

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEES ON CIVIL SERVICE AND LABOR AND IMMIGRATION

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February 28, 2013  
Start: 10:18 a.m.  
Recess: 11:18 a.m.

HELD AT: Council Chambers  
City Hall

B E F O R E:

MICHAEL C. NELSON  
DANIEL DROMM  
Chairpersons

COUNCIL MEMBERS:

Council Member Melissa Mark-Viverito  
Council Member Mathieu Eugene  
Council Member Ydanis A. Rodriguez  
Council Member Peter F. Vallone, Jr.

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

Adriana Escondon  
Community Organizer  
New Immigrant Community Empowerment

Omar Trinidad  
Representative for Fellow Workers  
New Immigrant Community Empowerment

Karen Cacace  
Supervising Attorney, Employment Law Unit  
Legal Aid Society

Anamaria Segura  
Senior Staff Attorney  
MFY Legal Services

Melanie Willingham-Jaggers  
Organizer  
Alliance for a Greater New York (ALIGN)

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2 CHAIRPERSON DROMM: Okay, good  
3 morning, everybody. My name is Daniel Dromm, and  
4 I'm the Chair of the New York City Council's  
5 Committee on Immigration. I would like to thank  
6 Council Member Nelson, Chair of the Committee on  
7 Civil Service and Labor, and this is his first  
8 meeting as Chair of that Committee. I want to  
9 congratulate you on that, as well. And thank you  
10 for co-chairing this hearing with me.

11 CHAIRPERSON NELSON: My pleasure.

12 CHAIRPERSON DROMM: This morning's  
13 hearing will examine labor issues that have an  
14 effect on New York City's immigrants.  
15 Additionally, we will hear Resolution No. 1598, a  
16 resolution calling on the United States Congress  
17 to pass, and the President to sign HR 2169, S  
18 1195, also known as the Power Act, which would  
19 allow victims of any federal, state or local labor  
20 law violations with regard to wages and hours  
21 labor relations, family and medical leave,  
22 occupational health and safety, and discrimination  
23 to apply for lawful status if they have suffered  
24 substantial mental or physical abuse as a result  
25 of the violation [technical] helpful or likely to

1  
2 be helpful in an investigation of these violation,  
3 and will suffer extreme hardship if removed from  
4 the United States. Although we often read and  
5 hear about the many contributions that the City's  
6 immigrants make to the local economy, it has  
7 become increasingly clear that our current labor  
8 laws are failing the very people it should be  
9 protecting our immigrants. For example, in 2008,  
10 the New York State Department of Labor  
11 investigated 84 New York City car washes and found  
12 that 78 percent of those car wash establishments  
13 were in violation of minimum wage and overtime  
14 laws, and 38 percent of those companies were  
15 stealing tips--tips--from their very own  
16 employees. Also, in 2008, Saigon Grill, a  
17 Vietnamese restaurant, located in the Upper West  
18 Side, was ordered by a federal judge to pay \$4.6  
19 million in back wages and damages to its delivery  
20 workers. And in 2009, through a case settlement,  
21 Amish Markets an upscale grocery store with  
22 several establishments located throughout  
23 Manhattan, including one just around the corner  
24 from here, agreed to pay \$1.5 million in unpaid  
25 wages to its 550 workers. Labor law violations

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2 happen way too often throughout the five boroughs.  
3 Workforce violations, especially among the  
4 immigrant community, is of importance to me since  
5 I represent one of the largest immigrant  
6 communities in this City, and these violations  
7 directly affect my constituents. Many immigrants  
8 are vulnerable to wage theft and poor and unsafe  
9 working conditions, often because of the limited  
10 understanding of the English language, and local  
11 labor market laws and for some kind of, some of  
12 their lack of legal immigration status in this  
13 country. More needs to be done to protect our  
14 immigrants. This morning, I look forward to  
15 hearing from advocates to find out what can be  
16 done to curb labor law violations in the City. In  
17 addition, I look forward to finding out what, if  
18 any, community outreach can be done to educate our  
19 immigrant communities about their rights and labor  
20 laws. Once again, I want to thank Council Member  
21 Nelson and the Committee on Civil Service and  
22 Labor for joining me in this hearing this morning,  
23 on this very important matter. And I want to  
24 thank everyone in attendance in advance for coming  
25 to this hearing and providing testimony. I'd now

1  
2 like to turn it over to Council Member Nelson.

3 CHAIRPERSON NELSON: Good morning,  
4 and thank you, Coach Dromm, for holding this  
5 important joint hearing. I'm Michael Nelson, I'm  
6 the new Chair of the New York City Council's  
7 Committee on Civil Service and Labor. I'd like to  
8 congratulate the previous Chair, James Sanders, as  
9 being sworn in as a New York State Senator. He's  
10 a great guy, we're good friends, and I'm very  
11 happy for him. As Council Member Dromm mentioned,  
12 today that we're looking into labor issues, that  
13 affect New York City's immigrants and Resolution  
14 No. 5098, a Resolution calling on the United  
15 States Congress to pass and the President to sign,  
16 HR 2169/S 1195, also known as the Power Act. As a  
17 member of the Civil Service and Labor Committee,  
18 and now the Chair, I've had the displeasure of  
19 learning how badly low wage workers are treated in  
20 this City, which unfortunately frequently reflects  
21 national trends. Last year, the Committee held a  
22 hearing about the car wash workers that my  
23 colleague mentioned. Listening to the  
24 heartbreaking stories by worker after worker about  
25 their treatment, it illustrated the extent of

1  
2 these problems. Every worker who testified was an  
3 immigrant, they described not just tips being  
4 stolen, to pay for damage to cars, but dealing  
5 with harsh, unlabeled chemicals with no safety  
6 equipment. They also told stories about commuting  
7 to work, only to find that due to weather, their  
8 services weren't needed, and were sent home with  
9 nothing. The wage violations for lack of  
10 overtime, and even the minimum wage, were also  
11 brought up over and over. At least some of these  
12 workers, for them there is hope. Several car  
13 washes in the City have recently voted to organize  
14 with the assistance of the Retail Wholesale and  
15 Department Store Union, RWDSU, is continuing to  
16 work on organizing others. But as Council Member  
17 Dromm said, we need to do more. I also look  
18 forward to hearing more about this problem and  
19 potentially coming up with some solutions.  
20 Finally, thank you again, co-chair Dromm, and  
21 everyone who is here today. Thank you.

