



Comments Received by the Department of Consumer Affairs

on

Proposed Rule related to Implementation of the Pay Deductions Law

as made available for public inspection

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To: New York City Department of Consumer Affairs
From: NYC Council Members – Signed Below
Re: Implementation of Fair Workweek – Fast Food Deductions – Law
Date: November 17th, 2017

On May 24, 2017, by a near unanimous vote, the New York City Council passed the “Pay Deductions for Contributions To Not for Profit Organizations” law to empower low wage workers in the fast food industry to support not-for-profit organization(s) of their choice through voluntary payroll deductions. We appreciate the thought and hard work your office has put into drafting the proposed regulations but write to raise concerns we have with certain of the regulations. Specifically, sections 15-02(a), 15-02(b) and 15-03(c), risk thwarting the intent of the statute by imposing barriers to worker support and participation. They do so by (1) mandating an unnecessary four-step process to effect an electronic authorization and (2) failing to ensure that workers have the necessary information about a not-for-profit that it seeks to support or that would permit workers to revoke their authorization.

As to the four-step process, it requires the worker to provide two electronic signatures: the first on the organization’s website, and the second on a separate email sent to the worker, wherein the worker must click a link to electronically validate their first electronic signature. As we all know, emails may not be responded to for days, or, even worse, altogether ignored. We know of no other organization, nonprofit or otherwise, that requires such a cumbersome and error-prone process to authorize deductions. Thus double duty requirement offers little, if any, additional protection against fraudulent authorizations, and has the pernicious side effect of undermining the statute’s purpose and thwarting worker intent.

The confusing requirements concerning the information that must be provided on the authorization card likewise undermine the intent of the ordinance. The purpose of paragraphs (iv), (v) and (vi) of section 15-02(a) and section 15-02(b) is to make clear how a worker may revoke an authorization. But since the authorization, itself, must be submitted to the employer and not retained by worker, these requirements, as currently drafted, actually undermine that purpose. Further, providing a telephone number for the revocation contact person will confuse workers, in that it will encourage them to revoke by telephone, which is ineffective under the law; the law requires revocations to be in writing.

To satisfy the objectives of ordinance, the regulation should (1) not require the physical, email and web addresses of the nonprofit, and the nonprofit’s telephone number to be on the authorization, itself, as long as this information is elsewhere provided to workers (for example, on the portion of the card retained by the worker), (2) not require the contact person’s telephone number to be on the authorization, as long as the nonprofit’s telephone number is elsewhere provided

to workers (for example, on the portion of the card retained by workers), (3) not mandating “where” on the authorization the email address of the contact person be placed, as long as the email address of the contact person or of the nonprofit is elsewhere provided to workers (for example, on the portion of the card retained by workers). In any event, the regulations should provide that the requirements of sections 15-02(a)(iv), (v) and (vi) and section 15-02(b) can be satisfied by sending the information these sections require by email or letter to the worker, before deductions commence.

We additionally note that the statute requires employers to post a notice to workers of their rights under the “Pay Deductions for Contributions To Not for Profit Organizations” law. DCA is charged with crafting that notice and should provide information about revocation to workers on the notice, without undermining, as the proposed regulations do, the legitimate interests of those workers who wish to participate and contribute.

The Pay Deductions for Contributions To Not for Profit Organizations law was an historic achievement for workers and their communities. We look forward to working with your office to make sure the goals of the law are fully realized by ensuring maximum participation by workers.

Thank you for this opportunity to provide our input.

Signed,

Council Member Julissa Ferreras-Copeland
Council Member Fernando Cabrera
Council Member Margaret Chin
Council Member Daniel Dromm
Council Member Ben Kallos
Council Member Brad Lander
Council Member Mark Levine
Council Member Carlos Menchaca
Council Member Corey Johnson
Council Member Antonio Reynoso
Council Member Donovan Richards
Council Member Rafael Salamanca
Council Member Ritchie Torres
Council Member Jimmy Van Bramer



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November 17, 2017

To the NYC Department of Consumer Affairs:

My name is Autumn Weintraub, and I am here today on behalf of the Board of Directors of Fast Food Justice, a newly launched not-for-profit. Thank you this opportunity to testify today.

We appreciate the city and your office's hard work on this innovative legislation that could transform thousands of workers lives in NYC and pave the way for workers to move forward in these difficult times. We are all here today to make sure that this legislation reaches its full potential in enabling tens of thousands of fast food workers to join and sustain their own organization, and that the rules don't create unnecessary hurdles and barriers for hard working New Yorkers.

We have submitted comments on 15-02(a) and (b) which purport to put safeguards in place so that workers who have chosen to contribute know how to revoke their authorization.

These proposed regulations don't take into account that the authorization the worker signs is submitted to the employer and not retained by the worker. We agree it's important, and we believe this is DCA's intent, that workers know how to revoke an authorization. The card our organization uses has an authorization section that the worker signs and information about how to contact the organization on parts of the card that the worker retains. As a factual matter, workers have had no problem sending revocations, mostly to the organization's email address.

We have submitted written comments that have re-crafted sections 15-02(a) and (b) so that the card as a whole, has the intended salutary effect. We also propose that a not-for-profit be able to cure any technical defect, by email or letter to workers, before

deductions commence, so that workers are not denied membership on technicalities that are easily cured.

The intent of these rules is to advise workers that revocation must be in writing and how to submit a revocation. Requiring this information to be on the part of the card that is handed over to the employer does not further this purpose.

Other proposed regulations also have a deterrent effect. Our written comments also address 15-03(c), which proposes a complex and unnecessary four-step process for validating electronic signatures. We propose a simpler common-place solution used by virtually every other organization I know of. We are proud of these bills and know they will change lives if we make them work. Both the deductions bill and the fair work week package should reach their full potential and allow tens of thousands of fast workers to benefit from them in a way that our city can be proud of.

Respectfully submitted,

Autumn Weintraub, Executive Director
Fast Food Justice, Inc.

Hi, I'm **Avery Hering**. I've never heard of a non-profit for fast-food workers to contribute to so I was excited to find out about Fast Food Justice and I recently became a member.

I used to work at the Starbucks in North Jersey and had a good experience. I got along with my manager and worked 40 hours a week. Then I asked to get transferred to NYC and my experience completely changed. All of a sudden I was cut to 20 hours.

We're up against so much and can't rely on the good will of the industry but should be able to rely on the good will of New York City. It was an easy decision for me to join Fast Food Justice but it might not be for others because there is a lot of fear. But what should be made easy for everyone is the process of signing up to contribute to our own organization. I believe a card that is clear what people are signing up for and gives them a way to contact Fast Food Justice if they want to end their membership is enough.

We shouldn't get bogged down in burdensome regulations or high administrative fees that take money away from the organization we want to support. Our hard-earned money that we choose to donate to our organization should not go back in our employer's pockets under the guise of administrative fees. I'm excited to get my co-workers involved so please remove burdensome obstacles and make it easy for fast-food workers to sign-up. Thank you for taking the time to hear my story today.



New York Taxi Workers Alliance

National TWA, AFL-CIO, International Transport Workers' Federation

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My name is Bhairavi Desai. I am the Executive Director of the New York Taxi Workers Alliance, a 501(c)(3) nonprofit for taxi drivers in New York City.

