

**Testimony of Deputy Commissioner Benjamin Holt
New York City Department of Consumer and Worker Protection**

**Before the Committee on
Civil Service & Labor**

**Hearing on
Introduction 2325: Right to Recall for Displaced Workers**

November 30, 2021

Introduction

Good morning Chair Miller and members of the Committee on Civil Service and Labor. I am Benjamin Holt, Deputy Commissioner for the Department of Consumer and Worker Protection's (DCWP) Office of Labor Policy and Standards (OLPS). I am joined today by Steven Ettannani, DCWP's Executive Director for External Affairs.

DCWP protects consumers and workers through enforcement of key consumer protection and workplace laws. These include New York City's Paid Safe and Sick Leave law, Fair Workweek laws, protections for freelance workers under the Freelance Isn't Free Act, and the recently passed legislation for third-party food delivery workers. Our agency advocates for new policies, investigates complaints, conducts proactive investigations, and recovers restitution for workers.

Recovery for All

As Mayor de Blasio said earlier this summer, "a recovery for us all [means] New York City moves closer and closer to fully reopening our economy, restoring the jobs we lost and ensuring equality in our comeback." DCWP promotes the city's recovery by facilitating the reopening of businesses and addressing the severe economic impact the pandemic had upon hundreds of thousands of working New Yorkers.

As the economic impact of the pandemic came into focus and as businesses began reopening last summer, DCWP advocated for policy and legislation to support businesses and workers alike. We prioritized giving small businesses the tools they needed for compliance, worked with the council to cut burdensome regulations for businesses, and have saved businesses millions of dollars through 33,000 cure-eligible violations. We also refunded more than \$12 million to restaurants participating in the city's sidewalk café program to alleviate business costs and keep workers employed. That, together with the Department of Transportation's successful Open Restaurants program, has saved more than 100,000 restaurant jobs.

We also took steps during the pandemic, in partnership with the council, to enact needed protections to support fast-food, hotel, and food delivery workers. Fast-food workers now cannot be arbitrarily fired from their jobs and have a right to reclaim their former jobs. Hotel workers

must be retained for 90 days when a hotel is transferred or sold, and long-time employees are entitled to up to 30 weeks' severance pay if they are laid off during the pandemic. And third-party food delivery workers have key new protections giving them more control over their work and a right to minimum pay.

Most recently, DCWP partnered with the city council to pass legislation that provides additional paid leave time to more than three million private sector employees to get a child or dependent vaccinated. That legislation will support the small business community by ensuring our city's collective public health. The more we can minimize the effects of the pandemic, the more children will be able to avoid school closures, the more workers will be able to go into work, and the more businesses will benefit from a return to normalcy.

Whether in promoting increased business activity, or by standing up protections that provide workers with stable jobs and stable paychecks, the administration and city council have been steadfast in supporting businesses and workers. And, our message has been clear, we are all in this recovery together.

Introduction 2325 – Right to Recall

Introduction 2325 continues the city's efforts to support an economic recovery for all. It provides laid-off workers in airports and event centers with a right to recall when their former jobs are once again available. These industries represent tens of thousands of workers in New York City, and it is critical to the city's economic recovery that we support their ability to return to work.

While businesses, like retail stores, started more fully reopening and hiring as early as June 2020, workers in airports and event centers are only now seeing increased opportunities to return to work. Airlines and airports, despite being deemed essential businesses, have endured reduced economic activity due to consumer hesitancy to travel and fluctuations in the public health situation. As a result, many people who work in airports, including in food and beverage establishments and other customer-facing services, were laid off without knowing when they would return to work. In the case of event centers, these venues were shuttered completely to the public in March 2020 and only began reopening this past April. That meant that the working people supporting concessions and other operations for event venues were still losing opportunities for work almost a year after many other industries were permitted to reopen.

Airport and event center workers, many of whom are low-wage workers and people of color, were laid off through no fault of their own. As these sectors reopen more fully, we need to ensure that they have an opportunity to go back to those jobs that were interrupted by the pandemic. These individuals are qualified, trained, and experienced workers eager to join the city's economic recovery. Ensuring these workers' right to recall is a key tool to promote a strong recovery for their communities and for the city.

Conclusion

DCWP's partnership with the city council is critical to delivering protections for workers. Introduction 2325 promotes the economic stability that is needed to combat the ongoing and lingering impacts of the pandemic. We urge this legislation's immediate passage.

Thank you for the opportunity to testify today and I look forward to any questions you may have.

November 30, 2021

**Statement of OCB General Counsel Steven E. Star
regarding the proposed amendment to the
New York City Collective Bargaining Law -
Proposed Int. No. 2454**

Good morning, Chair Miller and members of the Civil Service and Labor Committee. My name is Steven Star, and I am the Deputy Director and General Counsel of the New York City Office of Collective Bargaining ("OCB"). OCB is the impartial, non-mayoral administrative agency charged with administering and enforcing the provisions of the New York City Collective Bargaining Law, (Administrative Code, Title 12, Chapter 3) ("NYCCBL"). The Board is a neutral tripartite body made up of two City representatives appointed by the Mayor, two Labor representatives assigned by the municipal labor unions, and three Impartial members, who are elected by a unanimous vote of the City and Labor members. The NYCCBL itself was drafted by a tripartite commission and enacted simultaneously with the Taylor Law in 1967. The amendments you are considering today were developed in that same tradition, as a collaboration between our office, the Mayor's Office of Labor Relations, and the Municipal Labor Committee. I am here to speak in support of the proposed bill and to inform the Council of the agency's view of the importance of the proposed changes the Council is considering.