22 CHAIRPERSON DROMM: Okay, thank  
23 you, Council Member Nelson. And I do want to say  
24 that we've been joined by Council Member Ydanis  
25 Rodriguez, from Upper Manhattan. And also, if

1  
2 anybody is here who wants to speak, you need to  
3 have filled out one of these forms, and just  
4 present to the Sergeant-at-Arms. And so we're  
5 ready to call our first panel, and that will be  
6 Adriana Escondon and Omar Trinidad from New  
7 Immigrant Community Empowerment; and Karen Cacase  
8 [phonetic], I hope I'm saying that right, from--  
9 thank you--from the Legal Aid Society. [pause,  
10 background noise] So, Adriana, did you want to  
11 start? Okay, go ahead. Just turn that mic on.  
12 Push the red button there.

13 ADRIANA ESCANDON: Okay, good  
14 morning, everyone. My name is Adriana Escondon,  
15 and I am the Community Organizer at New Immigrant  
16 Community Empowerment. That is a community based  
17 organization in Jackson Heights, Queens, dedicated  
18 to immigrant workers' rights. We work with,  
19 organize, and advocate for the labor construction  
20 workers, domestic workers, and other informal  
21 sector workers who are newly arrived, undocumented  
22 immigrants, and who live predominately in western  
23 Queens. NICE conducts regular weekly outreach at  
24 two large day laborer padalas [phonetic] or street  
25 corners. One of them is the padala that spans



1  
2 several blocks on 69th Street in Jackson Heights,  
3 it goes all the way from Roosevelt Avenue and 37th  
4 Avenue, to Queens Boulevard. And it hosts more  
5 than 300 men every morning. The other padala is  
6 located at Northern Boulevard and Parsons  
7 Boulevard in Flushing, Queens, and is another  
8 major hub for day laborers in the New York City  
9 area. In addition, NICE conducts network outreach  
10 to women involved in domestic work, and other low  
11 wage work. Through our outreach, NICE discusses  
12 workplace problems with workers, inform them of  
13 their rights, and learns about what is happening  
14 their sector and in their particular workplaces.  
15 NICE currently runs two worker committees, the  
16 Committee Trabajadores [phonetic], composed  
17 primarily of construction day laborers; and the  
18 Committee de Mujeres [phonetic], composed  
19 primarily of domestic workers. Through committee  
20 meetings, workers get clocked into and develop  
21 campaigns, learn about their rights, and build  
22 community and solidarity with one another. In  
23 addition, because wage theft is such a common  
24 problem for our members, NICE has a monthly wage  
25 theft clinic in collaboration with legal partners

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2 at the Urban Justice Center. We currently see  
3 about ten wage theft cases every month, to respond  
4 to the high number of workplace accidents that  
5 affect our members. We're also now developing a  
6 worker compensation clinic. Our organizing work,  
7 including outreach and base building, has given us  
8 access to some of the most exploited and  
9 vulnerable of immigrant workers in our community,  
10 and we find that our undocumented immigrants  
11 regularly face abusive, exploitative, and unsafe  
12 working conditions. Almost all the day laborers  
13 in our membership, and those at the padalas, have  
14 experienced wage theft, at least once and  
15 generally several times. In some cases, workers  
16 are abandoned by bosses at the end of the day, or  
17 at the end of the week, when payment is due. In  
18 other cases, they have gone on working for days or  
19 weeks, receiving only a fraction of the promised  
20 rate, fed by promises from bosses that had agreed  
21 on payment that--they had agreed on payment that  
22 will come soon. When it becomes painfully clear  
23 that payment is not coming, workers quit, often  
24 having wasted days to weeks of indispensable time  
25 and labor for no payment at all. Workers in other

1 industries such as domestic work also face wage  
2 theft, generally as violations of minimum wage,  
3 and overtime laws, and in some cases nonpayment.  
4 In addition to unpaid wages, our members face  
5 other workplace problems, including verbal and  
6 physical abuse, unsafe and dangerous conditions,  
7 stress, exhaustion and isolation. Women working  
8 as domestic workers tend to be especially  
9 vulnerable to verbal and physical abuse, as well  
10 as isolation. Despite the horrific abuses and  
11 violations of rights that many undocumented  
12 workers experience, many are hesitant to make  
13 demands and report workplace abuses. Most fear  
14 retaliation or losing their jobs, if they speak  
15 up. Many fear immigration consequences, such as  
16 detention and deportation. For instance, NICE has  
17 been organizing a group of eight workers who are  
18 owed close to \$90,000, including damages, and  
19 stolen wages, from the work they perform at a site  
20 in Manhattan. One of these eight workers was  
21 actually fired when he continued to ask for his  
22 wages. The stress of his situation caused him to  
23 suffer from insomnia and depression for months,  
24 which were later exacerbated by his desperateness  
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1  
2 in finding new work. Undocumented workers face a  
3 great deal of discrimination in their daily lives,  
4 which can manifest into cruel treatment in the  
5 workplace. For example, one of our members was  
6 often confronted at work because of his  
7 nationality. He worked for ten years at this job,  
8 doing floor installation. His days would be  
9 filled with discriminatory comments from bosses at  
10 the site. His direct boss would yell at him  
11 remarks such as, "Get out of my sight," or "Go  
12 back to your country of origin." A close  
13 collaborator of the boss would often disparagingly  
14 point out to him that he didn't know English  
15 because he was Hispanic. His boss will mention  
16 his country of origin and insult him, especially  
17 after this worker will point out that he was the  
18 only one being given the hardest work at the site.  
19 The consequences of speaking up for these worker  
20 were being fired. When he came to NICE, we  
21 discovered that he once, he not only suffered this  
22 verbal abuse and discrimination, but he was also  
23 paid significantly below minimum wage and no  
24 overtime at all. NICE believes that the Power Act  
25 will empower immigrant workers to speak up against

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2 this abusive employers by giving them the  
3 protection they need to report and have a day in  
4 court to bring them to justice. NICE strongly  
5 supports the Power Act and commends the City  
6 Council of the City of New York for introducing  
7 this Resolution calling on the U.S. Congress and  
8 the President to pass this federal act. In  
9 addition, we ask that city, state and federal  
10 agencies enforce existing labor laws to the full  
11 extent of the law, and that there should be  
12 appropriate funding to support these enforcement  
13 efforts. Thank you for your time.

14 CHAIRPERSON DROMM: Thank you, and  
15 did this gentleman want to say something, as well?

16 OMAR TRINIDAD: Hello. [Spanish  
17 translation by Ms. Escondon] Hello, everyone. My  
18 name is Omar, and I come from New Immigrant  
19 Community Empowerment, NICE, and come in  
20 representation of the, my fellow workers at the  
21 organization. So, I'm here on behalf of my fellow  
22 day laborers, construction workers who are unable  
23 to come here this morning. And I'm here to expose  
24 the problems with like our time and our  
25 regulations for day laborers. And there is no

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2 respect of the time in which we like enter the job  
3 or exit the job in the day. So I'm here to  
4 advocate for a law that would protect day laborers  
5 from all the abuse that employers commit on them.  
6 We will need something like that because employers  
7 normally threaten us with like, you know, calling  
8 on immigration enforcement authorities and  
9 therefore we cannot say much when we are  
10 threatened in that way. So another type of abuse  
11 that I would like to express is police abuse. And  
12 beyond that I would like to like repeat on like to  
13 advocate on this law, because our wage and hours  
14 are not respected. We normally work like overtime  
15 and during weekends and sometimes we're not even  
16 paid. So, I would like to advocate for this law  
17 to protect day laborers. Thank you.

