: (SPEAKING MANDARIN)

24 CHAIRPERSON MENIN: I'm just going to ask
25 you to wrap up, please. Thank you.

2 INTERPRETER: (SPEAKING MANDARIN)

3 JIAN HUI: Okay, thank you.

4 INTERPRETER: Because we translate, we
5 have four minutes is correct?

6 CHAIRPERSON MENIN: Yes. Sorry. You have
7 two more minutes. Thank you so much.

8 INTERPRETER: (SPEAKING MANDARIN)

9 CHAIRPERSON MENIN: Oh, you used four?
10 Okay. You do need to wrap up. Thank you.

11 JIAN HUI: (SPEAKING MANDARIN)

12 INTERPRETER: Third, riders face high
13 traffic risks. The platform has shortened the working
14 hours by increasing the number of orders. During the
15 peak time, riders, we workers, are often assigned six
16 or seven orders at the same time, and we have very
17 limited time to complete each order.

18 CHAIRPERSON MENIN: I have to ask you to
19 wrap up because we have to give everyone the exact
20 same time so I'm going to ask for the next speaker.

21 INTERPRETER: Okay.

22 CHAIRPERSON MENIN: Thank you.

23 JIAN HUI: Thank you.

24

25

2 CHAIRPERSON MENIN: Yeah, and please
3 submit the written testimony. Yes, so thank you. Next
4 speaker, please. Thank you. Thank you very much.

5 JOSE YOS: (SPEAKING SPANISH)

6 LIGIA GUALLPA (INTERPRETER): I'm going to
7 try to summarize as fast as possible.

8 My name is Jose Yos, and I'm a member of
9 Workers Justice Project, and I've also been doing
10 delivery for the last two years, and we face many
11 issues in this industry, and we strongly support the
12 three legislations that talk about tipping,
13 particularly since many consumers have been actually
14 wanting to recognize our work by tipping us, but we
15 have seen how the apps are making it really hard to
16 tip. We also support other legislations, that's it's
17 about making our work safer. We also want to
18 recognize that e-bikes are our main mode of
19 transportation and this is how we're able to actually
20 provide our service to other New Yorkers. This year
21 has been also very hard to understand the minimum pay
22 and how apps are paying, and we want to be able to
23 have more transparency, being able to understand how
24 our earnings are done, and that's why we want to also
25 be able to support legislation that mandates more pay

2 transparency. We're supporting these legislations
3 because we know it will benefit workers in our
4 community, and also we want to see more
5 infrastructure, bike lanes, and also being able to
6 offer more transparency to many of us who are doing
7 this work so we can improve our working conditions
8 and have a better life. Thank you.

9 CHAIRPERSON MENIN: Thank you very much.
10 Okay.

11 DAVID DIMAS: (SPEAKING SPANISH)

12 LIGIA GUALLPA (INTERPRETER): My name is
13 David Dimas, and I'm a member of Los Deliveristas
14 Unidos, and I also work for DoorDash in the area of
15 Queens. I want to say thank you for the opportunity
16 to speak and for all the people who are present here
17 for allowing us to testify today.

18 First of all, I want to say thank you so
19 much for the support about minimum pay and thank you
20 for making this a reality for us workers. We have
21 been able to advance a lot, but it's not enough. We
22 have received consistently harassment and have been
23 working in a hostile environment caused by these apps
24 who have now been changing our scheduling systems. He
25 was sharing his own experience how they have

2 continuously moved the scheduling systems. Now, they
3 have to wake up at 6 o'clock in the morning.
4 Sometimes people have said 3 o'clock in the morning,
5 just in order to get some hours of work, but they
6 also make these changes without notice in advance.
7 This is just one example of how these apps are
8 behaving. We're here today to actually talk about how
9 we want to demand more respect from these apps, but
10 we also want to be able to get some deactivation
11 protections because we have seen how many of my
12 colleagues are being deactivated which means losing
13 their jobs without enough information, without enough
14 notice, and very often just with small details that
15 there is some suspicion of something that we don't
16 know what it is. We want the tips to be back to what
17 it used to be before, making it easier for consumers
18 to tip. Also, we want to make sure how these apps can
19 be more accountable, especially understanding how
20 they're paying us so that we can understand how we're
21 paid but also forcing these companies to be more
22 transparent and more respectful to us as workers.
23 Thank you so much.