The Role of OCB:

The primary statutory functions of OCB are to certify employee organizations, adjudicate improper practice petitions, and administer the grievance arbitration procedures that are found in the collective bargaining agreements that exist between the City and most of the municipal unions.

The NYCCBL contains a statement of policy which declares it to be the policy of the City to favor and encourage the right of municipal employees to organize and be represented, to enter into written collective bargaining agreements, to utilize impartial and independent tribunals to assist in resolving impasses in contract negotiations, and final, impartial arbitration of grievances between municipal agencies and certified employee organizations. It has long been recognized that the right to collective bargaining is essential to sound and stable labor relations, which benefits the City, its employees, and the public.

Why the Amendments are Necessary:

An essential part of the NYCCBL provided for the payment of dues or fees to employee organizations. These funds are used for the bargaining, enforcement, and administration of collective bargaining agreements, and other member benefits. Unions have a duty of fair representation with respect to its members and non-members covered by their agreements. Until recently, employees that did not wish to become members of an employee organization would pay agency fees instead of dues to cover the cost of that representation. In 2018, the Supreme Court prohibited agency fees for public employees in the significant case, *Janus v. AFSCME*, 138 S. Ct. 2448 (2018).

As a result, public employee unions retained the statutory duty of fair representation for non-members, but could no longer collect agency fees to offset the costs.

In 2018, in anticipation of the *Janus* decision, New York State amended the Taylor Law to account for the elimination of agency fees, and to balance that against a union's duty of fair representation. These amendments, among other things:

- limit a union's obligation to represent non-members to the negotiation and enforcement of the terms of a collective bargaining agreement;
- allows a union to decline to represent non-members when being questioned by an employer, in statutory or administrative proceedings, or in grievances or arbitration matters concerning evaluation or discipline, provided the non-member is permitted to proceed on their own; and
- allows a union to provide legal, economic or job-related services or benefits beyond those provided in a collective bargaining agreement to only its members

The NYCCBL is a local law, and in accordance with the Taylor Law, it must be substantially equivalent with the Taylor Law. For this reason, the proposed amendments to 12-306(b)(1) and (b)(3) reflect the amendments to the Taylor Law that limit a union's obligations to represent non-members, and provides that if a union does so in accordance with the law, it does not violate its duty of fair representation, nor interferes with, restrains, or coerces public employees in exercising their rights under the NYCCBL.

Unlike the Taylor Law, the NYCCBL has a number of provisions regarding grievance and arbitration procedures. The proposed amendments are necessary to provide unions with the authority to allow non-members to proceed to arbitration on their own, at their own expense. It also ensures that where an employee does pursue a grievance or arbitration on their own, the union may participate in those proceeding to protect its interests and those of its members.

I would be pleased to answer any questions that the members of the Committee may have about the proposed changes to the NYCCBL and look forward to working with Council to pass this legislation.

November 22, 2021

Speaker Corey Johnson
City Hall Office
New York, NY, 10007

Dear Speaker Johnson,

We write to you as a coalition of employers across all sectors of New York City's economy out of significant concern for City Council Intro 2325 and the unintended consequences that this legislation would have on the City's economic recovery from the COVID-19 pandemic.

As written, Intro 2325 would require airport hospitality and service providers, food service contractors, and businesses whose employees work at an event center in New York City to offer new positions to their employees who were laid off during the pandemic before hiring new employees. This bill would also require employers to offer positions to laid-off workers based on seniority, as well as mandate that employers provide laid-off workers with at least 10 days after receiving the written notice of the offer to either accept or decline the position in writing.

We all share the goal of ensuring a swift economic recovery for the City that includes everyone. As employers representing all sectors of the City's economy, we want to bring back our talented and dedicated employees in our recovery.

The cumbersome procedures and lengthy timelines that Intro 2325 would add to the rehiring process for employers will only serve to slow the City's recovery. This legislation will result in it taking weeks or months to hire back jobs that are needed immediately to sustain daily business operations, especially in light of changing occupancy rates, COVID-19 mandates, and pandemic related market fluctuations. We need policies that will help small businesses reopen and hire people quickly, which absolutely includes former employees, but the provisions of this legislation would further complicate and hamper economic recovery.

As the City continues to reopen and recover in the coming months, employers across all industries will need the flexibility to adapt to the present economic conditions and public health regulations, including the ability to bring back their workers based on their current operational needs and plans for restructuring.

We urge you and the rest of the City Council to hold off from pursuing this legislation as it is currently written. Instead, we ask that you work with our organizations and others to develop an incentive-based approach to rehiring that would encourage all employers to bring back laid-off workers amid the City's process of reopening its economy.

We believe that this approach and closer collaboration between the City Council and employers across the City would only strengthen and help in the process of rebuilding New York City's economy for the future.

Sincerely,

Thomas Grech
President and CEO
Queens Chamber of Commerce



William Rodriguez
President
National Supermarket Association



Randy Peers
President & CEO
Brooklyn Chamber of Commerce



Jeffrey Garcia
President
New York State Latino Restaurant, Bar and Lounge Association



Jessica Walker
President and CEO
Manhattan Chamber of Commerce



Andrew Rigie
Executive Director
The NYC Hospitality Alliance



Lisa Sorin
President and CEO
Bronx Chamber of Commerce



Jay M. Peltz
General Counsel and Senior Vice President of Government Relations
Food Industry Alliance of New York State, Inc.