18 ADRIANA ESCANDON: Thank you.

19 [pause]

20 CHAIRPERSON DROMM: Yes, thank you  
21 very much, [Spanish]. Thank you very much for  
22 coming. I was just explaining to Council Member  
23 Nelson some of the observations that I've seen on  
24 69th Street supporting what you have experienced,  
25 as well. So, just stay there and we want to hear

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2 from the other, from Legal Aid, and then we have  
3 some other witnesses, as well, to testify.

4 KAREN CACACE: Good morning, I'm  
5 Karen Cacace, I'm the Supervising Attorney for the  
6 Employment Law Unit, at the Legal Aid Society.  
7 And I want to thank Council Member Dromm and  
8 Council Member Nelson for convening this hearing.  
9 We've submitted extensive written comments, I'll  
10 summarize them now. The Legal Aid Society is in  
11 support of Resolution 1598, which calls on the  
12 United States Congress to pass and the President  
13 to sign the Power Act. The Legal Aid Society is  
14 the nation's oldest and largest not-for-profit  
15 legal services organization. It is an  
16 indispensable component of the legal, social and  
17 economic fabric of New York City, passionately  
18 advocating for low income individuals and families  
19 across a variety of civil, criminal and juvenile  
20 rights matters, while also fighting for legal  
21 reform. The Legal Aid Society was first  
22 established in 1876, as a German immigrant rights  
23 organization, and although it has evolved into a  
24 comprehensive law firm, it has not wavered in its  
25 commitment to immigrants and immigrant communities

1  
2 in New York City. The Society's legal program  
3 operates three major practices: civil, criminal  
4 and juvenile rights. For several decades, the  
5 Society has operated nationally recognized  
6 immigration law unit based in the civil practice.  
7 The unit provides low income New Yorkers with  
8 comprehensive immigration services ranging from  
9 deportation defense to adjustment of status to  
10 legal permanent residence and citizenship  
11 applications. We also specialize in representing  
12 some of the most vulnerable immigrants and provide  
13 comprehensive screening for eligibility for  
14 special remedies such as Violence Against Women  
15 Act, U visas for crime victims, T visas for  
16 trafficking victims, and special immigrant  
17 juvenile status. In 2001, in the wake of  
18 September 11th, the Legal Aid Society obtained  
19 funding to establish the employment law unit. The  
20 unit is one of the first in the nation to dedicate  
21 staff entirely to providing clients with a full  
22 range of employment law services and representing  
23 clients in administrative and core proceedings.  
24 Today, the Legal Aid Society's employment law unit  
25 provides direct legal assistance in employment



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2 rights cases annually, and remains at the  
3 forefront of the field. Of the diverse population  
4 that the employment law unit serves, over half of  
5 our clients are immigrants. While in some  
6 instances, the Society represents an individual in  
7 employment law cases, in many cases we represent  
8 groups of low wage workers and even whole classes  
9 of workers in order to leverage our resources.  
10 Most of the cases involve violations of the wage  
11 and hour laws, while some involve discrimination  
12 and/or retaliation. In addition, the Society's  
13 employment law unit is increasingly representing  
14 immigrant victims of labor crimes. We have a  
15 growing caseload of workers who have been  
16 subjected to forced labor, and trafficking, and  
17 workers whose employers have coerced them into  
18 keeping silent or actually participating in  
19 misrepresentations to government officials in the  
20 course of wage and hour investigations. The  
21 abusive practices of employers affect not only our  
22 clients, but also other members of their  
23 communities and industry. High profile decisions  
24 in these cases does not only benefit our clients,  
25 but also set a precedent that abusive and illegal

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2 practices are unacceptable and provide an example  
3 to other low income workers who may be afraid to  
4 come forward or are unaware of their rights. Our  
5 ability to enforce workplace protections is often  
6 limited by employers' retaliation against  
7 employees who assert their rights. For example,  
8 employers often immediately terminate employees  
9 who report violations, reduce the hours of those  
10 workers who cooperate with any ongoing  
11 investigations, coerce workers into making  
12 misrepresentations to authorities, and otherwise  
13 intimidate workers from taking steps to enforce  
14 the law. Immigrant workers without lawful status  
15 are particularly vulnerable to becoming victims of  
16 these crimes and other forms of retaliation by  
17 employers. Employers who are breaking the law and  
18 facing potential investigation regularly threaten  
19 to report undocumented workers to immigration  
20 authorities. Sometimes, they actually take steps  
21 to have whistleblowers removed from the country  
22 and sometimes they succeed. In a report released  
23 just this week, the National Employment Law  
24 Project highlights 22 such cases in which  
25 immigration law enforcement was leveraged against

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2 employees seeking to enforce basic rights,  
3 including a case of ours, and discusses the  
4 resulting damage to our collective ability to  
5 ensure basic workers' rights protections.

6 Existing law provides immigration relief for crime  
7 victims; however, the current protections are far  
8 too narrow. We routinely have clients who are  
9 victims of very serious civil and criminal  
10 violations in the workplace, but who fear  
11 confronting their employers. Many ultimately  
12 refuse to come forward because they are at risk of  
13 deportation if their employer takes action against  
14 them. The Power Act would remove immigration law  
15 from its role as a potential tool for law breaking  
16 employers to continue exploitive schemes. The Act  
17 would provide immigration relief to workers who  
18 are victims of criminal activity in the workplace,  
19 have suffered harm or would suffer hardship upon  
20 removal from the country, and are involved in  
21 reporting the crime to government authorities.

22 Other workers making the claim of a labor or civil  
23 rights violation would qualify for temporary  
24 status while their claim is pending. These  
25 provisions will help ensure that workers who make

1  
2 claims are protected and will also encourage other  
3 workers to come forward, making it possible to  
4 enforce our labor and employment laws in the most  
5 exploitive workplaces. The Legal Aid Society asks  
6 for the Council's support for the Resolution  
7 calling on Congress to pass the Power Act. We  
8 thank the New York City Council Committee on  
9 Immigration and the Committee on Civil Service and  
10 Labor for the opportunity to testify about this  
11 important matter.