24 CHAIRPERSON MENIN: Thank you very much.

25 We appreciate your testimony. Thank you so much.

2 Okay, I'm going to call the next panel.

3 Thank you very much.

4 Okay, next panel. Beatriz Ajaero, Yousef
5 Mubarez, Kovon Flowers, Robert Lee, Brian Lozano,
6 please come forward.

7 Great, thank you. Please begin.

8 KOVON FLOWERS: Good morning, my name is
9 Kovon Flowers, and I work as delivery partner for
10 food delivery apps in New York City. I've been doing
11 this for the past six years. I mostly deliver in
12 neighborhoods in Brooklyn and Queens. Thank you for
13 allowing me to share my perspective today on
14 improving the industry and opportunities for workers
15 like me.

16 First, I want to applaud and thank the
17 City Council and City Hall for their advocacy and
18 action supporting delivery workers, including the
19 recently enacted new minimum wages. I want to thank
20 the apps for implementing them. It has made a
21 significant difference for me and many families. What
22 has also been critical to how I support my family is
23 the flexibility of this job, including what hours I
24 can work as well as customer tips. Both of these have
25 been threatened and will continue to be impacted if

1 this amendment empowering and protecting small
2 restaurants is not passed. These impacts have already
3 begun. Many of my fellow drivers I speak with have
4 seen fewer opportunities in recent months. Some are
5 waitlisted on some of the platforms, and many have
6 reported reduced tips as a result of cost being
7 passed on to customers. Everyone wants to be paid
8 fairly. That is easily to understand, and most New
9 Yorkers agree that many hard working but low-income
10 professionals in the service industry deserve to be
11 paid more, but higher wages mean higher costs for any
12 business and, in any case of delivery apps, the
13 Council imposed restrictions on what they can charge
14 restaurants for marketing means higher prices for
15 consumers and I, like most, increases in price that
16 means fewer purchases.

18 CHAIRPERSON MENIN: Thank you. I'm just
19 going to ask you to wrap up, please, and you can
20 submit the written testimony.

21 KOVON FLOWERS: I'll submit.

22 CHAIRPERSON MENIN: Great. Thank you very
23 much.

24 Okay, next speaker, please.

1 YOUSSEF MUBAREZ: Hello, my name is
2
3 Youssef Mubarez, and I represent the Yemeni American
4 Merchants Association. At YAMA, we believe merchants
5 and small businesses are catalysts for positive
6 change in the U.S. Since our founding in 2017, our
7 mission has been to empower our community through
8 outreach, education and support, helping Yemeni
9 Americans build a brighter future. Today, on behalf
10 of our merchants and restaurant owners, I'm here to
11 express our support for Intro. 762. This bill
12 establishes additional support for our merchants to
13 improve their operations and sales the way they
14 choose to. Before the pandemic, third-party delivery
15 services were already becoming a crucial part of our
16 business. The pandemic drastically accelerated this
17 trend, making delivery services essential for the
18 survival of many of our restaurants and merchants.
19 The fee cap implemented at the time was vital in
20 preventing third-party delivery services from
21 exploiting the vulnerability of our restaurants. For
22 YAMA, this cap acted as a necessary guardrail for the
23 industry. As the restaurant industry slowly recovers
24 and social media explodes, the environment for
25 restaurants and merchants continues to change. It is

2 now necessary to revisit and adjust the fee caps to
3 ensure continued growth in this new landscape. We
4 believe this bill strikes a balanced approach,
5 offering necessary protections to restaurants while
6 allowing third-party delivery services to operate
7 fairly. It's about putting this is this decision back
8 into our merchants' hands. It's no secret that
9 marketing is key when trying to stand out in a sea of
10 similar businesses so close together in New York
11 City. Furthermore, the bill encourages innovation and
12 competition among third-party delivery services by
13 establishing a framework that balances the interests
14 of all stakeholders, promotes a diverse range of
15 delivery options, which ultimately benefits consumers
16 through better service and pricing. The flexibility
17 and safeguards introduced by..