Linda Baran
President and CEO
Staten Island Chamber of Commerce



The New York State Restaurant Association



Vijay Dandapani
President and CEO
Hotel Association of New York City



Jim Bifulco
President
Construction Safety Advisory Committee of New York



Rocco J. Lacertosa
Chief Executive Officer
New York State Energy Coalition



Vincent Petraro
General Counsel
Metropolitan Parking Association of New York

STATEMENT OF DISTRICT COUNCIL 37, AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO TO CIVIL SERVICE AND
LABOR COMMITTEE OF NEW YORK CITY COUNCIL

RE: Council Bill 2454-21

Dated: 30 November 2021

Amendments to the New York City Collective Bargaining Law (“NYCCBL”)

District Council 37 is the duly certified collective bargaining representative of some 125,000 public sector employees in the various agencies, authorities, boards and corporations of the City of New York. In addition, the union represent approximately 25,000 employees in the non-profit sector in the city.

We are here today in support of the Intro. 2454-21, promulgated by the Civil Service and Labor Committee and its chair, Council Member I. Daneek Miller. The amendments set forth in Intro. 2454-21 would bring the NYCCBL in compliance with the statutory amendments the state legislature enacted to the Taylor Law in 2018. Of course, the Taylor Law mandates that the provisions of municipal and local collective bargaining laws be in compliance with the Taylor Law itself. Intro 2454-21 addresses several major items in light of the United States Supreme Court’s ruling in *Janus v. AFSCME* in June 2018 which invalidated statutes and collective bargaining agreements allowing unions to collect agency-fees or fair share fees from non-members without such employees’ written consent, for collective bargaining and related activities, except for political and ideological activities, that benefited all members of the bargaining unit. *Janus* reversed a forty-year precedent of the Supreme Court

Intro. 2454-21 limits the circumstances under which a union could be held responsible for breach of the duty of fair representation by declining to provide representation to non-members. It would make that a union would not be in breach of duty by not representing a non-member when the employee is being questioned by the employer. Nor is the union in breach by declining to represent a non-member in statutory, regulatory or administrative proceedings such as due process disciplinary matters pursuant to Civil Service Law, due process appeals of involuntary leaves, actions taken under the Fair Labor Standards Act, Family Medical Leave Act, federal, state or local anti-discrimination laws, including the very NYCCBL.

We also note the amendment would not impute a duty of fair representation where the union permits non-members to proceed at their own expense in the grievance-arbitration process regarding matters of discipline and performance evaluation only. Here, the non-member would be responsible for paying the union's share of the costs of such proceeding.

Finally, we do not overlook the fact that the amendment allows the unions to provide extra-contractual benefits to members only. .

Sent: Monday, December 6, 2021 12:23 PM
To: Legislative Documents & Tracking
Cc:
Subject: Testimony from Unite 100 re: CSL hearing on 11/30 FW: UNITE HERE! Local 100 Request Co-Sponsorship to Int. 2325

From: Carlos Beato <CBEATO@pittabishop.com>
Sent: Monday, December 6, 2021 11:00 AM
Cc: Sussie Lozada <SLozada@100.unitehere.org>; Vito R. Pitta <vrpitta@pittabishop.com>
Subject: [EXTERNAL] UNITE HERE! Local 100 Request Co-Sponsorship to Int. 2325

Greetings:

We represent UNITE HERE! Local 100 ("Local 100"). Since the beginning of the pandemic, Local 100 has worked to aid displaced food service workers. Int. 2325 is important legislation that will provide certain workers that have been laid off due to the economic and health crisis caused by the pandemic with a right to return to their previous jobs once their employers are able to restart or scale up their operations.

Local 100 asks that you co-sponsor Int. 2325.

Below is a text of the bill. Please feel free to contact me if you have any questions.

Int. No. 2325

By Council Members Miller, Kallos, Ayala, Rodriguez and Levine (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to protections for restaurant, food service and airport workers displaced due to the COVID-19 disaster emergency

Be it enacted by the Council as follows:

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter

14 to read as follows:

CHAPTER 14

DISPLACED RESTAURANT, FOOD SERVICE AND AIRPORT WORKERS

§ 20-1401 Short title. This chapter shall be known and may be cited as the “Displaced Food Service and Airport Worker Right to Recall Law.”

§ 20-1402 Definitions. As used in this chapter, the following terms have the following meanings:

Airport. The term “airport” means John F. Kennedy International Airport and LaGuardia Airport.

Airport hospitality operation. The term “airport hospitality operation” means a business that provides food or beverage service, passenger lounge service, retail or other consumer goods or services to members of the public at an airport.

Airport service provider. The term “airport service provider” means any person that performs, under contract with a certificated passenger air carrier: (i) food service, including for in-flight food or beverage service; or (ii) functions on the property of an airport that are directly related to the air transportation of persons, property or mail, including the loading or unloading of property on aircraft, assistance to passengers under part 382 of title 14 of the code of federal regulations, security, airport ticketing or check-in functions, ground-handling of aircraft or aircraft cleaning, sanitization functions or waste removal.

Covered employer. The term “covered employer” means an airport hospitality operation, airport service provider, food service contractor, or a private entity whose employees or contractors are regularly scheduled to work at an event center, that meets the definition of “employer” set forth in section 20-912. The term “covered employer” does not include the port authority of New York and New Jersey and air carriers certificated by the federal aviation administration.

Department. The term “department” means the department of consumer and worker protection.

Employee. The term “employee” means a person who meets or met the definition of “employee” set forth in section 20-912 and is or was employed by a covered employer.

Event center. The term “event center” means a publicly or privately owned structure with a seating capacity of 10,000 or more, or 50,000 or more square feet of meeting or exhibition space, that is used for public performances, sporting events, business meetings or similar events, including a concert hall, stadium, sports arena, racetrack, coliseum or convention center. The term “event center” includes any contracted, leased or sublet

premises connected to or operated in conjunction with the purpose of such a structure, including food preparation facilities, concessions, retail stores, restaurants, bars and structured parking facilities.