12 CHAIRPERSON DROMM: Well, thank you  
13 very much for coming in. And I'm very aware of  
14 these types of abuses, unfortunately. Because  
15 probably on a weekly basis I have someone coming  
16 into my office who has been victimized by some  
17 type of labor abuse at some, by some employer or  
18 another, right in the neighborhood in Jackson  
19 Heights, and Elmhurst, and the areas that I  
20 represent, as well. One of the complaints that I  
21 hear, oftentimes from the victims of this type of  
22 abuse, is that even when they do report it to  
23 state agencies, that they're slow to investigate.  
24 And so I just want to know what your experience  
25 is, or your knowledge about that is. I'm hearing

1  
2 sometimes there's a wait of two to three years for  
3 the New York State Department of Labor to  
4 investigate these cases.

5 KAREN CACACE: I think that's  
6 right. And we, the Legal Aid Society Employment  
7 Law Unit operates a hotline where we get over 70  
8 calls a week about different employment  
9 violations, and given our limited staff we're  
10 unable to represent every person who calls, so we  
11 do end up telling some people that the best avenue  
12 for them is to file with the New York State  
13 Department of Labor, and unfortunately it takes a  
14 very long time for those claims to get  
15 investigated.

16 CHAIRPERSON DROMM: I have some  
17 other questions, as well, on that topic, but let  
18 me just, while I have you: There are T visas and  
19 there are U visas.

20 KAREN CACACE: Yes.

21 CHAIRPERSON DROMM: I think U visas  
22 have been around for almost 20 years, if I'm not  
23 mistaken. Not sure exactly how long T visas have  
24 been available. But the idea with those visas is  
25 that people who have been victims of serious

1  
2 felonies or violent crimes, or trafficking crimes,  
3 become eligible to get set on a path to  
4 citizenship by cooperating with the police in the  
5 investigation of those crimes, to kind of make up  
6 for what happened to them. Because nobody should  
7 have to go through that. The Power Act addresses  
8 a similar thing in a sense, that we want to begin  
9 to include people who have been victims of labor  
10 violations, along that line. If we had the Power  
11 Act and we had people become eligible for this  
12 type of visa, how would that affect the situation?  
13 Would you think that it would have a positive  
14 effect on the community?

15 KAREN CACACE: Yes, I think it  
16 would make a big difference for our clients. We  
17 have had in the past, we work very closely with  
18 our immigration unit, and we have had domestic  
19 workers who were trafficked into the country, had  
20 wage and hour violations, and also trafficking  
21 violations. And they were able to get trafficking  
22 visas, so we were able to get them their back  
23 wages, and then they were able to get trafficking  
24 visas. So they had status to stay in the country.  
25 It makes it much easier for somebody to take a

1  
2 very brave step of coming forward and suing their  
3 employer and getting the wages that they were  
4 entitled to, when they're owed, when they know  
5 that then they will be able to stay in the  
6 country. When we have clients that are in the  
7 restaurant industry, or the nail salon industry,  
8 or so many of the low paid service industries, if  
9 they don't have something that enables them for a  
10 T visa or a U visa, if they come forward to try  
11 and to sue for their back wages, they can be  
12 fired, and they will, if they do not have status  
13 here, there's no way for us to get them status.  
14 And so they will, they have a choice between suing  
15 for the wages that they are owed and putting their  
16 ability to stay in the country at risk, and just  
17 continuing to suffer an exploitive employment  
18 situation. And so it would, I think it would make  
19 a tremendous difference in encouraging people to  
20 come forward to report labor abuses and to be able  
21 to collect on the money that they are owed for all  
22 the hard work that they have done.

23 CHAIRPERSON DROMM: Okay, and can I  
24 ask Adriana and Omar, also, do you report any of  
25 this to state, I mean, to excuse me, to city

1  
2 agencies? Is there a city agency that this type  
3 of violations, these types of violations, can be  
4 reported to?

5 [pause, background noise]

6 ADRIANA ESCANDON: So, at NICE,  
7 like in the process, we used to actually--like  
8 talk about like these violations in terms of  
9 agencies, we go to the, we report to the attorney  
10 general's office, and the Department of Labor.  
11 However, the Department of Labor takes very long  
12 for cases, and they normally tend to take cases  
13 that are like really big in both amount and like  
14 number of people involved. And so, what we do is,  
15 like as part of the clinic, that we bring to the  
16 workers committee, in the organization, through  
17 that clinic and through the collaboration we have  
18 with the Urban Justice Center. We work on those  
19 cases pretty much on an individual basis. And so,  
20 that's how we tackle those like, you know, cases  
21 of abuse, but there is always a possibility of  
22 reporting all these cases to the Department of  
23 Labor and the attorney general's office. But  
24 however, we know that those cases are like, you  
25 know, not taken a step forward.



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CHAIRPERSON DROMM: Just a couple of follow ups, like I do want to say that we've been joined by Council Member Mathieu Eugene from Brooklyn and Council Member Melissa Mark Viverito from Manhattan, as well. What I was trying to get a little bit was, and maybe Ms. Cacace can help me with this, as well, is the Department of Consumer Affairs--do they investigate any of this at all? Is that within their jurisdiction?

KAREN CACACE: Not that I am aware of. The labor laws, there are state labor laws and federal labor laws, and so the administrative agencies to report violations are the New York State Department of Labor or the U.S. Department of Labor. And if there is a criminal violation, either to the State Attorney General's office or the U.S. Attorney General's office.

CHAIRPERSON DROMM: Okay. And just to go to Mr. Omar's experiences, as well, can I ask, what street do you work on? Do you work on 69th Street?

[pause, background noise]

OMAR TRINIDAD: [Spanish translated by Ms. Escondon] So, we work at the day laborers'

1  
2 stop on 69th Street, on Roosevelt Avenue. And  
3 then he wants to know like what type of experience  
4 you would like to hear from him.

5 CHAIRPERSON DROMM: Well, you know,  
6 I represent that area, or almost that area, one  
7 block away. Actually, 69th Street is in Council  
8 Member Van Bramer's district. But there's a park  
9 on the corner of 69th Street, where a lot of the  
10 day laborers gather to look for work. And there  
11 are a lot of problems there with the police, and  
12 this is what I was going to move to, because he  
13 had mentioned he still has a lot of negative  
14 experiences with the police, where they were not  
15 even letting the day laborers use the bathroom in  
16 the park, or to enter the park, because of some  
17 little rule about not being allowed in because  
18 you're a single male alone. And so, I'm  
19 wondering, is this, we thought we in some ways had  
20 an understanding with the Police Department about  
21 how the usage of that park would be handled. And  
22 hopefully saw a decrease in the harassment by the  
23 Police Department of the day laborers. Is that,  
24 have we seen a decrease? Or is it continuing to  
25 be ongoing?