18 CHAIRPERSON MENIN: I'm going to ask you
19 to wrap up, please.

20 YOUSSEF MUBAREZ: We ask the New York City
21 to pass Intro. 762 as it supports our local
22 restaurants, ensures a fair and equitable market for
23 third-party delivery services. Thank you.

24 CHAIRPERSON MENIN: Thank you. Next
25 speaker, please.

1 BEATRICE AJAERO: Good afternoon. My name
2
3 is Beatrice Ajaero. I own Nneji which serves West
4 African cuisine is located in Astoria, Queens. Thank
5 you for supporting New York restaurants and for the
6 opportunity for us to share our voice, especially
7 those of us that are small, independent, and may only
8 have one location. The pandemic was obviously hard
9 for all of us but, even as we recovered, other
10 challenges such as inflation have been very, very
11 difficult. We work extremely hard for every dollar we
12 earn. I am testifying today to ask you to support
13 this legislation to amend the current cap that will
14 allow for more choices for restaurants like mine, but
15 also preserve important protections, protections that
16 have gotten stronger with this version of the bill.
17 This is a point I'd like to stress. The proposed
18 solution has gotten better because of continued
19 discussions where variety where variety of voices
20 like mine were heard. I've never been too involved in
21 advocacy, but I know that that is how democracy
22 should work. The restaurant delivery fee cap was a
23 very good idea during the pandemic but, because the
24 cap also applied to optional marketing services, it
25 has prevented me from exploring and choosing options

2 that may work better for my restaurant in trying to
3 get more customers. This may be an obvious point, but
4 it's one everyone should understand. I don't have
5 millions or even thousands of dollars to put towards
6 a marketing budget, unlike some of the big brands
7 that are in my neighborhood, and I don't have a
8 marketing department, and I don't have an advertising
9 firm. What is most helpful about the delivery
10 platforms is that they allow me to spend marketing
11 dollars as I go, rather than making me commit to a
12 big upfront investment. They also allow me to explore
13 what works best for my business and make changes at
14 any time. That's something I can't do if I took out a
15 traditional ad, even if I could afford that. The main
16 point is flexibility and allowing restaurants to make
17 decisions for themselves rather than being
18 constrained while big chains have unlimited options.
19 I may not be the most tech-savvy person, but the
20 platforms enable us to figure out what works best. We
21 just need the ability to do so. The proposed
22 amendment not only keeps the delivery fee caps just
23 the way it is, but it will also maintain a maximum
24 for marketing fee cap, so I can pay more if I choose,
25 but it won't be unlimited. I know that my experience,

2 I'll wrap up here, sorry, Chair. I know that my
3 experience may not reflect that of every restaurant,
4 but I appreciate this opportunity to share my
5 perspective, and thank you.

6 CHAIRPERSON MENIN: Thank you so much.

7 Okay, next speaker, please.

8 Hi, good afternoon, Chair Menin and
9 Committee Members. My name is Robert Lee. I grew up
10 in Queens, a child of Korean immigrants who were
11 looking for a better life for their kids and, in part
12 because of my own personal experiences of growing up
13 food insecure, in 2013, I started an organization
14 called Rescuing Leftover Cuisine to rescue excess
15 food to feed to those facing food insecurity. In
16 2019, I also started Tidal Noodles because outside
17 the Korean markets, there weren't any places serving
18 Korean Chinese cuisine, such as Jjajangmyeon, and
19 Tidal Noodles is located on Borden Avenue in Long
20 Island City, and we're growing, and now we have 12
21 employees, and a big reason for our growth is
22 delivery platforms, and so I'm here to ask you to
23 support 762 and give me the ability to spend more
24 marketing money on the platforms that send me so many
25 customers. Delivery apps are really important to us