Food service. The term “food service” means the on-site preparation, service or cleanup of food or beverages.

Food service contract. The term “food service contract” means a contract for the provision of food service, for a term of at least one year, that requires the food service contractor to provide all food service workers providing such food service.

Food service contractor. The term “food service contractor” means any person who, directly or through subcontracting, enters into a food service contract to provide food service to or on behalf of another person.

Laid-off employee. The term “laid-off employee” means any employee who was employed by a covered employer for six months or more between January 31, 2019 and January 31, 2020, and whose most recent separation from employment (i) was initiated by such covered employer, (ii) occurred after January 31, 2020 and before January 1, 2022 and (iii) was due to a government order, layoff, lack of business, reduction in force or other economic, non-disciplinary reason.

Seniority. The term “seniority” means a ranking of employees based on length of service, computed from the first date of work, including any probationary period, unless such service has been interrupted by more than six months, in which case length of service shall be computed from the date that service resumed. An absence shall not be deemed an interruption of service if such absence was the result of military service, illness, educational leave, leave protected or afforded by law or any discharge due to a government order, layoff, lack of business, reduction in force or other economic, non-disciplinary reason, or that is in violation of any local, state or federal law, including this chapter.

§ 20-1403 Right to recall. a. 1. Until and including December 31, 2024, before hiring a new employee, a covered employer shall, pursuant to this section, offer any positions that become available after the effective date of the local law that added this chapter to its laid-off employees who are qualified for such position.

2. A covered employer’s obligation to offer such positions to a laid-off employee shall be extinguished if (i) the covered employer has offered such a position to the laid-off employee pursuant to this section, and the laid-

off employee has accepted such offer; (ii) the covered employer has made three or more comparable offers to the laid-off employee pursuant to this section; or (iii) the laid-off employee has informed the covered employer in writing that such employee does not intend to return to work for such covered employer. For purposes of this paragraph, a comparable offer means an offer of a position for which the laid-off employee is qualified pursuant to paragraph 4 of this subdivision, at a work schedule totaling at least 85 percent of the hours that the laid-off employee worked for the covered employer pursuant to the laid-off employee's regular work schedule or weekly work schedule when the laid-off employee was laid off.

3. Covered employers shall make such offers in writing by registered mail, by email or by text message to the laid-off employee's last known contact information, except that for any layoff occurring after the effective date of the local law that added this chapter, the covered employer shall use the method and contact information chosen and provided by the laid-off employee when such employee is laid off.

4. A laid-off employee is qualified for a position, without regard to title, if the laid-off employee (i) was employed in the same or a similar position by the covered employer when the laid-off employee was laid off or (ii) can perform the requirements of the position or would be able to perform the requirements of the position with the same training that would be provided to a new employee hired for the position.

5. A covered employer shall offer such positions to laid-off employees in the order of priority corresponding to items (i) and (ii) of paragraph 4 of this subdivision. If multiple laid-off employees in the same priority category are qualified for such a position, the covered employer shall offer the position to the laid-off employee with the greatest seniority for the covered employer.

b. A laid-off employee offered a position pursuant to this section shall be given no fewer than ten days from the date of receipt of the written offer to accept or decline the offer. A covered employer may make simultaneous conditional offers of employment to laid-off employees, with a final offer of employment conditioned on application of the priority system set forth in paragraph 5 of subdivision a of this section.

c. A covered employer that does not offer such a position to a laid-off employee on the grounds of lack of qualifications, and instead recalls another laid-off employee with less priority or hires someone other than a laid-

off employee, shall provide the laid-off employee determined to be unqualified a written notice of non-qualification within thirty days identifying all reasons for such determination.

d. The requirements of this chapter also apply if:

1. The ownership of the covered employer changed after a laid-off employee's separation from employment, and the covered employer is conducting the same or similar operations as were conducted before January 31, 2020;

2. The form of organization of the covered employer changed after January 31, 2020, and the covered employer is conducting the same or similar operations as before such change;

3. Substantially all of the covered employer's assets were acquired by another person that conducts the same or similar operations using substantially the same assets; or

4. The covered employer relocated the operations at which a laid-off employee was employed before January 31, 2020 to a different location within the city.

§ 20-1404 Layoff procedures and requirements. a. Written notice of layoff. A covered employer shall provide a laid-off employee with written notice of the layoff, either in person or in writing to the employee's last-known address, or to the employee's phone number or email address if authorized by the employee. Such notice shall be provided at the time of layoff or within 60 days of the effective date of the local law that added this chapter if the layoff took place before such date. A covered employer shall provide notice to each laid-off employee in a language understood by such employee. The written notice shall include:

1. A notice of the layoff and the layoff's effective date;

2. The laid off-employee's seniority at the time of layoff; and

3. A summary of the rights provided by this chapter, including the right to recall and to receive and accept job offers made based on seniority, the right to be free from retaliation and the right to enforce one's rights in court.

b. The department shall make publicly available on its website, in a downloadable format in each designated citywide language as defined in section 23-1101, a notice containing the information that a covered employer must provide to a laid-off employee pursuant to paragraph 3 of subdivision a of this section.

c. When laying off an employee, a covered employer shall request the employee's preferred mailing address, phone number or email address for purposes of receiving offers of open positions pursuant to section 20-1403.

d. Recordkeeping. Covered employers shall retain the following records for each laid-off employee, for at least two years from the date the written notice of layoff was required to be provided to such laid-off employee pursuant to subdivision a of this section: name; job classification at the time of separation from employment; date of hire; last known address; last known email address and phone number, if applicable; a copy of the written notice of layoff provided to the laid-off employee; proof of any offers of available positions to the laid-off employee; and proof of any notices of non-qualification provided to the laid-off employee.