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2                   OMAR TRINIDAD: [Spanish translated  
3 by Ms. Escondon] Okay, so in regards to the point  
4 of like the bathrooms and like the supposedly bad  
5 image that like day laborers give to the  
6 neighborhood, like we are aware of that, that that  
7 happens, people look at us as if like, you know,  
8 we are criminals or we are doing something wrong.  
9 But in reality, we are there in the corners to  
10 like, you know, look for work, we come here to  
11 this country to work, to provide for our families  
12 that are back home. So, in regards to the police  
13 abuse, it's actually, it is still happens, it  
14 happens a lot. It happens on the parada, like you  
15 know, police officers come and like, you know,  
16 tell us that we are like obstructing traffic and  
17 ... Okay, so, actually so police officers have  
18 been like, you know, giving a lot of tickets to  
19 the workers, to the fellow workers, just for  
20 standing there. And you know, they always look  
21 for a pretext to be like, you know, bothering us  
22 while we are like standing there. And now in  
23 terms of like we would of course make use of like  
24 a bathroom or also like, you know, more like  
25 garbage bins or something because we, it's a lot

1  
2 of workers who are there, like you know, waiting  
3 for work every morning.

4 CHAIRPERSON DROMM: I think you  
5 kind of prove the point that I was trying to make,  
6 in a sense that why would people who were being  
7 harassed by the police then want to go to the  
8 government to report the abuses by employers? So,  
9 if the first means or the first visible sign of  
10 government on the street is harassing you for just  
11 even being there, and by the way most of these day  
12 laborers live in the same community where they  
13 look for work, so the point that you made about  
14 being with your children in the park, etc., as  
15 well, is a fair point, very well made, but why  
16 would then anybody, if you face that type of  
17 harassment, even want to think about going to the  
18 state? So it continues to be a huge problem in my  
19 community and in communities across the city,  
20 really, I visited day laborers in Brooklyn, in  
21 Domenic Recchia, Council Member Domenic Recchia's  
22 district, where we see the same type of abuses  
23 occurring, as well. So, is there any other  
24 questions on the panel at this moment? Okay, what  
25 I'm going to do then is just, I think at this

1  
2 point stop and bring up our second panel. And I  
3 do have to leave for a couple of minutes, I'm  
4 going to ask my Chair if he doesn't mind, I have  
5 to go to just check in at three other Committee  
6 hearings that I'm supposed to appear at. So, all  
7 at the same time, and I don't have the ability to  
8 bilocate. So, but I am, we'll be back shortly,  
9 and we will continue this as we go along. Thank  
10 you.

11 KAREN CACACE: Thank you.

12 ADRIANA ESCANDON: Thank you.

13 CHAIRPERSON DROMM: So let me call  
14 that second panel up: Anamaria Segura from the  
15 MFY Legal Services; and Melanie Willingham-Jaggers  
16 [phonetic]--if I'm, did I say it right? Thank  
17 you--and the Alliance for a Greater New York.  
18 [pause, background noise] If you'd like to start,  
19 that'd be great.

20 ANAMARIA SEGURA: Great. Good  
21 morning, Council Members, my name is Anamaria  
22 Segura, I'm a Senior Staff Attorney at MFY Legal  
23 Services in the Workplace Justice, and I'm happy  
24 to testify today on this issue. I'd like to than  
25 the Committees and the Chairs for bringing the

1  
2 City Council to attention to this important issue.  
3 Before I get started, and I'm not going to read  
4 everything that is in our prepared written  
5 testimony, I want to touch on Council Member  
6 Dromm's question about whether this, there are any  
7 City agencies that can do anything. Just thinking  
8 about your question, that it's true the Department  
9 of Consumer Affairs has limited jurisdiction ,but  
10 just looking in the ways that, for example, an  
11 employment agency might exploit immigrant workers,  
12 it'd be great to see the Department of Consumer  
13 Affairs, you know, take a lead on really going  
14 after these bad apple employment agencies. We  
15 know there's too many to count, and that the AG's  
16 office is doing something about it. But it'd be  
17 great to see if we could, you know, to see if DCA  
18 could step up enforcement. I know DCA's--

19 CHAIRPERSON DROMM: I don't mean to  
20 interrupt you, but that's kind of exactly the  
21 point I was trying to get at.

22 ANAMARIA SEGURA: Yeah.

23 CHAIRPERSON DROMM: Because I do  
24 get an awful lot of complaints, also in my office,  
25 about these employment agencies.

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ANAMARIA SEGURA: Right.

CHAIRPERSON DROMM: And I have tried to encourage the Department of Consumer Affairs at hearings, as well, to come in and to do more enforcement in neighborhoods that are beset by this chronic abuse of, by employment agencies. So, thank you.

ANAMARIA SEGURA: Sure, and just to finish up on that point, I mean, we've seen violations not only of, you know, labor laws and exploitation of their workers, but also, you know, discrimination when it comes to reentry issues. You know, people with criminal backgrounds should be protected from discrimination. We've seen just blatant, on the website of different employment agencies saying, "If you have a criminal record, you need not apply," and it'd just be great to see the City go after some of these players. And then on another point, I'm not sure how feasible it would be, but you know, to the extent that DCA provides licenses and renews licenses to businesses that have spotty labor law records, it'd be great to see DCA as part of a renewal application, ask questions, does DOL have open

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2 violations with this business and is there any way  
3 to kind of make that something you have to meet  
4 before you can get your license renovated.

5 Sidewalk cafés, you know, any number, Laundromats,  
6 you know, some of these businesses could have to  
7 think twice about exploiting their workers if  
8 they're going to lose their license to operate in  
9 New York. So, those are just some thoughts I had.