2 because they help us reach new customers, and our
3 food and flavor profile is very unique, and we need
4 that marketing help because so many people have never
5 tried Jjajangmyeon, Jjambbong, or Kkanpunggi, and
6 when they try it, they love it. One great thing about
7 the apps marketing platforms is that we only have to
8 pay if we only get orders so no orders means no fees,
9 and that's a great deal for me. I'm very happy that
10 this amendment keeps the delivery fee cap intact and
11 opens the marketing services fee, so I'm protected on
12 the delivery services, and I have more marketing
13 choices. I'm always happy to work with GrubHub
14 because they were such strong supporters of
15 restaurants during the pandemic. They've ensured that
16 restaurants can stay open and serve a critical need
17 during difficult times, and GrubHub has also been
18 very much in the community and supported and even
19 helped create partnerships with organizations such as
20 RLC, so that the NYPD, Harlem Giants, and things like
21 that, where children are just not getting enough
22 nutrition that they need, but I'm testifying today
23 because it's my restaurant and it should be my choice
24 on how to spend my marketing money. It's just that
25 simple, so please support this amendment. Thank you.

CHAIRPERSON MENIN: Thank you. Next speaker, please.

BRYAN LOZANO: Good afternoon, Chair Menin and Council Member Feliz. Tech:NYC is a non-profit organization representing over 800 technology companies in New York. We are committed to ensuring that the tech sector remains a leading driver of the city's overall economy and that all New Yorkers can benefit from innovation. Delivery platforms are significant contributors to the tech sector and local economy through their offices and employees by helping businesses access more customers and providing earning opportunities to thousands of New Yorkers. During the COVID-19 pandemic, when in-person dining came to a halt, building online ordering and delivery capacity was crucial for restaurants to stay open and remains in demand to date. In 2021, the City Council passed legislation limiting delivery platform fees to 15 percent of an order and 5 percent of an order for marketing and other services. Today, the pandemic is no longer a public health emergency and in-person dining has returned, reversing the prior conditions. As new restaurants are opening across the city, many seek to utilize delivery platforms'

2 marketing services, including data analysis,
3 advertising, and custom websites. Tech:NYC supports
4 Intro. 762, which would ensure that restaurants
5 continue to have access to low-cost delivery and
6 marketing options by removing the cap on marketing
7 service fees while maintaining the cap on delivery
8 service fees.

9 Introduction 30-A would require
10 restaurant and grocery delivery platforms to purchase
11 new safety-certified e-bikes for delivery workers but
12 still overlooks many realities of food delivery by
13 not defining which platform would be held responsible
14 for these purchases and imposing the purchase
15 requirement of platforms that are already paying
16 \$2.26 per hour to each worker to cover the cost of e-
17 bike repairs and replacement. Tech:NYC is also
18 submitting written testimony for the remaining bills
19 on the agenda today, and we thank you for your
20 consideration.

21 CHAIRPERSON MENIN: Thank you very much
22 and thank you to this panel.

23 I'm now going to call the next panel,
24 Jalil Foster (phonetic), Andres Hurtado, Wesley Fekou
25 (phonetic). Please come forward.

1 Okay. I'm just going to call the names
2 again. Jalil Foster, Wesley Fekou, Andres Hurtado.

3 Okay. I will go on to the next panel
4 then. Edward Hatchett, Joseph Mele, Sharon Brown,
5 Raul Rivera. Please come forward.

6 If people have not heard their name
7 called and they wish to testify, please fill out a
8 form with the Sergeant-at-Arms because this is our
9 last panel before we go to the Zoom public testimony.
10 Thank you.

11 Okay. Please begin.

12 EDWARD HATCHETT: Hello. My name is Ed
13 Hatchett. Thank you for offering a chance to submit
14 my testimony on these bills before the Committee
15 today. I think it's important for you to hear about
16 the wide range of experiences I have had recently
17 before implementing even more changes. I started
18 making deliveries with DoorDash in March of 2019, two
19 months after I started going back to college to
20 further my education. However, as my need continued
21 to grow, so did my commitment to dashing. Even
22 better, I could choose when I was able to make
23 deliveries that fit around my school schedule in
24 order to fulfill my dream of getting a job as a full-

1 time accountant. Simply, it was working for me.

