

**Testimony of Commissioner Peter A. Hatch
New York City Department of Consumer and Worker Protection**

**Before the Committee on
Consumer Affairs & Business Licensing**

**Hearing on
Introduction 2448: COVID-19 Child Vaccination Time**

November 16, 2021

Introduction

Good morning Chair Ayala and members of the Committee on Consumer Affairs & Business Licensing. I am Peter Hatch, Commissioner of the Department of Consumer and Worker Protection, or DCWP. I am joined by Benjamin Holt, our Deputy Commissioner for the Office of Labor Policy and Standards, and Steven Ettannani, our Executive Director for External Affairs. It is a pleasure to testify before you for the first time, and I look forward to our continued work together.

DCWP protects consumers and workers through enforcement of consumer protection and key workplace laws. We also promote New York City's economic recovery by supporting small businesses and encouraging a culture of compliance. As a lead for the Small Business First initiative, DCWP continues to make great strides to streamline the licensing process with a focus on customer service, to increase transparency through expanded outreach and education to businesses, to ensure equitable enforcement, and to reduce the number and cost of violations. In 2020, we joined with our sister agencies to promote the safe reopening of our city's businesses, and more recently we have been one of the primary agencies assigned to implement Key to NYC as part of our city's ongoing recovery efforts.

In 2014, when Mayor de Blasio signed Council Member Chin's paid sick leave legislation into law, he declared that New York City was leading the nation in guaranteeing access to sick leave for employees and that this law is about "...making our businesses run better and protecting the health and welfare of [its] customers." Our first media campaign about paid sick leave reminded employers that if their employees "feel 100%" they will "work 100%." Those priorities for consumers, workers, and businesses remain ours today.

While some criticized the 2014 law as too burdensome for small business, evidence shows it has been a success for our city's workers, at low or no cost to the vast majority of city businesses¹. That is why this Administration has been proud to partner with the Council on expansions of the law. The 2017 expansion provided crucial safe leave for our workers. During the pandemic, further expansions provided more hours of leave and greater access, including to domestic workers,

¹ EILEEN APPELBAUM & RUTH MILKMAN, CTR. FOR ECON. AND POLICY RESEARCH, NO BIG DEAL: THE IMPACT OF NEW YORK CITY'S PAID SICK DAYS LAW ON EMPLOYERS 3 (2016), *available at* <http://cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf>

ensuring robust protections for the more than 3.6 million private sector employees, in total, eligible for Paid Safe and Sick Leave (PSSL).

From the beginning, we knew that for this law to be effective and empower workers we would need to be committed to ongoing outreach and education about these rights. Since 2014, we have held more than 2,400 events on the requirements and protections of PSSL, reaching 120,000 New Yorkers. When we launched our first public awareness campaign, we invested significant resources in language access and ethnic media, as we continue to do to this day, to reach our city's vibrant communities and diverse workforce.

We also have been committed to ongoing outreach and education for employers about how to comply with PSSL, providing them with tools and training to make it easier. During the initial implementation of PSSL in 2014, we even instituted a 6-month, penalty-free grace period to alleviate concerns about costs related to this new law. Just as we did in 2014, DCWP continues to host business roundtables and trainings. This past year alone, we reached nearly 3,000 participants in partnership with our city's chambers of commerce, Business Improvement Districts, and other key business advocates.

DCWP enforces PSSL through our Office of Labor Policy and Standards. Since 2014, DCWP has secured more than \$14.2 million in restitution and civil penalties related to PSSL violations, which has helped more than 38,000 workers in our city. A few weeks ago, DCWP announced settlements with major airlines totaling \$235,000 in restitution for ground crew workers whose PSSL rights had been violated, including a worker who was illegally fired for taking sick leave. Through our efforts, the worker was reinstated to their position and awarded back pay.

Paid Safe and Sick Leave during COVID-19

Throughout the pandemic we have seen how important sick leave is to keeping our city healthy and putting us on the road to recovery. In 2020, this Administration was proud to partner with the Council to expand PSSL to 56 hours for more than 1.8 million eligible private sector workers, to provide greater coverage to more than 200,000 of our city's paid care workers, and to make it easier for workers to accrue and utilize their leave so that many more workers had the leave time they needed to keep themselves and their loved ones safe from COVID.

At the outset of the pandemic, DCWP prioritized educating workers on their right to use PSSL for COVID-19 testing, quarantine, recovery, and finally to get vaccinated once vaccines became available. DCWP developed guidance summarizing new COVID-19 related protections that were passed at the state and federal levels to provide workers with additional leave for quarantining, taking care of their children if their schools closed, and recover from any effects of COVID-19. To get this information to the public, DCWP worked through traditional outreach partners including community-based organizations and elected officials, and we also expanded our efforts to work with DOHMH and the Test and Trace Corps to provide PSSL materials at COVID-19 test sites, vaccination sites, and in a door knocking campaign in communities most impacted by the pandemic. This spring, DCWP continued to raise awareness about PSSL and recent amendments to the law through paid media campaigns targeting health care settings and neighborhoods where

violations of the PSSSL were reported. A second phase of this campaign launches this month and runs through the end of the year to coincide with flu season.

During the pandemic we also worked to help businesses understand how to safely navigate reopening after months of closures and remind them that their employees could use PSSSL benefits as needed for COVID-19. This education not only stressed how important this was to employers and their workers' safety, but also to keep customers safe. In 2020, we held more than 30 business education days across the city, visiting thousands of businesses to help them understand best practices for being safe at work, as well as informing workers about their PSSSL rights. DCWP also conducted 9,000 inspections for health and safety, as part of a larger interagency coordinated effort to promote compliance.

At the outset of the pandemic, we adopted a fast-track enforcement process to get workers impacted by COVID-19 quicker results, for example, securing pay for workers who took leave due to COVID-19 or affirming a worker's ability to take care of a child whose school was closed. We knew that making sure workers had access to PSSSL during the pandemic meant that we were not just protecting them, but also their families, their coworkers, and their employers. Now, we also know vaccination is essential to protecting New Yorkers and to the City's recovery. So, when the Mayor appointed me Commissioner of this agency, I committed that DCWP would "enforce our Paid Sick Leave law to boost vaccination rates among working New Yorkers."

Introduction 2448

Mayor de Blasio has noted consistently that "the only reason [New York City] is having [a] recovery is vaccination." For that reason, he has pursued policies to get as many shots in arms as possible, as fast as possible, by reducing as many barriers to access as possible. Last week the Mayor issued a personnel order granting city employees four hours of additional sick leave per child up to age eighteen, per COVID-19 vaccination, so parents or guardians have the leave they need to take their children to get vaccinated or to care for them should they experience side effects.

We are proud to partner with the Council on Introduction 2448, which would provide those same benefits to New York City's approximately 3.6 million private sector employees. This proposed expansion of PSSSL comes at a time when there are approximately 700,000 children newly eligible for the COVID vaccine, and their parents may have little, or no leave left this close to the end of the calendar year. Introduction 2448 is an opportunity to reduce a significant barrier to taking your child to get vaccinated – the fear of losing a paycheck, or worse, a job. Like past amendments to PSSSL, it gives employees increased flexibility at work and cultivates a safe and productive work environment for employers.

Conclusion

I encourage this committee and Council to do what it has done many times before when presented with an opportunity to support working New Yorkers and their families by expanding this important law – pass Introduction 2448, quickly, and help ensure that this City's recovery is a recovery for all of us.

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