10 I just want to describe a little bit about MFY and  
11 our Workplace Justice Project, and then talk about  
12 our testimony. So, to explain MFY for the Council  
13 Members who aren't familiar with it, we are, for  
14 50 years we've been providing free legal services  
15 to residents of New York City, on a wide range of  
16 civil legal issues, prioritizing services to  
17 vulnerable and underserved populations, while  
18 simultaneously working to end the root causes of  
19 inequities through impact litigation, law reform  
20 and policy advocacy. We provide advice and  
21 representation to more than 8,000 New Yorkers each  
22 year. Our Workplace Justice Project advocates on  
23 behalf of low income workers, most vulnerable to  
24 exploitation, and on their behalf we regularly  
25 litigate claims for unlawful failure to pay wages



1 and unlawful discrimination. We also provide  
2 advice, counsel and representation to clients on a  
3 range of other employment problems. And because  
4 MFY does not receive federal legal services  
5 corporation funding, it's one of the few resources  
6 for New York City's low wage, undocumented  
7 immigrants who need legal representation. We  
8 don't have an immigration practice, and so I can't  
9 speak about the kind of ins and outs of  
10 immigration law and the Power Act. But we  
11 certainly work closely with immigration advocates  
12 and lawyers across the City, and so we're well  
13 aware of the issues that, you know, the kind of  
14 limitations of a U visa or a T visa, and we  
15 certainly, I can echo what Karen and what the  
16 Legal Aid Society said about our client's fear of  
17 coming forward, because of the possibility, the  
18 real possibility, of retaliation. So I want to  
19 talk a little bit about kind of the legal  
20 landscape, since the U.S. Supreme Court's Hoffman  
21 Plastic decision, back over ten years ago now, and  
22 kind of why, even though undocumented immigrants  
23 are subject to protections, in reality they don't  
24 have the same remedies that other workers do. So,  
25

1  
2 like I just said, even though these workers are  
3 protected by most labor and employment laws,  
4 including minimum wage, overtime discrimination  
5 and health and safety laws, these workers face  
6 significantly greater challenges than documented  
7 workers enforcing their rights under the law. The  
8 disparity is due in part to the U.S. Supreme  
9 Court's 2002 decision in Hoffman Plastic Compounds  
10 v. MLRB, which held that the National Labor  
11 Relations Board could not award undocumented  
12 workers back pay as a remedy when an employer  
13 legally fired the workers in retaliation for  
14 exercising their labor rights under the NLRA. So  
15 the decision left undocumented workers without the  
16 ability to pursue legal remedies that are normally  
17 available to workers whose rights have been  
18 violated. And it effectively undercut the law's  
19 protection of all workers. You know, so after  
20 Hoffman, employers urged courts to extend the  
21 decision's reasoning to limit undocumented  
22 workers' rights and remedies under other  
23 employment laws, and they've been successful in  
24 doing so in some cases. You know, for example the  
25 holding in Hoffman has been extended to limit

1  
2 undocumented workers' remedies in other contexts  
3 where the remedy could be classified as some kind  
4 of, you know, remedy for work not performed. One  
5 example is the legal workplace discrimination.  
6 So, we've seen, just like Karen talked about, it's  
7 common for employers to threaten workers with  
8 reports to immigration authorities, in response to  
9 justified complaints about unlawful conditions,  
10 and ultimately Hoffman provides an incentive to  
11 employers to hire undocumented workers in order to  
12 break the law with really no or little  
13 consequences. The lack of effective protection  
14 against retaliation means that undocumented  
15 immigrant workers are justifiably afraid to come  
16 forward, since they've been barred from being  
17 awarded back pay or being reinstated to their job  
18 if they are fired for asserting their rights. And  
19 you know, seeing coworkers fired and not  
20 reinstated, obviously creates a chilling effect  
21 that's going to impact all workers from coming  
22 forward. So, I just want to talk about three  
23 examples of, three clients that we are, that we've  
24 worked with, whose stories I think show firsthand  
25 how this plays out. You know, I'm going to refer

1  
2 to them by their initials, but Ms. L is an  
3 undocumented client from Mexico, who worked in a  
4 takeout and catering business on the Upper East  
5 Side for many years, for an abusive boss who  
6 constantly made derogatory comments about her race  
7 and national origin. For example, her boss told  
8 her that she was a "dirty Mexican," and that  
9 "Mexicans only came to the United States to  
10 steal." She was also sexually harassed by a  
11 kitchen supervisor in the same workplace, for  
12 example, he exposed himself to her, he made  
13 sexually explicit jokes and gestures on a daily  
14 basis; she complained but the boss did nothing to  
15 stop the behavior. She also, not surprisingly,  
16 was not paid minimum wage or overtime, even though  
17 she worked many, many more hours than 40 in a  
18 week. And the boss would keep Ms. L and other  
19 workers in line by threatening to call immigration  
20 if they complained about the bad treatment. She  
21 once got sick and couldn't come to work for a  
22 couple of days, and she was fired after that. So,  
23 if Ms. L were to go to court and actually prove  
24 that she'd been discriminated against, for  
25 example, she wouldn't have the right to receive

1  
2 back pay, wouldn't have the right to be  
3 reinstated. So, yes, she can come to us and we  
4 work with what the law provides, but because she's  
5 undocumented she is, you know, fighting with one  
6 hand behind her back, basically. Ms. M is an  
7 undocumented client from Honduras and has worked  
8 as a home attendant for several home health  
9 agencies in New York City. And although she  
10 regularly worked as a sleep-in home attendant for  
11 one of her former employers, providing 24 hour  
12 care to elderly and disabled patients, she's never  
13 been paid overtime, as required by law. Even when  
14 she became, after she became ill and was  
15 hospitalized, her employer fired her. So, even if  
16 she were to be able to prove to a court that she  
17 was fired in violation of disability  
18 discrimination laws, she wouldn't be, have the  
19 right to be reinstated or receive back pay.  
20 Leaving her with, you know, basically the option  
21 to get the hours, to be paid for the overtime she  
22 was never paid. And the final client story I want  
23 to talk about is Ms. D, and undocumented client  
24 from Mexico, with a young daughter who was the  
25 victim of rape, sexual assault and constant sexual

1 harassment by her employer, who was the owner of a  
2 number of Laundromats in The Bronx. Ms. D stayed  
3 at her job in part because her employer's threats,  
4 you know, that he would report her to immigration  
5 was terrifying to her, and she had a young  
6 daughter to support. But eventually, she did go  
7 to the police and now that case is slowly moving  
8 through the criminal justice system.

9 Unsurprisingly, that same employer didn't pay her  
10 overtime either, or minimum wage. So, when you  
11 look at the three stories, only Ms. D, the last  
12 story, she actually is in the process of trying to  
13 apply for a U visa, and we're really hoping she  
14 can get one. And it's because of the severities  
15 that she kind of, the severe treatment that she  
16 experienced on the job. But Ms. C and Ms. M, you  
17 know, they were subject to civil, to basically  
18 civil violations, you know, and some of the crimes  
19 that were committed against them don't rise to the  
20 level of trafficking, don't rise to the level of  
21 one of the qualifying crimes that a U visa  
22 requires. And so the Power Act, what it would do,  
23 is broaden the protections. So, one of the most  
24 important things that I see in the Power Act, and  
25

1  
2 that would make a huge difference to clients like  
3 Ms. L and Ms. M, is that, you know, as Karen  
4 mentioned, it would provide temporary protection  
5 for victims of crime and employment retaliation,  
6 but you know, the idea that it would protect  
7 workers, for example, who file or are likely to be  
8 helpful in the investigation of a bona fide  
9 workplace claim, and reasonably fears or has been  
10 threatened with or has been the victim of abuse of  
11 the immigration or other legal process by the  
12 employer, in retaliation to acts underlying or  
13 related to the filing of the claim, that's broad  
14 enough that since it could protect a whole class  
15 of workers who then would have much less of a  
16 disincentive to come forward. And arguably for  
17 lawyers, you know, who still are trying to deal  
18 with Hoffman Plastics, potentially could make the  
19 argument that you can get reinstatement and back  
20 pay, because they now have legal status, or a way  
21 to obtain, you know, legal status, shortly,  
22 hopefully, after the discrimination occurred. So,  
23 I'd just like to reiterate, we applaud the City  
24 Council for taking up this really important issue,  
25 in calling on Congress to pass the Power Act. And

1  
2 thank you very much for the opportunity to  
3 testify.