§ 20-1405 Retaliatory action prohibited. No person shall refuse to employ, terminate, reduce in compensation or otherwise take any adverse action against any employee for seeking information or to enforce their rights under this chapter, for participating in any proceeding related to this chapter, for opposing or reporting any practice proscribed by this chapter or for otherwise asserting any right under this chapter. This section shall apply to any employee who mistakenly, but in good faith, alleges a violation of this chapter.

§ 20-1406 Enforcement. a. This chapter may be enforced in a civil action in any court of competent jurisdiction brought by one or more employees on their own behalf or on behalf of themselves and other similarly situated employees. An employee may designate an agent or representative to maintain such an action.

b. If a court finds that a covered employer violated this chapter, it may enjoin the covered employer from engaging in such violation and may award any other appropriate affirmative relief, including compensatory damages, back pay and reinstatement or hiring of employees with or without back pay including fringe benefits. Interim earnings or amounts earnable with reasonable diligence by employees prevailing in such action shall operate to reduce any back pay otherwise allowable. Before such interim earnings are deducted from such back pay, the court shall deduct from such interim earnings any reasonable amounts expended by such employees in searching for, obtaining or relocating to new employment. A court may also order punitive damages if it finds that a covered employer violated this chapter with malice or with reckless indifference to the requirements of this

chapter. If a court finds that a covered employer terminated an employee in violation of section 20-1405, the court may award, in addition to reinstatement, three times the amount of back pay and compensatory damages awarded.

c. If a covered employer takes an adverse action against an employee within 60 days of such employee's exercise of rights pursuant to, or any other activity protected by, this chapter, there shall be a rebuttable presumption that such adverse action was taken in violation of section 20-1405.

d. If an employee prevails in a civil action brought under this section, the court shall award reasonable attorney's fees and costs and expert witness fees incurred in bringing such action.

§ 20-1407 Expiration. This chapter expires on December 31, 2031.

§ 2. This local law takes effect immediately and remains in effect until December 31, 2031, when it is deemed repealed, provided that all actions and proceedings arising from events that occurred prior to such date may be prosecuted and defended to final effect in the same manner as they might if this local law were not so repealed.

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Greetings Councilmembers,

I'm grateful for the opportunity to submit testimony to the Committee. My name is Rabbi Margo Hughes-Robinson, and I'm the New York organizer at T'ruah: the Rabbinic Call for Human Rights, and a proud New Yorker. I'm writing as a supporter of the Coalition of Immokalee Workers, an award-winning human rights organization that works to protect farmworkers from abusive conditions in agricultural fields across the East Coast. T'ruah has worked in partnership with the CIW for ten years, bringing Jewish clergy from all over North America to Florida to deepen their commitment to farmworkers and the protection of their rights. I ask that this committee and the chair, Councilmember Miller, set a hearing and a vote on Res. 1156, a resolution calling on Wendy's to join the Fair Food Program and support farmworkers' human rights that currently has 28 co-sponsors.

Res. 1156 has already gained monumental support from a broad cross-section of New Yorkers, including students, religious, political, and financial community leaders, as well as many organizations in the city. In December 2019, the NYC Women's Caucus wrote a powerful letter to Wendy's in support of the resolution. Most recently, former Manhattan Borough President, Ruth Messinger penned an op-ed to the Gotham Gazette calling on the New York City Council to "act swiftly to send a message to Wendy's about how much New York values human dignity and worth." And when [investors representing over \\$1 trillion in assets managed sent a letter to Wendy's in April 2021](#), urging the company to join the Fair Food Program to address "the dire consequences of COVID-19 and of systemic racism," the Office of the New York City Comptroller was among the investors who signed.

12/1/2021

The resolution has 28 co-sponsors, including a majority of this committee. Councilmember Adams, Councilmember Dinowitz, Councilmember Louis, Councilmember Rosenthal, and the Chair of this Committee, Councilmember Miller are all cosponsors. My fellow New Yorkers and I have done our part, we have made calls and sent emails showing our support for this resolution. Now it's time for this Committee to do its part and bring this resolution to a hearing. This fall, a number of rabbis and cantors across New York City made phone calls, both to members of this committee and to other Council members, urging them to show their support for farmworkers and for this bill.

My own Jewish tradition demands fair treatment for the worker, and instills in me a deep reverence for the humanity of every individual, all the more so those whose labor nourishes us and contributes to our most essential wellbeing through agriculture. I urge you to set a hearing for Resolution 1156 and bring this bill to a vote.

Thank you.

Warmly,

Rabbi Margo Hughes-Robinson

Dec. 3, 2021

Dear Council Members,

I'm Arielle, a student at St. John's University here in New York. I support the work of the broad-based NYC coalition that stands in support of the Coalition of Immokalee Workers – an award-winning human rights organization that works to protect farmworkers from abusive conditions in the agriculture industry.

I urge this committee and its chair, Council Member Miller, to set a hearing and vote on Res. 1156. This resolution, introduced in 2019, calls on fast food company Wendy's to join the Fair Food Program. This is an internationally recognized workplace-monitoring program proven to eradicate human rights abuses from the agricultural industry. Wendy's is the only major fast-food chain still holding out; its competitors McDonald's, Taco Bell, Burger King, and others have long joined. As this committee is aware, farmworkers are among the most vulnerable essential workers in our economy. The Fair Food Program has been essential to protecting farmworkers' rights during the pandemic. So that Wendy's joins now, to advance and strengthen these protections, is more urgent than ever.

Resolution 1156 currently counts on 28 co-sponsors in City Council. My fellow New Yorkers and I have done our part by ensuring that our Councilmembers come on board. Now it's time for this Committee to do its part and bring this resolution to a hearing as soon as possible.

