

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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December 20, 2023  
Start: 12:10 p.m.  
Recess: 12:18 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Carmen N. De La Rosa

COUNCIL MEMBERS:

Erik D. Bottcher  
Tiffany Cabán  
Eric Dinowitz  
Oswald Feliz  
Rita C. Joseph  
Julie Menin  
Sandy Nurse

2 SERGEANT-AT-ARMS: This is a microphone  
3 check for the Committee on Civil Service and Labor,  
4 recorded on December 20, 2023, by Layla Lynch in the  
5 Committee Room.

6 SERGEANT-AT-ARMS: Good afternoon, and  
7 welcome to the Committee on Civil Service and Labor.

8 At this time, we ask that you please  
9 place phones on vibrate or silent mode. Thank you.

10 Chair, we are ready to begin.

11 CHAIRPERSON DE LA ROSA: [GAVEL] Good  
12 morning. Welcome to today's vote of the Civil Service  
13 and Labor Committee. I am Committee Chair, Council  
14 Member Carmen De La Rosa.

15 Today, the Committee will be voting on  
16 Proposed Intro. 563-A sponsored by Council Member  
17 Brewer in relation to creating a private right of  
18 action to enforce provisions of the Earn Safe and  
19 Sick Time Act. Under the current law, employees whose  
20 safe and sick time rights have been violated are  
21 limited to filing a complaint with the Department of  
22 Consumer and Worker Protection. This bill would allow  
23 employees who are alleging a violation of their  
24 rights under the Earned Safe and Sick Time Act to  
25 commence a civil action in court of competent

2 jurisdiction within two years from the date they knew  
3 of the alleged violation. This remedy will be a  
4 critical backstop to administrative enforcement for  
5 cases that may be difficult and take a great deal of  
6 agency time or in times when the agency may face a  
7 particularly large caseload or cuts in the budget. A  
8 private right of action for paid safe and sick leave  
9 will promote deterrence and help to ensure more  
10 workers are made whole when their rights are  
11 violated. This bill supports New York City's workers  
12 so that they can take care of themselves and their  
13 families without risk to their economic security.

14 I'd like to thank our Committee Staff,  
15 including Senior Policy Analyst Elizabeth Arzt,  
16 Legislative Counsel Rie Ogasawara, and Finance  
17 Analyst Andrew Lane-Lawless for their hard work in  
18 preparing for this vote. I also want to extend my  
19 thanks to my team including Chief of Staff James  
20 Burke, Legislative Director Kiana Diaz, and  
21 Communications Director Fray Familia.

22 I will now turn to Council Member Brewer  
23 for her opening statement in support of the bill, and  
24 I want to thank Council Member Brewer for her long-

2 time advocacy for earned and safe sick time for  
3 workers in our city. Council Member Brewer.

4 COUNCIL MEMBER BREWER: Thank you very  
5 much, Madam Chair. I am really pleased to be able to  
6 discuss 563-A. I am really, really pleased that the  
7 Council is voting on legislation, as you have  
8 indicated, to add a private right of action provision  
9 to the Earned Safe and Sick Time Act. I call it paid  
10 sick time. Nearly two thirds of the paid sick time  
11 laws across the country have a private right of  
12 action including the state of New York. Today's vote  
13 coincides with the 10th anniversary of the passage of  
14 the City's earned sick time law, which I introduced  
15 and fought for alongside an incredible coalition many  
16 years ago now it seems to guarantee paid time off for  
17 3.4 million private sector workers across New York  
18 including 1.2 million workers who at the time had no  
19 access to paid sick time before the law passed in  
20 2013, and thank goodness it did because the pandemic  
21 showed the need for it. It's a critical need, I  
22 think, for private right of action. It's a short  
23 list. When workers lose their jobs because they took  
24 protected sick time, equitable relief is much more  
25 readily available in court. Workers who experience

2 paid sick time violations often have additional  
3 claims including wage and hour violations. It is  
4 easier to seek remedies for multiple types of  
5 violations at the same time in a single court action.  
6 Finally, a paid sick class action involving numerous  
7 workers facing similar violations is only an option  
8 in court. I hope these are reasons that are clear to  
9 everyone for the need for 563-A.

10 I too want to thank several people. Shula  
11 Warren-Puder, this bill would not have passed without  
12 her. She was the main negotiator many years ago on  
13 paid sick days and she was a negotiator on this  
14 aspect of it, I want to thank her, and certainly Sam  
15 Goldsmith from our office, Jeff Baker who also  
16 contributed, and I also want to thank Rie Ogasawara  
17 who put up with many, many, many phone calls from our  
18 office, the Department of Consumer and Worker  
19 Protection which really does care about workers.  
20 Jeremy John, Faiza Ali, and also the Partnership and  
21 the Hospitality Alliance. They're not ecstatic about  
22 the law, but they worked with us, they made  
23 suggestions, and we will continue to discuss the law  
24 with them as time goes on, and also the amazing women  
25 lawyers at A Better Balance.

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2 Thank you very much, Madam Chair.

3 CHAIRPERSON DE LA ROSA: Thank you so  
4 much, Council Member Brewer, for your leadership.

5 I will now turn to the Clerk to call the  
6 roll.

7 COMMITTEE CLERK WILLIAM MARTIN: Good  
8 afternoon. William Martin, Committee Clerk. Roll call  
9 vote, Committee on Civil Service and Labor, Proposed  
10 Introduction 563-A. Chair De La Rosa.

11 CHAIRPERSON DE LA ROSA: Aye.

12 COMMITTEE CLERK WILLIAM MARTIN: Moya.  
13 Dinowitz.

14 COUNCIL MEMBER DINOWITZ: Aye.

15 COMMITTEE CLERK WILLIAM MARTIN: Feliz.

16 COUNCIL MEMBER FELIZ: Aye, and I want to  
17 congratulate Council Member Brewer. This is a very  
18 good piece of legislation. Congratulations.

19 COMMITTEE CLERK WILLIAM MARTIN: Thank  
20 you. Bottcher.

21 COUNCIL MEMBER BOTTCHEER: Aye.

22 COMMITTEE CLERK WILLIAM MARTIN: Cabán.

23 COUNCIL MEMBER CABÁN: Aye.

24 COMMITTEE CLERK WILLIAM MARTIN: Hanks.  
25 Joseph.

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2 COUNCIL MEMBER JOSEPH: Aye.

3 Congratulations, Council Member Brewer.

4 COMMITTEE CLERK WILLIAM MARTIN: Menin.

5 COUNCIL MEMBER MENIN: Aye.

6 COMMITTEE CLERK WILLIAM MARTIN: Nurse.

7 Just one more time, Council Member Moya.

8 Council Member Hanks.

9 Okay. With a vote of...

10 CHAIRPERSON DE LA ROSA: Can we hold that  
11 open?

12 COMMITTEE CLERK WILLIAM MARTIN: With a  
13 vote of seven in the affirmative, zero in the  
14 negative and no abstentions, item has been adopted by  
15 the Committee and the roll will be held open at  
16 request of the Chair.

17 CHAIRPERSON DE LA ROSA: Thank you.

18 COMMITTEE CLERK WILLIAM MARTIN:

19 Continuation roll call, Committee on Civil Service  
20 and Labor. Council Member Nurse.

21 COUNCIL MEMBER NURSE: I vote aye.

22 COMMITTEE CLERK WILLIAM MARTIN: Thank  
23 you. Vote is now eight in the affirmative, zero in  
24 the negative and no abstentions.

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2 CHAIRPERSON DE LA ROSA: This hearing is  
3 adjourned. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 23, 2023