4 CHAIRPERSON DROMM: Thank you very  
5 much. Next, please.

6 MELANIE WILLINGHAM-JAGGERS: Good  
7 morning. I'd like to also thank you for the  
8 opportunity to testify, to offer testimony today.  
9 My name is Melanie Willingham-Jaggers, I'm an  
10 Organizer at ALIGN, the Alliance for a Greater New  
11 York. We are a community labor coalition  
12 dedicated to creating good jobs, vibrant  
13 communities and accountable democracy for all New  
14 Yorkers. I'm here to express ALIGN's strong  
15 support for the New York City Council Resolution  
16 1598, calling on Congress and President Obama to  
17 sign and pass the, into law, the protection,  
18 Protect Our Workers from Exploitation and  
19 Retaliation Act, Power Act. The Power Act gives  
20 workers, regardless of their immigration status,  
21 the ability to stand up to abusive employers, it  
22 prevents employers from violating the rights of  
23 immigrant workers with impunity, and from using  
24 immigration law to skirt enforcement of labor law.  
25 Under the Power Act, immigrant workers are covered



1  
2 by the protections they need to pursue workplace  
3 claims, and whistleblowers who are victims of  
4 employer retaliation and can apply for legal  
5 status. There are too many stories of immigrant  
6 workers facing retaliation and deportation for  
7 standing up to unscrupulous employers. Just  
8 months ago, guest workers in a Louisiana plant for  
9 Wal-Mart supplier CJ Seafoods were threatened with  
10 physical violence and deportation when they raised  
11 objections to deplorable working conditions,  
12 extremely low wages and no overtime pay, 24 hour  
13 shifts and locked worksites. Under the Power Act,  
14 immigrant workers can report forced labor  
15 situations without fear of employer retaliation,  
16 and the kinds of labor violations suffered by CJ  
17 workers can finally be rooted out. It is critical  
18 that the New York City Council take action in  
19 support of immigrant workers. New York City is  
20 home to approximately two million immigrant  
21 workers, who comprise an enormous share, over 40  
22 percent, of the City's workforce. Immigrants are  
23 just 15 percent of the workforce nationally. We  
24 have seen the damage done to our communities  
25 because of a broken immigration system. Immigrant

1 workers, especially those who are undocumented,  
2 face some of the most exploitive and dangerous  
3 working conditions in the City. Industries  
4 employing mostly immigrants such as food  
5 manufacturing, home and domestic care, have among  
6 the highest rates of wage theft and health and  
7 safety violations. Some health and safety  
8 violations have even proven fatal. There was  
9 recently a candlelight vigil held for Juan Batten,  
10 a 22 year old worker from Guatemala who lost his  
11 life when he was pulled into a dough mixing  
12 machine, at a Brooklyn tortilla factory. Under  
13 the Power Act, immigrant workers can report  
14 dangerous conditions without fear of employer  
15 retaliation and tragedies like the one that  
16 claimed Juan Batten's life can be prevented. In  
17 the coming years, New York will rely on immigrant  
18 workers more than ever. Our City's senior  
19 population is projected to grow rapidly in the  
20 coming decades, as baby boomers reach their golden  
21 years. An aging population demands the labor of  
22 hundreds of thousands of homecare workers, over 70  
23 percent of whom are immigrant women. In fact,  
24 home care is the fastest growing occupation in New  
25

1  
2 York City, and unfortunately wage theft and  
3 occupational health hazards are rife in the care  
4 industry. New York City's more than 60,000  
5 undocumented care workers face the worst kinds of  
6 exploitation due to their vulnerable immigration  
7 status. Fixing the broken immigration system will  
8 have a positive effect on all New Yorkers. In the  
9 care industry, bringing workers out of the shadow  
10 will reduce high turnover and improve the quality  
11 of home care for our loved ones. Our communities  
12 grow stronger when families are not torn apart by  
13 deportation, when workers can earn family  
14 sustaining wages and when workers are not  
15 subjected to occupational health hazards. New  
16 York City, given these immense, given its immense  
17 immigrant workforce, should be a leader in  
18 protecting the rights of immigrant workers and  
19 advocate--in advancing policy that brings workers  
20 out of the shadows, like the Power Act. Thank  
21 you.

22 CHAIRPERSON DROMM: Well, that  
23 actually kind of leads right into the question,  
24 it's kind of a general one, though. But how would  
25 passage of comprehensive immigration reform impact

1

2 the victims of workforce violations? Maybe you  
3 can elaborate a little bit more on that for the  
4 record?

5

MELANIE WILLINGHAM-JAGGERS: Sure.

6

Let me just make sure I understand your question.

7

You're asking how comprehensive immigration reform

8

would impact--

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CHAIRPERSON DROMM: Yeah, you

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talked a little bit about coming out of the

11

shadows and not having the fear of deportation,

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etc.

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MELANIE WILLINGHAM-JAGGERS: Sure.

14

CHAIRPERSON DROMM: Obviously

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that's, you know, what primarily prevents people,

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I think, from coming forward and reporting these

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types of violations. So, comprehensive

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immigration reform, I'm answering my own question

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here. [laughter] Still, try to extract it from

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you.

21

MELANIE WILLINGHAM-JAGGERS: Sure.

22

CHAIRPERSON DROMM: Would allow

23

people to come forward in that sense. But--

24

MELANIE WILLINGHAM-JAGGERS:

25

Exactly.

1  
2 CHAIRPERSON DROMM: --that's in  
3 your experience as well?