Thank you,

Arielle C. Sanders

Dear Council Members of the Civil Service and Labor Committee,

I am writing to urge the Civil Service and Labor Committee to set a hearing and vote on Resolution 1156, a resolution calling on Wendy's to join the Coalition of Immokalee Workers' Fair Food Program and protect the human rights of farmworkers in its supply chain.

As a member of Workers Circle with a strong commitment to labor rights, and a 20-year member of the Park Slope Food Coop, I want our city to send a strong message that farmworkers laboring as essential workers can and must have their human rights, health, and safety protected. The Fair Food Program is unmatched in its ability to address and prevent modern slavery and sexual assault, as well as a host of other human rights abuses. It is the only social responsibility program known to have mandatory and enforceable protocols to protect farmworkers against COVID-19 in U.S. agriculture.

Resolution 1156 currently has 28 co-sponsors. It is urgent to move this resolution forward and insist farmworkers in Wendy's supply chain - [including any who may be laboring in NY](#) - can have their human rights respected and protection from Covid.

I am a parent of three teenagers who, since they were young children, have met and admired the work of the CIW to bring respect and basic human rights to the people who harvest the food we eat. Please don't forget farmworkers and show your support in this essential struggle.

Thank you.

Beth Zasloff

December 1, 2021

Dear Councilmembers,

My name is Chloe Lazarus and I'm an urban farmer and a New Yorker. I am writing to you today in support of the Coalition of Immokalee Workers – an award-winning human rights organization that works to protect farmworkers from abusive conditions in the agriculture industry.

I am writing to ask that this committee and the chair, Council Member Miller, set a hearing and vote on Res. 1156 – a resolution calling on Wendy's to join the Fair Food Program, an internationally recognized workplace-monitoring program proven to eradicate human rights abuses from the agricultural industry. As a farmer in New York for the past 14 years, I've seen countless failures by employers and organizations that abuse hard-working field workers like myself. The saying goes: "no farm, no food," but really it's "no farmers, no food." The resolution currently has 28 co-sponsors that are in support of farmworkers' human rights. Support this resolution and you will also be supporting so many farmers like myself.

My fellow New Yorkers and I have done our part, we have made calls and sent emails showing our support for this resolution. Now it's time for this Committee to do its part and bring this resolution to a hearing.

Thank you,
Chloe Lazarus

Farm Operations Manager
Harlem, New York

Dear Councilmembers,

My name is Eliza Bayroff and I am a nursing student and a New Yorker. I am writing to you today in support of the Coalition of Immokalee Workers – an award-winning human rights organization that works to protect farmworkers from abusive conditions in the agriculture industry.

I am writing to ask that this committee and the chair, Council Member Miller, set a hearing and vote on Res. 1156 – a resolution calling on Wendy's to join the Fair Food Program, an internationally recognized workplace-monitoring program proven to eradicate human rights abuses from the agricultural industry. McDonald's, Subway, Burger King, Taco Bell have all joined the Fair Food Program; Wendy's is the lone fast food giant to refuse protections or the laborers that make their business possible. The resolution currently has 28 co-sponsors that are in support of farmworkers' human rights.

My fellow New Yorkers and I have done our part, we have made calls and sent emails showing our support for this resolution. Now it's time for this Committee to do its part and bring this resolution to a hearing.

Thank you,
Eliza Bayroff
Whitestone, NY

Dear Councilmembers,

My name is Gabriela and I'm a member of the New York Fair Food Coalition and a New Yorker. I am writing to you today in support of the Coalition of Immokalee Workers – an award-winning human rights organization that works to protect farmworkers from abusive conditions in the agriculture industry.

I am writing to ask that this committee and the chair, Council Member Miller, set a hearing and vote on Res. 1156 – a resolution calling on Wendy's to join the Fair Food Program, an internationally recognized workplace-monitoring program proven to eradicate human rights abuses from the agricultural industry. In the past two years, as our world has been dealing with the uncertainty brought on by COVID-19, we have benefited from farmworkers more than ever. As a nation, we have relied on farmworkers to work through harsh conditions, often risking exposure to the deadly coronavirus, in order to harvest the produce we eat on the daily. I believe it's our responsibility, as consumers and sensible humans, to ensure farmworkers have basic human right protections at work. The 28 council members who have signed on as co-sponsors to Res. 1156 seem to agree.

My fellow New Yorkers and I have done our part, we have made calls and sent emails showing our support for this resolution. Now it's time for this Committee to do its part and bring this resolution to a hearing.

Thank you,
Gabriela

Dear Council Members:

I am writing to you today in support of the Coalition of Immokalee Workers – an award-winning human rights organization that works to protect farmworkers from abusive conditions in the agriculture industry.

I am writing to ask that this committee and the chair, Council Member Miller, set a hearing and vote on Res. 1156 – a resolution calling on Wendy’s to join the Fair Food Program, an internationally recognized workplace-monitoring program proven to eradicate human rights abuses from the agricultural industry. [add other details here] The resolution currently has 28 co-sponsors that are in support of farmworkers’ human rights.

My fellow New Yorkers and I have done our part, we have made calls and sent emails showing our support for this resolution. Now it’s time for this Committee to do its part and bring this resolution to a hearing.

Thank you.

Sincerely,

Ilene Z. Rubenstein



8000 UTOPIA PARKWAY, QUEENS, NY 11439

THEOLOGY AND RELIGIOUS STUDIES

TEL 718-990-6467
FAX 718-990-1907

Dec. 2, 2021

Dear New York City Councilmembers,

My name is Jeremy Cruz and I am a professor of religion and social ethics at St. John's University, with campuses in Queens, Manhattan, and on Staten Island. For several years I have taught and accompanied students who are part of the broad coalition of the Alliance for Fair Food. Our support of the Fair Food Program and of the Coalition of Immokalee Workers – an award-winning human rights organization—is an expression of our concern about abusive conditions in the food industry and of our solidarity with agricultural workers and families.