I'd like to thank DCA and the City for their hard work on this exciting new process for fast food workers who, we all know, sparked a national movement that has improved the lives of millions of low-wage workers. We stood with fast food workers from the beginning and stand with them again here today.

As an organization that represents the interests of low wage workers, we understand how difficult organizing workers to join and contribute to an organization can be. This law is intended to facilitate that process, so I would like to speak in support of simplifying Section 15-03(c) of the proposed rules. As it is written, this section imposes an overly burdensome process on workers who wish to sign up online to contribute to the nonprofit.

1. First they electronically sign on the organization's website and submit an authorization, which includes a verification that the worker is not a robot.
2. They receive a confirmation from the nonprofit on a pop up screen that directs them to their email.
3. They have to then access their email, which for some could be days after signing, and find the email from the nonprofit.
4. Next they have to respond to the email that it's they who have signed the electronic authorization. If they overlook the email, or don't realize they have to respond, their electronic signature is deemed invalid.

I know of no organization that requires such a burdensome electronic process. Certainly, mine doesn't. When an individual joins the Taxi Workers Alliance using an electronic signature, we send them a confirmation on a pop-up screen that tells them that we received their authorization, and lets them know how they can rescind it if they want to. No more is needed and we have had no complaints.

Progressive NYC should make it easier, not more difficult, for working people to join the social justice organization of their choice. Personally, I can barely track my email traffic, and many emails sent to me get overlooked. I can only imagine the difficulties the proposed rule imposes on low wage workers, many holding two jobs and caring for children. Many may not regularly check their email, or overlook the nonprofit's email when they do. Yet, they cannot join the nonprofit until they check their email, which may take days to do, and confirm an intent which was clear from the beginning.

The New York Taxi Alliance is proud to have supported this legislation and recognizes its groundbreaking implications. That being said, we want to see that the regulations implement the law in a way that does not make the already difficult organizing process unnecessarily cumbersome. I'd like to thank DCA again for taking the time to hear our concerns.

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THE COUNCIL
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THE CITY OF NEW YORK

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CONSUMER AFFAIRS
CULTURAL AFFAIRS, LIBRARIES AND
INTERNATIONAL INTERGROUP RELATIONS
ECONOMIC DEVELOPMENT
PUBLIC SAFETY
STANDARDS AND ETHICS

Date: 17 November 2017

To: New York City Department of Consumer Affairs, Office of Labor Policy and Standards

From: Council Member Julissa Ferreras-Copeland (D21)

Re: Implementation of Pay Deductions Law

Thank you to the staff of the Office of Labor Policy and Standards within the Department of Consumer Affairs for their careful drafting of these proposed rules. I was proud to sponsor and champion the pay deduction law when it was introduced before the Council. I am pleased to see the law now on the cusp of implementation and I feel reassured that it will be guided by well-constructed rules thanks to this process.

I am a passionate advocate for policies that promote economic independence and the empowerment of people in our City who need to have their voices raised. The Pay Deduction law is designed to do these things. This first in the nation law allows fast food workers to build and finance a permanent infrastructure that can enforce gains recently won, such as minimum wage increase and paid sick days, and can advocate for changes in their communities like affordable housing, access to education and transport, or racial and immigrant justice.

The law is specifically designed to overcome the barriers low-income workers face to forming and joining advocacy organizations – because many of them lack credit cards or bank accounts and are unable to make ongoing financial contributions. The law allows workers to authorize deductions to be taken from their pay and transmitted to a not-for-profit by their employer. Importantly, the law requires employers to comply with deduction requests once a not-for-profit receives 500 authorizations. It also prohibits employers from retaliating against an employee for exercising their right to request deductions be made from their pay.

To make sure the law is effective the rules that guide it should minimize any barriers to workers wishing to make deduction requests, limit costs imposed on the not-for-profit, and make a bright line distinction between not-for-profits covered by the law and labor unions to which this law does not apply.

Electronic authorization, s.15-03(c)

The rules for authorizing electronic signatures create an unnecessarily convoluted process that risks workers' authorization remaining unfulfilled simply due to lost or overlooked emails. I propose a simplified two-step process is adopted in accordance with the following language:

Section 15-03(c) to read:

(c) Before an organization establishes, assigns, certifies or otherwise sanctions an individual's electronic signature, or any element of such electronic signature, the organization must verify the identity of the individual by sending the individual an email or a text message to a mobile phone with an electronic link after the individual submits the electronic authorization. Once the individual clicks on the link in the email or text message, the authorization is verified and the electronic signature valid confirming receipt of the authorization, which confirmation shall advise the worker that they have authorized deductions and that they may revoke the authorization by letter or by sending an email to the organization or the contact person. The confirmation should include the email address of the organization and the contact person.

Costs associated with remitting deductions, s.15-07

To empower workers as the law intends, it is essential that contribution are not eroded by excessive transaction fees. Section 15-07 of the proposed rules seeks to encourage not-for-profits to align their payments systems with those used by fast food employers in order to minimize costs and also limits the costs that can be passed on to not-for-profits to \$0.30 per transaction. To further clarify the operation of this limit and to ensure costs are contained, I suggest the Department make clear that the \$0.30 limit applies per employee and not both the deduction and remittance transaction of each worker.

Law not to apply to labor organizations, s.15-09(c)

Section 15-09(c) provides that "[OLS] shall not register and shall revoke any previously issued registrations of not-for-profits that collect authorization cards or other documents related to membership in a labor organization or with respect to a showing of interest or vote for certification, decertification, or deauthorization of a labor organization, upon receiving proof that the not-for-profit is engaging in such activities."

In order to avoid potential legal issues and to more fully reflect the intent of the law, which is to bar labor unions from receiving deductions under this law, I propose the following revision:

"In determining whether an entity is a labor organization for purposes of Section 20-1310(b) of this Chapter, the office shall consider evidence of whether the organization has collected authorization cards or other documents related to membership in a labor organization or with respect to a showing of interest or vote for certification, decertification, or deauthorization of a labor organization."

Conclusion

I again wish to thank the Department for undertaking this process and for carefully drafting the proposed rules. I am proud of the work I have undertaken with my City Council colleagues to improve workers lives and I very much look forward to this law being implemented and becoming part of the pathway to a more equal and fair New York City.

In service,

A handwritten signature in black ink, appearing to read 'J. Ferreras-Copeland', with a stylized, cursive script.

Hon. Julissa Ferreras-Copeland
Council Member, 21st Council District
Chair, Finance Committee



**TESTIMONY OF EDWARD RUSH, LEGISLATIVE DIRECTOR, NEW YORK
WORKING FAMILIES BEFORE THE NEW YORK CITY DEPARTMENT OF
CONSUMER AFFAIRS, OFFICE OF LABOR POLICY AND STANDARDS**

CONCERNING IMPLEMENTATION OF PAY DEDUCTIONS LAW

**NOVEMBER 17, 2017
NEW YORK, NEW YORK**

Introduction

My name is Edward Rush, and I am pleased to offer the following testimony on behalf of New York Working Families. I commend the Department of Consumer Affairs for their work in drafting these rules and applaud the City of New York and Council Members for their vision in supporting this innovative piece of legislation.

Working Families seeks to promote democracy and combat inequality through advocacy, public education, coalition building, policy research, and to build progressive power and ensure elected officials are held accountable to working people, not the wealthy and corporations. With that in mind, Working Families has stood with fast food workers since the beginning - from their first strike, to winning \$15, to now winning a fair work week and the ability to form their own organization.