2 Unfortunately, since the new minimum pay rules took

3 effect, I've seen a steep drop in orders and

4 opportunities for dashing because they have become

5 noticeably more scarce. While I love being able to

6 grab my bike and pick up orders around Williamsburg,

7 now I have to go into Manhattan in hopes of finding

8 any offers. Sometimes I would only get one order a

9 day or I can't even get on the app to schedule a slot

10 to dash. At the same time, delivering on an e-bike

11 has been a great way for me to quickly and easily

12 pick up deliveries, but it seems like the proposed

13 new rules around e-bikes would make it difficult for

14 delivery apps to make the option as widely available

15 for workers like me. If I'm not able to use my bike

16 for making deliveries, I'm not sure how I can

17 continue using this as a way to make money at all.

18 What's clear from years of doing these deliveries

19 with DoorDash is that these need to be a balance. It

20 gets too expensive for customers to place orders and

21 that means there are fewer opportunities for me to

22 earn. While I would appreciate the Council trying to

23 support delivery workers like me, I am worried that...

24
25

2 CHAIRPERSON MENIN: I'm just going to ask
3 you to wrap up please. Thank you.

4 EDWARD HATCHETT: I worry that proposed
5 new requirements will ultimately end up hurting us in
6 the long run. That's why I oppose these bills and
7 would worsen the experience that the existing rules
8 have had for food delivery workers in the city.

9 CHAIRPERSON MENIN: Okay, thank you. Next
10 speaker.

11 SHARON BROWN: Hello, my name is Sharon
12 Brown. Release the hostages, let Yahweh's people go.
13 I'm just remembering Israel. Okay, based on the
14 business and the tax, oh, I didn't put that on. Oh, I
15 said release the hostages, let Yahweh's people go,
16 remember Israel in everything you do daily.

17 Based on the business tax bracket of each
18 business, I believe the fees should commiserate with
19 that. They should have a competitive scale for how
20 they price their fees so that people in big
21 businesses and people in small businesses can make
22 money and also the apps that are providing the
23 service can make money. It should be competitive for
24 them. If they have someone making 100,000 a year,
25 their fees should not be the same as a company making

2 a billion dollars a year and they are both using the
3 same services like whatever delivery service that
4 they have out there that's popular. Do you know any
5 name of?

6 EDWARD HATCHETT: DoorDash.

7 SHARON BROWN: Like DoorDash. If a company
8 that's making 100,000 dollars a year is paying a
9 certain fee and a company that's making 8 billion
10 dollars for food is paying the same fee, there should
11 be a scale based on how much deliveries they're
12 making, how much are the items on the menu, different
13 things like that. I believe that we should make sure
14 that they are not forcing tips on people. The tip
15 should come after the fact. It should never be
16 before. You don't know what the service is like.
17 There's no standard for service if you pay a tip
18 already. It could make someone want to do a better
19 job. That could seem to be the possibility, but if
20 you get bad service and you've already paid, what do
21 you do?

22 CHAIRPERSON MENIN: I'm just going to ask
23 you to wrap up.

24 SHARON BROWN: Okay.

2 CHAIRPERSON MENIN: Thank you. Thank you
3 very much. Okay. Next speaker, please.

4 The red light is on, then it's working.

5 JOSEPH MELE: Hi. My name is Joseph Mele.
6 I want to thank you for providing me the opportunity
7 to speak here, being heard, surrounding the third-
8 party delivery platforms. I've worked many different
9 jobs. I had a career in software. I've noticed as an
10 older person, it's very hard for me to get work now.
11 Also, during the pandemic, I used my pandemic
12 (INAUDIBLE) to get a paralegal cert too at Stony
13 Brook, but I haven't been able to land an interview.
14 That was all because basically a lot of age
15 discrimination. DoorDash has given me an opportunity
16 to work whereas I would not have otherwise. It's made
17 me able to pay my bills and be able to support
18 myself. The gig economy is very important to me. I'm
19 concerned about the 737 and 738, which can make my
20 experience in New York even worse than last year,
21 where I sat for a long time, not getting a single
22 order. I appreciate the City Council's attempts to
23 help the worker, help the DoorDasher, but I find that
24 tipping culture has changed in this country. They've
25 been questioning should we even tip waitresses and