I strongly urge this committee and its chair, Council Member I. Daneek Miller, to set a hearing for a vote on Res. 1156. This resolution, introduced in 2019, calls on the Wendy's Company to join the Fair Food Program. This is an internationally-recognized program proven to eradicate human rights abuses in the agricultural industry through independent monitoring of the workplace and worker-centered corporate accountability. Wendy's is the only major fast food chain that refuses to join the Fair Food Program. Competitors such as McDonald's, Taco Bell, Burger King, and Subway joined the program more than a decade ago.

The Fair Food Program has been essential to protecting farmworkers' rights during a devastating pandemic that has reminded us of just how closely urban and rural communities are connected. Moreover, as this committee is aware, farmworkers are among the most vulnerable essential workers in our country. Thus, it is with great urgency that I ask New York City councilmembers to use your elected positions to ensure that the Wendy's Company finally join the Fair Food Program.

Resolution 1156 currently counts on 28 co-sponsors in City Council. My fellow New Yorkers and I have done our part to ensure that our Councilmembers understand these urgent life issues, as well as the provisions of the Fair Food Program. Now we simply need for this Committee to do its part and bring this resolution to a hearing as soon as possible.

With appreciation,

Jeremy V. Cruz, Ph.D.
Associate Professor of Theological Ethics
cruzj@stjohns.edu

Dear Council Members of the Civil Service and Labor Committee,

I am writing to urge the Civil Service and Labor Committee to set a hearing and vote on Resolution 1156, a resolution calling on Wendy's to join the Coalition of Immokalee Workers' Fair Food Program and protect the human rights of farmworkers in its supply chain.

As a student of Columbia University, I want our city to send a strong message that farmworkers laboring as essential workers can and must have their human rights, health, and safety protected. The Fair Food Program is unmatched in its ability to address and prevent modern slavery and sexual assault, as well as a host of other human rights abuses. It is the only social responsibility program known to have mandatory and enforceable protocols to protect farmworkers against COVID-19 in U.S. agriculture.

Resolution 1156 currently has 28 co-sponsors. It is urgent to move this resolution forward and insist farmworkers in Wendy's supply chain - [including any who may be laboring in NY](#) - can have their human rights respected and protection from Covid.

Thank you.

Jeremy Faust

Dear Councilmembers,

My name is Jim Metzinger and I'm a New Yorker. I am writing to you today in support of the Coalition of Immokalee Workers – an award-winning human rights organization that works to protect farmworkers from abusive conditions in the agriculture industry.

I am writing to ask that this committee and the chair, Council Member Miller, set a hearing and vote on Res. 1156 – a resolution calling on Wendy's to join the Fair Food Program, an internationally recognized workplace-monitoring program proven to eradicate human rights abuses from the agricultural industry. The resolution currently has 28 co-sponsors that are in support of farmworkers' human rights.

My fellow New Yorkers and I have done our part, we have made calls and sent emails showing our support for this resolution. Now it's time for this Committee to do its part and bring this resolution to a hearing.

*Thank you,
Jim Metzinger*

Dear Councilmembers,

My name is Joseph Parker and I'm a graduate student at the Silberman School of Social Work - Hunter College and a proud New Yorker. I am writing to you today in support of the Coalition of Immokalee Workers (CIW) – an award-winning human rights organization that works to protect farmworkers from abusive conditions in the agriculture industry.

I am writing to ask that this committee and the chair, Council Member Miller, set a hearing and vote on Res. 1156 – a resolution calling on Wendy's to join the Fair Food Program, an internationally recognized workplace-monitoring program proven to eradicate human rights abuses from the agricultural industry. I have spent years working alongside the CIW on their Campaign for Fair Food and can personally attest to the transformative effects this groundbreaking program has had on thousands of lives. The resolution currently has 28 co-sponsors that are in support of farmworkers' human rights.

My fellow New Yorkers and I have done our part, we have made calls and sent emails showing our support for this resolution. Now it's time for this Committee to do its part and bring this resolution to a hearing.

Thank you for your consideration.

Sincerely,

Joseph Parker

Dear Council Members of the Civil Service and Labor Committee,

I am writing to urge the Civil Service and Labor Committee to set a hearing and vote on Resolution 1156, a resolution calling on Wendy's to join the Coalition of Immokalee Workers' Fair Food Program and protect the human rights of farmworkers in its supply chain.

As a high school student, I want our city to send a strong message that farmworkers laboring as essential workers can and must have their human rights, health, and safety protected. The Fair Food Program is unmatched in its ability to address and prevent modern slavery and sexual assault, as well as a host of other human rights abuses. It is the only social responsibility program known to have mandatory and enforceable protocols to protect farmworkers against COVID-19 in U.S. agriculture.

Resolution 1156 currently has 28 co-sponsors. It is urgent to move this resolution forward and insist farmworkers in Wendy's supply chain - [including any who may be laboring in NY](#) - can have their human rights respected and protection from Covid. We must follow through on having equal rights for all citizens, especially when this essential workforce is unprotected when it comes down to their health

Thank you.

Lianne Ohayon

December 1, 2021

Dear Council members,

My name is Lizette Vernon, and I'm a New Yorker and Web designer at the American Museum of Natural History. I am writing to you today in support of the Coalition of Immokalee Workers. This award-winning human rights organization works to protect farmworkers from abusive conditions in the agriculture industry.