Testimony

The Pay Deduction law passed by the Council and signed into law earlier this year is truly groundbreaking. It is the first law in the country to create a process through which fast food workers can finance and build their own organization by compelling employers to process deductions from their pay. Workers in the fast food industry are often unbanked and without credit cards, and are therefore excluded from the common payment systems that modern not-for-profits utilize. This bill overcomes this problem by allowing workers to authorize

deductions to be taken from their pay and transmitted to a not-for-profit by their employer. Importantly, this law requires employers comply with deduction requests once a threshold number of total employee authorizations has been reached, and prohibits retaliation by an employer or any other person towards an employee for exercising their right to request deductions be made from their pay.

With an accessible avenue for financial contribution fast food workers will be able to build an independent organization able to fight for issues that intersect and impact their lives – be it immigrant and civil rights, transport and education, or abusive practices and poor safety conditions in a store.

To make this law effective, the rules that guide its operation must be focused on ensuring a reliable and easy way for workers to provide authorizations for deduction. Any excessive process that creates barriers to workers contributing to the not-for-profit, are counterproductive to the intent of the law. Similarly, the accumulation of additional costs will serve to undermine the organizations' resources and capacity.

With this in mind I wish to highlight three areas of the proposed rules that could be amended to improve the law's operation.

Authorization information

Sections 15-02(a) and (b) of the proposed rules contain a number of overlapping and contradictory requirements with respect to information required to be disclosed on an authorization form. For example section 15-02(a)(vi) requires the authorization to state that the revocation be sent “to the not-for-profit or contact person,” whereas 15-02(b) states that for the authorization to be valid the authorization need only state that the revocation be sent to the contact person.

Further to this, 15-02 makes no distinction between what information must be contained on an authorization to be provided to and retained by an employer for the purpose of processing deductions, and what information is necessary for the worker to be provided with respect to the not-for-profit and their right to revoke an authorization.

To ensure workers are provided with accurate information regarding revocation, and that details as per the statute are provided to both the worker and employer, we suggest the following amendments:

That section 15-02(a)(iv) read:

(a) A valid authorization must contain the following: . . . (iv) the name of the not-for-profit, and the physical address, email address, web address, if any, and phone number of the not-for-profit if the not-for-profit's physical address, email address, web address and phone number are not elsewhere provided on the card;

That section 15-02(a)(v) read:

(a) A valid authorization must contain the following: . . . (v) the contact person's title, ~~telephone number~~, and the contact person's email address if the nonprofit's email address is not elsewhere provided on the card.

That section 15-02(vi) read:

(a) A valid authorization must contain the following: . . . a statement notifying the fast food employee that contributions are voluntary and that the authorization to deduct wages is revocable at any time by submitting a written revocation to ~~the not-for-profit or~~ the contact person. The statement may also advise workers that the written revocation can be submitted to the organization;

That section 15-02(b) read:

(b) A valid authorization must include a statement that the fast food workers can revoke the authorization at any time, ~~immediately~~ followed by the contact person's title and the contact person's email address if the nonprofit's email address is not elsewhere provided on the card.

That a section 15-02(e) be added to read:

(e) A nonprofit can also satisfy the requirements of section 15-02(a)(iv), (v) and (vi) and section 15-02(b) by sending the information required by these sections by email or letter to the email or home address provided to the nonprofit by the worker, before deductions commence.

Electronic authorization

The rules for authorizing electronic signatures detailed in 15-03(c) create a burdensome multi-step process that risks worker's clearly expressed intent to make contributions remaining

unfulfilled due to overlooked emails and misunderstood communications. It is common for many major not-for-profits to accept payment authorizations via two-step process of electronic submission and confirmation. The inclusion of the additional requirement for a link to be emailed or messaged by the not-for-profit and clicked on by the worker is unnecessary. We propose the following alternative language:

Section 15-03(c) to read:

(c) Before an organization establishes, assigns, certifies or otherwise sanctions an individual's electronic signature, or any element of such electronic signature, the organization must ~~verify the identity of the individual~~ by sending the individual an email or a text message to a mobile phone ~~with an electronic link after the individual submits the electronic authorization. Once the individual clicks on the link in the email or text message, the authorization is verified and the electronic signature valid.~~ confirming receipt of the authorization, which confirmation shall advise the worker that they have authorized deductions and that they may revoke the authorization by letter or by sending an email to the organization or the contact person. The confirmation should include the email address of the organization and the contact person.

Costs associated with remitting deductions

It is vital that as much of the money authorized to be deducted by workers goes to building the capacity of the not-for-profit. Section 15-07 of the rules make a much needed attempt to limit the transaction cost imposed by employers and in turn, enable deductions to be passed on to the not-for-profit. The current wording of 15-07(a) makes it unclear if the \$0.30 cap employers may charge a not-for-profit covers both the deduction and remittance transactions for a single authorizing employee, or if the fee can be charged for each separate transaction. Given the emphasis placed elsewhere in this section on the need for not-for-profits to conform their systems to those used by fast food employers, transaction costs should be negligible. We therefore suggest that the rules should be amended to make clear that the \$0.30 limit applies to both deducting and remitting and not separately to each.

Conclusion

I again wish to thank the Department for undertaking this feedback process and for carefully drafting the proposed rules.

Given New York City's position on the vanguard of finding new ways for workers to form and finance their own organizations, it is essential that this bill is implemented effectively, so that it can serve as a successful template that can be replicated in other jurisdictions.



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November 16, 2017

To: New York City Department of Consumer Affairs (by email and hand delivery)

Fast Food Justice, Inc., a not-for-profit organization, seeks, through education and advocacy in the public domain, to improve the work conditions and lives of fast food workers in New York City, and the lives of their families and the communities they live in. The organization educates workers and advocates on their behalf regarding such issues as fair scheduling, immigrant rights, affordable housing, fair public transit policies, access to health care and fair policing policies.

The Board of Directors of Fast Food Justice respectfully submits the following written comments in response to the rules proposed by the Department of Consumer Affairs Office of Labor Policy and Standards, dated October 16, 2017, implementing Chapter 13 of Title 20 of the NYC Administrative Code (the Pay Deductions Law):

1. Sections 15-02(a)(iv), (v) and (vi), and section 15-02(b)

Section 15-02(a)(iv) requires the nonprofit to include on the authorization the physical, email and web addresses of the nonprofit, and the nonprofit's telephone number. Section 15-02(a)(v) requires "the contact person's title, telephone number, and email address" to be on the authorization, and section 15-02(b) mandates that the email address of the contact person "immediately follow" the statement on the authorization that authorizations are revocable at any time.

Further, section 15-02(a)(vi) conflicts with section 15-02(b). Section 15-02(a)(vi) requires the authorization to state that the revocation be sent "to the not-for-profit or contact person," whereas 15-02(b) states that for the authorization to be valid the authorization need only state that the revocation be sent to the contact person. As explained below, these distinctions are confusing, serve no salutary purpose and will thwart clear worker intent.