2 waiters today, that they should get paid a full wage.
3 It's not the same as it was years ago. I've noticed
4 too that people get insulted if you ask for a tip.
5 What I do, I say to people, tips are not necessary,
6 but I appreciate it. Give me five stars. I notice I
7 get a positive reaction. I get good reviews, and I
8 get tips. It's that type of attitude. When you have a
9 tip up front, it doesn't give you that same, it gives
10 you like, oh, and people I think will get their
11 hackles up. That's basically the sound of it. I
12 appreciate more tips, obviously. By hurting the gig
13 economy, you hurt people like me who can't get a
14 traditional job.

15 CHAIRPERSON MENIN: Okay, I'm just going
16 to ask you to wrap up, please.

17 JOSEPH MELE: Thank you, and thanks for
18 hearing me out.

19 CHAIRPERSON MENIN: Thank you very much.
20 Last speaker on the panel.

21 RAUL RIVERA: Humans first, technology
22 second, today, tomorrow, forever. Humans first,
23 technology second. Humans first, technology second,
24 excuse me, I messed up here. I'm very upset. We're
25 trying to get a meeting with you, and you are not

2 responding. The email that we got from your office
3 was no, you don't want to sit down and meet with us
4 the real problem is Intro. 890 and Intro. 2294 The
5 status of the independent worker is not being
6 respected. That's why you have all these problems and
7 all these complaints We even complaining about tips
8 You got to respect the independent worker 32BJ,
9 Jessica Ramos, Amy Gallagher, and maybe yourself
10 don't respect the independent worker. You got to
11 respect the independent worker. Are you willing to
12 sit down and meet with us? Are you willing?

13 CHAIRPERSON MENIN: First of all, you're
14 the one testifying.

15 RAUL RIVERA: I'm asking you.

16 CHAIRPERSON MENIN: This is not a Q and A.

17 RAUL RIVERA: I'm asking you...

18 CHAIRPERSON MENIN: This is not a Q and A.

19 RAUL RIVERA: I asked you outside...

20 CHAIRPERSON MENIN: (INAUDIBLE) two
21 minutes...

22 RAUL RIVERA: But I'm asking you, I'm
23 asking if you're willing to sit down and meet with
24 us.

2 CHAIRPERSON MENIN: We have responded to
3 your request. If you want to continue...

4 CHAIRPERSON MENIN: So if you don't want,
5 if you don't want to sit down and meet with us, then
6 we're going to come out to your District and we're
7 going protest right in front of your office and we're
8 going to let the District know that you don't stand
9 with the workers. That's what we're going to let them
10 know.

11 CHAIRPERSON MENIN: Okay. We have two more
12 speakers on the Zoom, Christopher Leon Johnson and
13 Dora Val Silva. Thank you.

14 CHRISTPHER LEON JOHNSON: Hello. Can you
15 hear me?

16 CHAIRPERSON MENIN: Yes, we can hear you.

17 CHRISTPHER LEON JOHNSON: Hi. Good
18 afternoon. My name is Christopher Leon Johnson. I'm
19 currently at the UN so anybody, any clown at Trans-
20 Alt want to say that oh, I was at City Hall and
21 getting at Ligia and all those clowns at LDU, I was
22 not there, I'm at the UN right now so don't lie. Let
23 me keep it real with this bill, right? The bill is a
24 joke, you know Shaun Abreu broke, like I don't know
25 what happened to you, bro. Like you're the last