4 MELANIE WILLINGHAM-JAGGERS: It has  
5 been. I mean, and just zooming in, for example,  
6 on the care industry, right, as we know, the baby  
7 boomers who are reaching 65, will be the largest  
8 generation yet, right, to need to age to this age,  
9 and will require in-home care and support  
10 services, as they age, along with people with  
11 disabilities. And we know that in a largely  
12 immigrant women dominated workforce, like care,  
13 that undocumented status, right, puts people at a  
14 much higher rate of exploitation, right. And wage  
15 theft and workplace abuses. So, we know that  
16 comprehensive immigration reform and things like  
17 the Power Act, and access to U visas, really bring  
18 light to a industry, right, where abuses are  
19 already rife, and that allows people to really  
20 bring forward the abuses and difficult situations  
21 that they are subject to.

22 CHAIRPERSON DROMM: I'm really  
23 hopeful that we're going to get comprehensive  
24 immigration reform. But even if we do, I still  
25 think that the Power Act is necessary.

1  
2 Unfortunately, it has not been reintroduced. And  
3 I'm just wondering if any of the advocates have  
4 taken this up to push that forward in Congress, at  
5 all. Would anybody know if that is being done? I  
6 mean, part of the reason why I wanted to have this  
7 hearing today was to shine a light on it and to  
8 try to do some of the advocacy. Is anybody aware  
9 of any other advocacy going on around this?

10 MELANIE WILLINGHAM-JAGGERS: We are  
11 a New York affiliate of the Jobs with Justice  
12 national network. And from my understanding, Jobs  
13 with Justice has been working closely with the  
14 cosponsors, Menendez and Chu, to get this  
15 reintroduced, and are doing a lot of work on  
16 Capitol Hill, meeting with other congressional  
17 members.

18 CHAIRPERSON DROMM: Is MFY working  
19 on that?

20 ANAMARIA SEGURA: No, MFY focus has  
21 pretty much been legislatively on the state and  
22 the city. We certainly are happy to support  
23 campaigns and to sign on to letters calling on  
24 Congress about this. And we have, you know, done  
25 rulemaking comments and things like that, so if

1  
2 there were a campaign, we'd be happy to work on  
3 it, absolutely.

4 [pause]

5 CHAIRPERSON DROMM: So, we have  
6 some legislation in the Council, are you aware of  
7 that, in regard to some of these types of  
8 violations, that my Council has advised me of.  
9 And I actually have known that it's been out  
10 there. Are you aware of that at all? No. All  
11 right, so we're going to try to get back in  
12 contact with you on that. And ... Mm-hmm. So, I  
13 believe it was in your testimony, Ms. Segura, in  
14 terms of what we could do on city level, to  
15 rectify some of those changes. So, even though  
16 you may not know what we have here in the City  
17 Council, we do have some, I think it was in your  
18 testimony, when you brought up the discrimination,  
19 the workforce discrimination, I'm trying to recall  
20 what it was, now I'm thinking aloud. But--

21 ANAMARIA SEGURA: The reentry of  
22 people with criminal records, or--

23 CHAIRPERSON DROMM: Yes, exactly,  
24 that's exactly right.

25 ANAMARIA SEGURA: Yeah.

1  
2 CHAIRPERSON DROMM: So we have  
3 legislation on that, but are there other things  
4 that you think would help in a situation like what  
5 we're discussing today?

6 ANAMARIA SEGURA: I think it's hard  
7 because the, as far as the Department of Consumer  
8 Affairs, I know that they have plenty of consumer  
9 specific issues to focus on, with regulating the  
10 businesses, but I'd be happy to be part of a  
11 conversation. The two examples I gave were just  
12 sort of in response off the cuff to what you  
13 mentioned. But I think any license that is  
14 required to operate in the City of New York, it  
15 just seems like a big, high stakes benefit to lose  
16 if you, if you're a business owner. And so  
17 hopefully, I would love to see all businesses be  
18 required to show, or to make some kind of showing  
19 that they aren't, don't have labor abuses  
20 happening, and whether that's doing some kind of  
21 cross-referencing with the Department of Labor, or  
22 something like that, I think that makes a lot of  
23 sense. I haven't thought it all the way through,  
24 though.

25 [pause]



2 CHAIRPERSON DROMM: So, in order  
3 for something like that to occur, we would have to  
4 have that cross-referencing between the city  
5 agencies and the state agencies, in terms of the  
6 violations. State Department of Labor would have  
7 to inform Department of Consumer Affairs and vice  
8 versa.

9 ANAMARIA SEGURA: I think so, and I  
10 think anticipating what employers might say, and  
11 business owners might say, it's obviously very  
12 difficult to pass something where it's seen as  
13 anti-business. And businesses would make  
14 potentially a fair argument that they're being  
15 unfairly targeted for violations that haven't been  
16 proven yet. So, you know, the most practical way  
17 to do it would be where there have been open  
18 violations where there's essentially the  
19 equivalent of a judgment decided that a particular  
20 business owes wages and has not paid them, that  
21 would be the first step. I think it would get a  
22 little bit more murky if you're trying to say that  
23 just because the DOL has started investigating or  
24 investigated but there's an appeal, for example,  
25 that a business should lose a license. I don't

1  
2 know how far that could go, but that was the,  
3 along the lines of what I was thinking of.

4 CHAIRPERSON DROMM: And a very  
5 obvious question, which I probably should have  
6 asked at the beginning of the hearing, is does  
7 anybody know approximately how many people are  
8 victims of labor law violations in the city and/or  
9 the state?

10 ANAMARIA SEGURA: I don't have  
11 those numbers.

12 CHAIRPERSON DROMM: All right,  
13 we're going to try to get that, as well, and I  
14 think that was very, would be very important to  
15 our arguments. I don't know if they would have  
16 that information at the state level, but if it's,  
17 you know, disaggregated by--documented versus  
18 undocumented, etc., but I was just wondering if we  
19 could get a figure on that. But, all right. I  
20 think that's about it, then. All right--

21 ANAMARIA SEGURA: Thank you.

22 CHAIRPERSON DROMM: I want to thank  
23 you very much for coming in. Council Member  
24 Nelson, anything else?

25 COUNCIL MEMBER NELSON: [off mic] -

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- thank you.

MELANIE WILLINGHAM-JAGGERS: Thank  
you very much.

CHAIRPERSON DROMM: All right.

ANAMARIA SEGURA: Thank you.

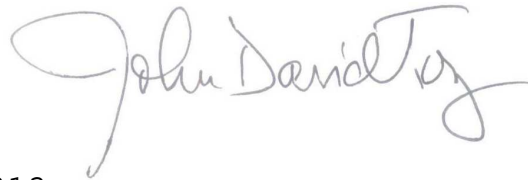
CHAIRPERSON DROMM: And we don't  
have anybody else to speak, I don't believe.  
Anybody else want to talk? Now's your chance.  
All right, so thank you very much, everybody, for  
coming in. This meeting is adjourned.

[pause, background noise]

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned to the right of the printed word "Signature".

Date March 18, 2013