The purpose of paragraphs (iv), (v) and (vi) of section 15-02(a) and section 15-02(b) is to make clear to a worker how they may revoke an authorization to deduct. However, the information required by these sections does not further this purpose, since the nonprofit is required to send the authorization to the employer, and thus is not retained by the

worker. Additionally, the telephone number of the contact person may be the same as the organization's telephone number, which, along with the organization's physical, email and web addresses are required by statute to be on the card (though not specifically on the authorization part of the deductions card). In any event, providing a telephone number for the contact person will confuse workers, in that it will encourage them to revoke by telephone, which is ineffective under the law; the law requires revocations to be in writing.

To satisfy the objective of clarifying that revocations must be in writing and may be sent to the organization or contact person, we propose (1) not requiring the physical, email and web addresses of the nonprofit, and the nonprofit's telephone number to be on the authorization, as long as this information is otherwise provided to workers (for example, on the portion of the card retained by the worker), (2) not requiring the contact person's telephone number to be on the authorization, as long as the nonprofit's telephone number is otherwise provided to workers (for example, on the portion of the card retained by workers), (3) not mandating "where" on the authorization the email address of the contact person be placed, as long as the email address of the contact person or of the nonprofit is otherwise provided to workers (for example, on the portion of the card retained by workers). In any event, the regulations should provide that the requirements of sections 15-02(a)(iv), (v) and (vi) and section 15-02(b) can be satisfied by sending the information these sections require by email or letter to the worker, before deductions commence.

We propose:

That section 15-02(a)(iv) read¹:

(a) A valid authorization must contain the following: . . . (iv) the name of the not-for-profit, and the physical address, email address, web address, if any, and phone number of the not-for-profit if the not-for-profit's physical address, email address, web address and phone number are not elsewhere provided on the card;

That section 15-02(a)(v) read:

(a) A valid authorization must contain the following: . . . (v) the contact person's title, ~~telephone number,~~ and the contact person's email address if the nonprofit's email address is not elsewhere provided on the card.

That section 15-02(vi) read:

(a) A valid authorization must contain the following: . . . a statement notifying the fast food employee that contributions are voluntary and that the authorization to deduct wages is revocable at any

¹ We have redlined the language we propose be deleted or added.

time by submitting a written revocation to ~~the not-for-profit or the contact person.~~ The statement may also advise workers that the written revocation can be submitted to the organization;

That section 15-02(b) read:

(b) A valid authorization must include a statement that the fast food workers can revoke the authorization at any time, ~~immediately~~ followed by the contact person's title and the contact person's email address if the nonprofit's email address is not otherwise provided on the card.

That a section 15-02(e) be added to read:

(e) A nonprofit can also satisfy the requirements of section 15-02(a)(iv), (v) and (vi) and section 15-02(b) by sending the information required by these sections by email or letter to the email or home address provided to the nonprofit by the worker, before deductions commence.

2. Section 15-03(c)

Section 15-03(c) details a complex and burdensome four-step process for validating electronic authorizations that has potential to thwart worker intent, without providing significant additional protection against fraudulent authorizations. Thus after the worker submits their electronic authorization (step 1), the nonprofit must, in addition to the welcoming message that appears on the screen (step 2), send a text or email to the worker confirming receipt of the electronic authorization (step 3), after which the worker must click on a "link" (step 4) for the electronic signature to be effective. By requiring the worker to click on a link, the worker is, in fact and effect, required to electronically sign twice, not once. Moreover, clicking on a link requires the worker to access their email. Since this may occur hours or days after the worker signs the authorization, the email may not be promptly responded to, or even worse, overlooked. This burdensome four-step process will result in many defective authorizations despite that workers have clearly evinced their intent to make contributions. Only two steps are required by myriad other nonprofits and other organizations that use electronic signatures to authorize contributions: two steps for tax-deductible contributions to New York Public Radio; two steps to join and donate to New York Civil Liberties Union; two steps for monthly donations to 350.org; two steps for recurring monthly donations to Highlander Research & Education Center Inc., a nonprofit; two steps for donating to Southern Poverty Law Center, a nonprofit advocacy organization; two steps for recurring contributions to MoveOn.org; two steps for donating to Planned Parenthood; two steps for recurring tax-deductible contributions to Combined Federal Campaign, a 501(c)(3) dedicated to bettering the lives of federal employees. We attach the confirmation pages of some of these organizations as an Exhibit.

We propose:

That section 15-03(c) read:

(c) Before an organization establishes, assigns, certifies or otherwise sanctions an individual's electronic signature, or any element of such electronic signature, the organization must ~~verify the identity of the individual by sending the individual an email or a text message to a mobile phone with an electronic link after the individual submits the electronic authorization. Once the individual clicks on the link in the email or text message, the authorization is verified and the electronic signature valid.~~ confirming receipt of the authorization, which confirmation shall advise the worker that they have authorized deductions and that they may revoke the authorization by letter or by sending an email to the organization or the contact person. The confirmation should include the email address of the organization and the contact person.

3. Section 15-07(a)

Under section 15-07(a) an employer may not charge a nonprofit more than \$.30 "per transaction per fast food employee" for the costs associated with deducting and remitting contributions, subject to a request for an exemption as set forth in section 15-07(b). The final regulation should clarify that "transaction" includes the costs associated with both deducting and remitting contributions to the nonprofit. In other words, the maximum charge should be \$.30 for both deducting and remitting contributions, not \$.30 for each. As most employers already utilize a payroll vendor and regularly deduct and remit to the appropriate authority a portion of wages for such items as tax withholdings and the employee's share of Social Security, the additional cost of deducting and remitting contributions pursuant to this chapter should be minimal to none.

We propose:

That the last sentence in section 15-07(a) read:

Subject to subdivision (b), the maximum amount per transaction per fast food employee that a fast food employer may charge a not-for-profit is \$.30, where "transaction" includes the cost of both deducting contributions from wages and remitting them to the not-for-profit.

4. Section 15-07(e)

Section 15-07(e) requires the employer to provide, upon the nonprofit's request, the following information when remitting contributions: name, work address, home address, phone number, email address, if any, amount of the deduction, and date and payroll period of the deduction, for each fast food employee for whom the employer is remitting contributions. The employer should also be required to provide a unique identifier for each employee, such as, for example, the last four digits of the employee's telephone number. This requirement would significantly enhance the nonprofit's ability not only to track contributions,

but to process revocations and provide refunds where necessary, particularly if the employer or worker provides an outdated or otherwise inaccurate home address or telephone number, or where employees have the same name.

5. **Section 15-08(a)**

Section 15-08(a) permits employees to revoke authorizations by text message. Text messages are difficult to capture and preserve for a number of reasons, including that (1) many nonprofits do not have a dedicated number to which texts can be sent, (2) texts may be sent without the sender identifying who they are, and (3) workers will text whomever their contact within the organization is, and not necessarily the contact person who processes revocations, resulting in a several-step indirect procedure inherently prone to error. The difficulties associated with tracking, and complying with, text revocations will also create unnecessary delay, requiring refunds to workers and burdening DCA with enforcement complaints and activity.

We propose:

That section 15-08(a) read:

(a) A fast food employee's revocation by mail, facsimile, email, or web submission ~~or text message~~ to the not-for-profit or contact person will constitute a revocation in writing.