2 person I expected to deal with these bozos. These
3 people are frauds. They're not deliveristas. They are
4 lobbyists They work with Trans Alt. They work with
5 Open Plans. This bill is bad because what's going to
6 happen is if this bill goes through the apps are
7 going to retaliate by implementing rules like e-
8 verify and I-9s to start really locking the guys out
9 the apps. Like, yeah, these guys deserve the tips,
10 but the apps are retaliated because you guys passed
11 the minimum wage law. Now, like I said, Ligia is a
12 fraud. (INAUDIBLE) a construction worker. Tough Tony
13 is a tough guy who try to fight us outside City Hall
14 because we had the right to record in a public
15 street, we got it all on video. These guys are thugs.
16 These guys are criminal. These guys are fake. Where
17 is the money that the City Council gives to Ligia
18 Guallpa's non-profit? (INAUDIBLE) Los Deliveristas.
19 There's no track record on how much money all these
20 guys get paid. I'm against these bills because LDU is
21 for these bills. If it was another organization that
22 was for these bills like Make the Road New York or,
23 what's the other one, La Colmena or like Envision
24 Freedom Fund or the NYIC, I would not be on this
25 panel. I'd say, all right, you know what they want

2 minimize, give them minimum wage but, because Ligia
3 Guallpa's fake self, fraud self is on this bill,
4 supporting this bill, I'm not for it. Shaun Abreu, do
5 not make a mistake like your co-worker, Marjorie
6 Velázquez did, and support these guys. Look at what
7 happened to Marjorie Velázquez, Shaun. She lost her
8 job and she lost her marriage because of LDU. She
9 supported LDU and they didn't even knock on doors for
10 her, and she lost to Kristy Marmorato.

11 SERGEANT-AT-ARMS: Your time is expired.

12 Thank you.

13 CHAIRPERSON MENIN: Thank you. The next
14 speaker on Zoom is Dora Val Silva (phonetic).

15 DORA VAL SILVA: Hello. Can anyone hear
16 me?

17 CHAIRPERSON MENIN: Yes, we can hear you.

18 DORA VAL SILVA: Hello. Good morning. My
19 name is Dora Val Silva, and I work as a delivery
20 partner for food delivery apps here in New York City.
21 I have been doing this for three years. I mostly work
22 for the neighborhoods of Manhattan and Brooklyn, and
23 thank you for allowing me to share my perspective
24 today on improving the industry and opportunities for
25 workers like me. I want to thank the City Council and

2 the City Hall for the Advocacy and the actions to try
3 to support delivery workers. It's very welcome. I'm
4 here to support the approval of the of this amendment
5 because it empowers and in a way protects like small
6 restaurants, and this directly impacts negatively
7 because with my flexibility to have this job and the
8 earnings in the form of customer tips, like this
9 impact is being, like it's be happening for a while
10 Like there's a lot of fellow delivery drivers I speak
11 with. They're like we've been seeing fewer
12 opportunities, fewer delivery opportunities, like
13 many people waitlisted, reduced tips and, because of
14 this, the costs are being passed to the customer side
15 Like people can agree that hard-working, low-income
16 professionals in the service industry deserve to be
17 paid more. This is common sense, that people deserve
18 a proper wage, but like sometimes higher wages means
19 higher costs for businesses and, in the case of
20 delivery apps, these imposed restrictions came to
21 help the restaurants market inside the app, they end
22 up making the prices go up and you know high prices
23 lead to less purchases, less delivery opportunities,
24 and fewer tips.

2 SERGEANT-AT-ARMS: Time has expired. Thank
3 you.

4 CHAIRPERSON MENIN: Thank you very much
5 for your testimony.

6 I'm now going to read, there are several
7 people who signed up on Zoom. We just want to make
8 sure that we did not miss you so if you're here,
9 please identify yourself. Anna Prince, Jenny
10 Alcantara (phonetic), and Deidre O'Neill (phonetic).
11 If you are on Zoom, please let us know.

12 Okay, if there's anyone else in the room
13 that did not testify that wishes to testify, please
14 come right now and see one of the Sergeant-at-Arms.

15 Okay, not seeing anyone. We are going to
16 close the hearing.

17 I want to thank everyone for their
18 testimony. We heard great testimony today. It was
19 incredibly informative and helpful to us. You can
20 give your testimony, sir, to the Sergeant-at-Arms. It
21 was incredibly informative and will certainly help us
22 as we work through these bills so thank you so much
23 for coming. The hearing is now closed. [GAVEL]

24

25

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 July 21, 2024