I am writing to ask that this committee and Council Member Miller set a hearing and vote on Res. 1156. This resolution calls on Wendy's to join the Fair Food Program, an internationally recognized workplace-monitoring program proven to eradicate human rights abuses from the agricultural industry. The resolution currently has 28 co-sponsors supporting farmworkers' human rights.

My fellow New Yorkers and I have done our part, making calls and sending emails to show support for this resolution. Now it's time for this Committee to do its part and bring this resolution to a hearing.

Thank you,

A handwritten signature in blue ink, appearing to read 'Lizette Vernon', with a stylized flourish extending to the right.

Lizette Vernon

I am happy that the committee is exploring amendments to the city code in relation to protections for restaurant, food service, and airport workers displaced due to COVID-19. I am writing on behalf of another group of essential workers that have been drastically impacted by COVID-19, mainly, the essential farmworkers who have also toiled throughout the pandemic to keep food on all of our tables.

Res. 1156 has already gained monumental support from a broad cross-section of New Yorkers, including students, religious, political, and financial community leaders, as well as many organizations in the city.

The resolution has 28 co-sponsors, including a majority of this committee. Councilmember Adams, Councilmember Dinowitz, Councilmember Louis, Councilmember Rosenthal, and the Chair of this Committee, Councilmember Miller are all cosponsors.

My fellow New Yorkers and I have done our part, we have made calls and sent emails showing our support for this resolution. Now it's time for this Committee to do its part and bring this resolution to a hearing. Please act quickly on behalf of those whom need our support.

Sincerely,

Rabbi Marc Margolius
West End Avenue
NY NY 10025

Dear Councilmembers,

My name is Nova Friedman and I'm a student and a New Yorker. I am writing to you today in support of the Coalition of Immokalee Workers – an award-winning human rights organization that works to protect farmworkers from abusive conditions in the agriculture industry.

I am writing to ask that this committee and the chair, Council Member Miller, set a hearing and vote on Res. 1156 – a resolution calling on Wendy's to join the Fair Food Program, an internationally recognized workplace-monitoring program proven to eradicate human rights abuses from the agricultural industry. The resolution currently has 28 co-sponsors that are in support of farmworkers' human rights.

My fellow New Yorkers and I have done our part, we have made calls and sent emails showing our support for this resolution. Now it's time for this Committee to do its part and bring this resolution to a hearing.

Thank you,
Nova

Dec. 2, 2021

Dear Councilmembers,

I'm Patricia, a student at the CUNY Graduate Center here in New York. For the past couple years I've been organizing with the broad-based NYC coalition in support of the Coalition of Immokalee Workers – an award-winning human rights organization that works to protect farmworkers from abusive conditions in the agriculture industry.

I urge this committee and its chair, Council Member Miller, to set a hearing and vote on Res. 1156. This resolution, introduced in 2019, calls on fast food company Wendy's to join the Fair Food Program. This is an internationally recognized workplace-monitoring program proven to eradicate human rights abuses from the agricultural industry. Wendy's is the only major fast food chain still holding out; its competitors McDonald's, Taco Bell, Burger King, and others have long joined. As this committee is aware, farmworkers are among the most vulnerable essential workers in our economy. The Fair Food Program has been essential to protecting farmworkers' rights during the pandemic. So that Wendy's joins now, to advance and strengthen these protections, is more urgent than ever.

Resolution 1156 currently counts on 28 co-sponsors in City Council. My fellow New Yorkers and I have done our part by ensuring that our Councilmembers come on board. Now it's time for this Committee to do its part and bring this resolution to a hearing as soon as possible.

Thank you,

Patricia Elena Cipollitti Rodríguez

Dear Council Members of the Civil Service and Labor Committee,

I am writing to urge the Civil Service and Labor Committee to set a hearing and vote on Resolution 1156, a resolution calling on Wendy's to join the Coalition of Immokalee Workers' Fair Food Program and protect the human rights of farmworkers in its supply chain.

As a student at Columbia University, I want our city to send a strong message that farmworkers laboring as essential workers can and must have their human rights, health, and safety protected. The Fair Food Program is unmatched in its ability to address and prevent modern slavery and sexual assault, as well as a host of other human rights abuses. It is the only social responsibility program known to have mandatory and enforceable protocols to protect farmworkers against COVID-19 in U.S. agriculture.

Resolution 1156 currently has 28 co-sponsors. It is urgent to move this resolution forward and insist farmworkers in Wendy's supply chain - [including any who may be laboring in NY](#) - can have their human rights respected and be protected from Covid.

Thank you.

Rebekah Neuman

Good Morning,

I simply want to be direct; Make my points, ask my questions, all without adding any length to this process. But most importantly I believe that displaced workers have the right to know how this initiative will or will not affect them should it pass:

- I definitely do not have the worse resume in the hospitality sector.
 - But I would have to say the replies I am getting to my applications seem way too low.
 - The part time job I have, and what I know of a few other people in my position, is due to my connections only, not job ads out there.
 - So, as a layman, I must conclude that the job market is still quite off from its pre-pandemic levels.
 - Ergo, hospitality workers need some help here
- My company laid us off due to the pandemic shutdown in NYC
 - However, they are still shutdown while other places around them are reopen.
 - They permanently laid us off for the reason that they were reexamining their business model for the future.
 - Will this bill apply to me and my coworkers' situation?
- We were a union shop
 - Will this bill apply to workers with a CBA?
- Please give us an estimate as to let us know how long it could take to pass this bill?
 - The shortest time?
 - The most time?

Thank you for your time,

Sergio D. Caplan
Sergio@WarpTV.com
Upper East Side
206-619-7831