Respectfully submitted by: The Board of Directors, Fast Food Justice, Inc.
Dated: November 16, 2017

Exhibits

11/15/2017

Print

Subject: Thank you for your support during our Fall pledge drive!
From: WNYC (wnycmail@wnyc.org)
To: autumnboom@yahoo.com;
Date: Wednesday, November 8, 2017 3:21 PM



Thank you for your support, autumn!

Thank you for your gift of \$16 per month. Listener contributions like yours help keep great radio on the air, online and on demand. Your gift supports the entire New York Public Radio family of services, including WNYC, WQXR, New Jersey Public Radio, and WNYC Studio's many podcast offerings.

Your gift to WNYC is tax-deductible, minus the fair market value of any thank you gift you request, and this e-mail serves as your receipt. Your receipt is below for your tax records. Any thank you gift selected will be delivered to the address on your pledge in 6-8 weeks.

To achieve our mission we rely on the support of individuals like you. We are grateful for your generosity and hope you take great pride in the important difference that your gift makes.

If you have any questions, don't hesitate to contact us.

Thank you for your support. We are truly grateful!

Sincerely,

Lisa Torres
Sr. Director of Membership
New York Public Radio

p.s. Follow us on social media: Facebook, Instagram and Twitter.

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Brooklyn, NY 11220

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11/15/2017

Gmail - Many thanks--and what we do with your donations



Lisa Watson <lwatson32@gmail.com>

Many thanks--and what we do with your donations.

1 message

May Boeve - 350.org <350@350.org>
To: lwatson32@gmail.com

Mon, Jul 3, 2017 at 3:38 PM



20 Jay St, Suite 732
Brooklyn, NY 11201, USA

July 3, 2017

Lisa Watson
412 7th Avenue #1R
Brooklyn, NY, 11215

Dear Lisa,

Thank you so much for your monthly recurring donation of \$20.00 to 350.org -- it will begin charging on the 1st of the month.

Your support supercharges this movement at a critical and challenging time. Here's just some of the work your gift makes possible:

- **Opposing** fossil fuel projects, including the Dakota Access and Keystone XL pipelines.
- **Inspiring** thousands to divest from fossil fuels during our Global Divestment Mobilizations this May.
- **Mobilizing** hundreds of thousands to demand climate action, renewable energy, and clean jobs on April 29th at the People's Climate March in DC.
- **Resisting** the administration's attempts to roll back progress on climate and holding world leaders accountable for their climate pledges.

I can't thank you enough for standing with us in this fight against climate change and for a renewable energy future.

Thanks again,

May Boeve, Executive Director

P.S. If you have any questions, or just want to reach out, you can always email donations@350.org!

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11/15/2017

Gmail - Thank you!



Lisa Watson <lwatson32@gmail.com>

Thank you!

1 message

Ilya Sheyman, MoveOn.org Political Action <moveon-help@list.moveon.org>
To: lwatson32@gmail.com

Tue, Oct 31, 2017 at 4:06 PM

Lisa Watson
412 7th Avenue
Brooklyn, NY 11215
United States

October 31, 2017

Dear Lisa Watson,

Thank you so much for signing up to make a monthly contribution to MoveOn.org Political Action. Your support makes a big difference to all of our work pursuing a progressive, people-powered agenda.

Your agreement to support MoveOn.org Political Action on an ongoing basis is greatly appreciated.

You have authorized Moveon.org Political Action to make a payment every month of \$10.00 from your credit card account. The first payment will be billed today.

You can view your account at any time.

Your future credit card charges will appear on your credit card bill under the name "MoveOn.org Political Action."

Hundreds of thousands of people chip in to MoveOn each year, which is why we're able to be fiercely independent, answering to no individual, corporation, politician, or political party.

Thank you again, and let's keep up the good fight.

Ilya Sheyman
Executive Director, MoveOn.org Political Action

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This email was sent to Lisa Watson on October 31st, 2017. To change your email address or update your contact info, [click here](#). To remove yourself from this list, [click here](#).

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30 Broad Street, 9th FL.
New York, NY 10004
347.565.4593

November 17, 2017

To the NYC Department of Consumer Affairs:

My name is Autumn Weintraub, and I am here today on behalf of the Board of Directors of Fast Food Justice, a newly launched not-for-profit. Thank you this opportunity to testify today.

We appreciate the city and your office's hard work on this innovative legislation that could transform thousands of workers lives in NYC and pave the way for workers to move forward in these difficult times. We are all here today to make sure that this legislation reaches its full potential in enabling tens of thousands of fast food workers to join and sustain their own organization, and that the rules don't create unnecessary hurdles and barriers for hard working New Yorkers.

We have submitted comments on 15-02(a) and (b) which purport to put safeguards in place so that workers who have chosen to contribute know how to revoke their authorization.

These proposed regulations don't take into account that the authorization the worker signs is submitted to the employer and not retained by the worker. We agree it's important, and we believe this is DCA's intent, that workers know how to revoke an authorization. The card our organization uses has an authorization section that the worker signs and information about how to contact the organization on parts of the card that the worker retains. As a factual matter, workers have had no problem sending revocations, mostly to the organization's email address.

We have submitted written comments that have re-crafted sections 15-02(a) and (b) so that the card as a whole, has the intended salutary effect. We also propose that a not-for-profit be able to cure any technical defect, by email or letter to workers, before

deductions commence, so that workers are not denied membership on technicalities that are easily cured.

The intent of these rules is to advise workers that revocation must be in writing and how to submit a revocation. Requiring this information to be on the part of the card that is handed over to the employer does not further this purpose.

Other proposed regulations also have a deterrent effect. Our written comments also address 15-03(c), which proposes a complex and unnecessary four-step process for validating electronic signatures. We propose a simpler common-place solution used by virtually every other organization I know of. We are proud of these bills and know they will change lives if we make them work. Both the deductions bill and the fair work week package should reach their full potential and allow tens of thousands of fast workers to benefit from them in a way that our city can be proud of.

Respectfully submitted,

Autumn Weintraub, Executive Director
Fast Food Justice, Inc.



30 Broad Street, 9th FL.
New York, NY 10004
347.565.4593

November 16, 2017

To: New York City Department of Consumer Affairs (by email and hand delivery)

Fast Food Justice, Inc., a not-for-profit organization, seeks, through education and advocacy in the public domain, to improve the work conditions and lives of fast food workers in New York City, and the lives of their families and the communities they live in. The organization educates workers and advocates on their behalf regarding such issues as fair scheduling, immigrant rights, affordable housing, fair public transit policies, access to health care and fair policing policies.

The Board of Directors of Fast Food Justice respectfully submits the following written comments in response to the rules proposed by the Department of Consumer Affairs Office of Labor Policy and Standards, dated October 16, 2017, implementing Chapter 13 of Title 20 of the NYC Administrative Code (the Pay Deductions Law):

1. Sections 15-02(a)(iv), (v) and (vi), and section 15-02(b)

Section 15-02(a)(iv) requires the nonprofit to include on the authorization the physical, email and web addresses of the nonprofit, and the nonprofit's telephone number. Section 15-02(a)(v) requires "the contact person's title, telephone number, and email address" to be on the authorization, and section 15-02(b) mandates that the email address of the contact person "immediately follow" the statement on the authorization that authorizations are revocable at any time.

Further, section 15-02(a)(vi) conflicts with section 15-02(b). Section 15-02(a)(vi) requires the authorization to state that the revocation be sent "to the not-for-profit or contact person," whereas 15-02(b) states that for the authorization to be valid the authorization need only state that the revocation be sent to the contact person. As explained below, these distinctions are confusing, serve no salutary purpose and will thwart clear worker intent.

The purpose of paragraphs (iv), (v) and (vi) of section 15-02(a) and section 15-02(b) is to make clear to a worker how they may revoke an authorization to deduct. However, the information required by these sections does not further this purpose, since the nonprofit is required to send the authorization to the employer, and thus is not retained by the

worker. Additionally, the telephone number of the contact person may be the same as the organization's telephone number, which, along with the organization's physical, email and web addresses are required by statute to be on the card (though not specifically on the authorization part of the deductions card). In any event, providing a telephone number for the contact person will confuse workers, in that it will encourage them to revoke by telephone, which is ineffective under the law; the law requires revocations to be in writing.

To satisfy the objective of clarifying that revocations must be in writing and may be sent to the organization or contact person, we propose (1) not requiring the physical, email and web addresses of the nonprofit, and the nonprofit's telephone number to be on the authorization, as long as this information is elsewhere provided to workers (for example, on the portion of the card retained by the worker), (2) not requiring the contact person's telephone number to be on the authorization, as long as the nonprofit's telephone number is elsewhere provided to workers (for example, on the portion of the card retained by workers), (3) not mandating "where" on the authorization the email address of the contact person be placed, as long as the email address of the contact person or of the nonprofit is elsewhere provided to workers (for example, on the portion of the card retained by workers). In any event, the regulations should provide that the requirements of sections 15-02(a)(iv), (v) and (vi) and section 15-02(b) can be satisfied by sending the information these sections require by email or letter to the worker, before deductions commence.

We propose:

That section 15-02(a)(iv) read¹:

(a) A valid authorization must contain the following: . . . (iv) the name of the not-for-profit, and the physical address, email address, web address, if any, and phone number of the not-for-profit if the not-for-profit's physical address, email address, web address and phone number are not elsewhere provided on the card;

That section 15-02(a)(v) read:

(a) A valid authorization must contain the following: . . . (v) the contact person's title, ~~telephone number~~, and the contact person's email address if the nonprofit's email address is not elsewhere provided on the card.

That section 15-02(vi) read:

(a) A valid authorization must contain the following: . . . a statement notifying the fast food employee that contributions are voluntary and that the authorization to deduct wages is revocable at any

¹ We have redlined the language we propose be deleted or added.

time by submitting a written revocation to ~~the not-for-profit or~~ the contact person. The statement may also advise workers that the written revocation can be submitted to the organization;

That section 15-02(b) read:

(b) A valid authorization must include a statement that the fast food workers can revoke the authorization at any time, immediately followed by the contact person's title and the contact person's email address if the nonprofit's email address is not otherwise provided on the card.

That a section 15-02(e) be added to read:

(e) A nonprofit can also satisfy the requirements of section 15-02(a)(iv), (v) and (vi) and section 15-02(b) by sending the information required by these sections by email or letter to the email or home address provided to the nonprofit by the worker, before deductions commence.

2. Section 15-03(c)

Section 15-03(c) details a complex and burdensome four-step process for validating electronic authorizations that has potential to thwart worker intent, without providing significant additional protection against fraudulent authorizations. Thus after the worker submits their electronic authorization (step 1), the nonprofit must, in addition to the welcoming message that appears on the screen (step 2), send a text or email to the worker confirming receipt of the electronic authorization (step 3), after which the worker must click on a "link" (step 4) for the electronic signature to be effective. By requiring the worker to click on a link, the worker is, in fact and effect, required to electronically sign twice, not once. Moreover, clicking on a link requires the worker to access their email. Since this may occur hours or days after the worker signs the authorization, the email may not be promptly responded to, or even worse, overlooked. This burdensome four-step process will result in many defective authorizations despite that workers have clearly evinced their intent to make contributions. Only two steps are required by myriad other nonprofits and other organizations that use electronic signatures to authorize contributions: two steps for tax-deductible contributions to New York Public Radio; two steps to join and donate to New York Civil Liberties Union; two steps for monthly donations to 350.org; two steps for recurring monthly donations to Highlander Research & Education Center Inc., a nonprofit; two steps for donating to Southern Poverty Law Center, a nonprofit advocacy organization; two steps for recurring contributions to MoveOn.org; two steps for donating to Planned Parenthood; two steps for recurring tax-deductible contributions to Combined Federal Campaign, a 501(c)(3) dedicated to bettering the lives of federal employees. We attach the confirmation pages of some of these organizations as an Exhibit.

We propose:

That section 15-03(c) read:

(c) Before an organization establishes, assigns, certifies or otherwise sanctions an individual's electronic signature, or any element of such electronic signature, the organization must verify the identity of the individual by sending the individual an email or a text message to a mobile phone with an electronic link after the individual submits the electronic authorization. Once the individual clicks on the link in the email or text message, the authorization is verified and the electronic signature valid, confirming receipt of the authorization, which confirmation shall advise the worker that they have authorized deductions and that they may revoke the authorization by letter or by sending an email to the organization or the contact person. The confirmation should include the email address of the organization and the contact person.

3. Section 15-07(a)

Under section 15-07(a) an employer may not charge a nonprofit more than \$.30 "per transaction per fast food employee" for the costs associated with deducting and remitting contributions, subject to a request for an exemption as set forth in section 15-07(b). The final regulation should clarify that "transaction" includes the costs associated with both deducting and remitting contributions to the nonprofit. In other words, the maximum charge should be \$.30 for both deducting and remitting contributions, not \$.30 for each. As most employers already utilize a payroll vendor and regularly deduct and remit to the appropriate authority a portion of wages for such items as tax withholdings and the employee's share of Social Security, the additional cost of deducting and remitting contributions pursuant to this chapter should be minimal to none.

We propose:

That the last sentence in section 15-07(a) read:

Subject to subdivision (b), the maximum amount per transaction per fast food employee that a fast food employer may charge a not-for-profit is \$.30, where "transaction" includes the cost of both deducting contributions from wages and remitting them to the not-for-profit.

4. Section 15-07(e)

Section 15-07(e) requires the employer to provide, upon the nonprofit's request, the following information when remitting contributions: name, work address, home address, phone number, email address, if any, amount of the deduction, and date and payroll period of the deduction, for each fast food employee for whom the employer is remitting contributions. The employer should also be required to provide a unique identifier for each employee, such as, for example, the last four digits of the employee's telephone number. This requirement would significantly enhance the nonprofit's ability not only to track contributions,

but to process revocations and provide refunds where necessary, particularly if the employer or worker provides an outdated or otherwise inaccurate home address or telephone number, or where employees have the same name.

5. **Section 15-08(a)**

Section 15-08(a) permits employees to revoke authorizations by text message. Text messages are difficult to capture and preserve for a number of reasons, including that (1) many nonprofits do not have a dedicated number to which texts can be sent, (2) texts may be sent without the sender identifying who they are, and (3) workers will text whomever their contact within the organization is, and not necessarily the contact person who processes revocations, resulting in a several-step indirect procedure inherently prone to error. The difficulties associated with tracking, and complying with, text revocations will also create unnecessary delay, requiring refunds to workers and burdening DCA with enforcement complaints and activity.

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Respectfully submitted by: The Board of Directors, Fast Food Justice, Inc.
Dated: November 16, 2017

On Call List
(Schedule Change Consent Form)

I am requesting to be on-call for unscheduled shifts. In addition to my scheduled hours, I would like to be considered for shifts as a result of callouts, unexpected increased business or other emergency situations that may require additional coverage for my job type. This includes staying later, coming in or leaving my shift earlier when I asked. I waive any unscheduled or change in shift penalties I understand that I must work my required schedule, however, if I come in early or stay later, be it voluntary or asked to do so by my supervisor, I waive any penalties. I also waive any penalties for any shifts that I agree to swap with another employee. I waive any penalties and do not hold any of the KFC restaurants or its affiliates owned by Hiren Patel or his affiliates responsible for scheduling. Hours over 40 hours in a weekly pay period will be paid at the overtime rate or 1 ½ my wage rate. I do not forfeit any other wage rate regulation.

My waiver of the unscheduled shift change penalties will remain in effect until I resend my participation. I may resend my participation at any time for any reason except for a shift for which I've already agreed to cover.

I understand this waiver and agree. My enrollment is voluntary and not a result of being forced or pressured.

_____ Print Employee Name	_____ Date
_____ Employee Signature	_____ KFC Restaurant ID No.
- - - - - - - - - - - - -	
- - - - - - - - - - - - -	
_____ Witness	
_____ Print Witness Name	_____ Date
_____ Employee Signature	_____ Title / Position

RGM/ARL- scan a copy and send to payroll@divinelc.com send a hard copy.

This form applies to any and all restaurants owner and operated by Hiren Patel and his affiliates.

(Schedule Change Consent Form)

I am requesting to be on-call for unscheduled shifts. In addition to my scheduled hours, I would like to be considered for shifts as a result of call-outs, unexpected increased business or other emergency situations that may require additional coverage for my job type. This includes staying later, coming in or leaving my shift earlier when asked. I waive any unscheduled or change in shift penalties. I understand that I must work my required schedule, however, if I come in early or stay later, be it voluntary or asked to do so by my supervisor, I waive any penalties. I also waive any penalties for any shifts that I agree to swap with another employee. I waive any penalties and do not hold any of the KFC restaurants or its affiliates owned by Hiren Patel or his affiliates responsible for scheduling penalties. Hours over 40 hours in a weekly pay period will be paid at the overtime rate of 1 ½ my wage rate. I do not forfeit any other wage rate regulation.

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Print Employee Name

Date

Employee Signature

KFC Restaurant ID No.

.....
Witness

Print Witness Name

Date

Employee Signature

Title / Position

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Exhibits

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Thank you for your support. We are truly grateful!

Sincerely,

Lisa Torres
Sr. Director of Membership
New York Public Radio

p.s. Follow us on social media: [Facebook](#), [Instagram](#) and [Twitter](#).

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11/15/2017

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Lisa Watson <lwatson32@gmail.com>

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July 3, 2017

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11/15/2017

Gmail - Thank you!



Lisa Watson <lwatson32@gmail.com>

Thank you!

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To: lwatson32@gmail.com

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Lisa Watson
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October 31, 2017

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Thank you again, and let's keep up the good fight.

Ilya Sheyman
Executive Director, MoveOn.org Political Action

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This email was sent to Lisa Watson on October 31st, 2017. To change your email address or update your contact info, [click here](#). To remove yourself from this list, [click here](#).

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Hello, I'm Jackson Sturkey, a member of Fast Food Justice. I would like to thank DCA and all allies here with us today who have helped build the fast-food worker movement. I'm here today to make sure that we can continue to build a strong organization with fast-food workers all across New York City.

About 3 years ago, I came to New York City from my hometown in Ohio, to get a new start. I value my fast-food job because at Five Guys it's important to have a way to sustain myself in a new city while I also explore my interests in the fashion and the entertainment industry. I book four shows a month so a normal day for me starts at 7 am and goes until 2 am. I work really hard, and my hard work should be valued too.

After moving here, I looked for my home away from home. I found one in an open-mic night of artists in the East Village and I found another home here with Fast Food Justice. I feel so lucky to be a part of something so incredible and novel. It's so New York to take the lead and I truly hope other cities around the country are inspired by what we are doing here. I found such friendship and inspiration here. I want to make sure that it's easy for other fast-food workers to join so they have a voice and can live in New York City with dignity.

So I'm here today to urge you DCA to please not make it difficult for people to become members of my organization. A simple and clear way to sign up and a means to contact the organization and to cancel your membership, if that's what you want to do, should be enough. I am excited about encouraging my peers to sign-up electronically, but I am worried that a double verification of a worker's intent to join which is not common practice would amount to a missed opportunity. Most people would either miss the confirmation email or won't look at it closely enough to realize there's a second unexpected step. So please don't make a cumbersome process for fast-food workers who already have too much on their plates.

I'm so thankful that fast-food workers have been given the opportunity to contribute to their own organization and ask for your support in allowing us to build our organization without unnecessary administrative burdens. I look forward to a fair process that allows us to move forward together.

I know New York supports fast-food workers! Thank you for your time today.

My name is **Jose Sanchez** and I am a fast food justice member. I am happy to be here today.

I came here 15 years ago looking for better opportunities. Life is tough for immigrants and life is tough for fast-food workers. When you are both it is important to find a community organization that will support you. I joined Fast Food Justice because I want to be a part of doing something to better our lives and our communities. That is why I am helping to sign-up my co-workers as members. We want it to be simple for our coworkers to join the movement. The city should support us and keep the process simple. If I sign up my co-workers please don't make it difficult by making too many mandates. If I sign up my coworkers electronically, and they have to verify their signup again after they submit, I believe many will miss the opportunity to join as members by not knowing they have to read their emails.

That's why I am glad that fast-food workers are getting together to look out for one another in the very first non-profit organization of fast-food workers in the nation. That's something for all of us to be proud of. Even after all the bills I have to pay, I am happy to contribute to and build our organization.

But it's still a sacrifice, so I want to make sure that as much goes towards making our organization stronger, not back into our employer's pockets in the form of high administrative fees. I urge you that fees should be fair and low.

Thank you for your time.

Mi nombre es Jose Sanchez y soy miembro de Fast Food Justice. Estoy contento de estar aquí hoy. Llegue a este país hace 15 años buscando mejores oportunidades. La vida de un inmigrante es muy dura y también es dura la vida de los Trabajadores de Comida Rápida. Cuando somos los dos un inmigrante y Trabajador de Comida Rápida es importante encontrar una organización en la comunidad que nos apoye. Me hice miembro de Fast Food Justice porque quiero pertenecer a un movimiento bueno para mejorar nuestras vidas y nuestras comunidades. Por tal razón sigo hablando, educando, firmando a mis compañeros como miembros.

Queremos que sea fácil para mis compañeros poder hacerse miembros de este movimiento. La ciudad debería apoyarnos y hacer este proceso simple. Si yo firmo mis compañeros por favor no hagan el proceso muy difícil por razones de muchos mandatos. Si firmo mis compañeros de forma electrónica y luego tienen que verificar sus membresía otra vez luego de haberlo sometido, creo que muchos van a perder la oportunidad de ser miembros por no leer sus correos electrónicos.

También estoy contento de que Trabajadores de Comida Rápida se están uniendo en la primera organización para Trabajadores de Comida Rápida de la nación. Esto es algo del cual todos estamos orgullosos. Aun después de las cuentas que

tengo que pagar, estoy contenta de contribuir y construir nuestra organización.

Pero es un sacrificio, y quiero estar seguro de que nuestro dinero que ganamos con tanto sacrificio sea para que nuestra organización sea más fuerte – no para que los bolsillos de los empleadores se llenen más con altas tarifas administrativas. Yo le suplico a ustedes que estas tarifas sean bajas y razonables.

Muchas Gracias por su tiempo.

To: New York City Department of Consumer Affairs, Office of Labor Policy and Standards
From: Meg Fosque, Lead Organizer, Make the Road NY
Re: Implementation of Pay Deductions Law
Date: 17 November 2017

Introduction

On behalf of Make the Road NY, I commend the Department of Consumer Affairs for their work in drafting these rules and applaud the City of New York and Council Members for their vision in supporting this innovative piece of legislation.

Make the Road New York builds the power of Latino and working class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. We are proud to have stood with fast food workers since the beginning of their fight and are thrilled to be testifying in support of this groundbreaking legislation.

As an organization that represents the interests of low-wage workers, we are thrilled that New York City is committed to finding new and innovative ways workers can organize. Now more than ever, workers need to be able to come together to build collective power. That being said, we hope the law is written in a way that does not undermine the original intent of the legislation.

Testimony

The Pay Deduction law passed by the Council and signed into law earlier this year is truly groundbreaking. It is the first law in the country to create a process through which fast food workers can finance and build their own organization by compelling employers to process deductions from their pay. Workers in the fast food industry are often unbanked and without credit cards, and are therefore excluded from the common payment systems that modern not-for-profits utilize. This bill overcomes this problem by allowing workers to authorize deductions to be taken from their pay and transmitted to a not-for-profit by their employer. Importantly, this law requires employers comply with deduction requests once a threshold number of total employee authorizations has been reached, and prohibits retaliation by an employer or any other person towards an employee for exercising their right to request deductions be made from their pay.

With an accessible avenue for financial contribution fast food workers will be able to build an independent organization able to fight for issues that intersect and impact their lives – be it im-

migrant and civil rights, transport and education, or abusive practices and poor safety conditions in a store.

To make this law effective, the rules that guide its operation must be focused on ensuring a reliable and easy way for workers to provide authorizations for deduction. Any excessive process that creates barriers to workers contributing to the not-for-profit, are counterproductive to the intent of the law. Similarly, the accumulation of additional costs will serve to undermine the organizations' resources and capacity.

With this in mind I wish to highlight three areas of the proposed rules that could be amended to improve the law's operation.

Authorization information

Sections 15-02(a) and (b) of the proposed rules contain a number of overlapping and contradictory requirements with respect to information required to be disclosed on an authorization form. For example section 15-02(a)(vi) requires the authorization to state that the revocation be sent "to the not-for-profit or contact person," whereas 15-02(b) states that for the authorization to be valid the authorization need only state that the revocation be sent to the contact person.

Further to this, 15-02 makes no distinction between what information must be contained on an authorization to be provided to and retained by an employer for the purpose of processing deductions, and what information is necessary for the worker to be provided with respect to the not-for-profit and their right to revoke an authorization.

To ensure workers are provided with accurate information regarding revocation, and that details as per the statute are provided to both the worker and employer, we suggest the following amendments:

That section 15-02(a)(iv) read:

(a) A valid authorization must contain the following: . . . (iv) the name of the not-for-profit, and the physical address, email address, web address, if any, and phone number of the not-for-profit if the not-for-profit's physical address, email address, web address and phone number are not elsewhere provided on the card;

That section 15-02(a)(v) read:

(a) A valid authorization must contain the following: . . . (v) the contact person's title, ~~telephone number~~, and the contact person's email address if the nonprofit's email address is not elsewhere provided on the card.

That section 15-02(vi) read:

(a) A valid authorization must contain the following: . . . a statement notifying the fast food employee that contributions are voluntary and that the authorization to deduct wages is revocable at any time by submitting a written revocation to ~~the not-for-profit or~~ the contact person. The statement may also advise workers that the written revocation can be submitted to the organization;

That section 15-02(b) read:

(b) A valid authorization must include a statement that the fast food workers can revoke the authorization at any time, ~~immediately~~ followed by the contact person's title and the contact person's email address if the nonprofit's email address is not elsewhere provided on the card.

That a section 15-02(e) be added to read:

(e) A nonprofit can also satisfy the requirements of section 15-02(a) (iv), (v) and (vi) and section 15-02(b) by sending the information required by these sections by email or letter to the email or home address provided to the nonprofit by the worker, before deductions commence.

Electronic authorization

The rules for authorizing electronic signatures detailed 15-03(c) create a burdensome multi-step process that risks worker's clearly expressed intent to make contributions remaining unfulfilled due to overlooked emails and misunderstood communications. It is common for many major not-for-profits to accept payment authorizations via two-step process of electronic submission and confirmation. The inclusion of the additional requirement for a link to be emailed or messaged by the not-for-profit and clicked on by the worker is unnecessary. We propose the following alternative language:

Section 15-03(c) to read:

(c) Before an organization establishes, assigns, certifies or otherwise sanctions an individual's electronic signature, or any element of such electronic signature, the organization must ~~verify the identity of the individual~~ sending the individual an email or a text message to a mobile phone ~~with an electronic link after the individual submits the electronic authorization. Once the individual clicks on the link in the email or text message, the authorization is verified and the electronic signature valid.~~ confirming receipt of the authorization, which confirmation shall advise the worker that they have authorized deductions and that they may revoke the authorization by letter or by sending an email to the organization or the contact person. The confirmation should include the email address of the organization and the contact person.

Costs associated with remitting deductions

It is vital that as much of the money authorized to be deducted by workers goes to building the capacity of the not-for-profit. Section 15-07 of the rules make a much needed attempt to limit the transaction cost imposed by employers and in turn, enable deductions to be passed on to the not-for-profit. The current wording of 15-07(a) makes it unclear if the \$0.30 cap employers may charge a not-for-profit covers both the deduction and remittance transactions for a single authorizing employee, or if the fee can be charged for each separate transaction. Given the emphasis placed elsewhere in this section on the need for not-for-profits to conform their systems to those used by fast food employers, transaction costs should be negligible. We therefore suggest that the rules should be amended to make clear that the \$0.30 limit applies to both deducting and remitting and not separately to each.

Conclusion

I again wish to thank the Department for undertaking this feedback process and for carefully drafting the proposed rules.

Given New York City's position on the vanguard of finding new ways for workers to form and finance their own organizations, it is essential that this bill is implemented effectively, so that it can serve as a successful template that can be replicated in other jurisdictions.

To: New York City Department of Consumer Affairs, Office of Labor Policy and Standards
From: National Employment Law Project
Re: Implementation of Pay Deductions Law
Date: November 17, 2017

The National Employment Law Project (NELP) commends the Department of Consumer Affairs for their work in drafting these rules and applaud the City of New York and Council Members for their vision in supporting this innovative piece of legislation.

NELP partners with advocacy organizations, unions, lawmakers, grassroots organizations and think tanks to champion policies that create good jobs, expand access to work and strengthen protections and support for low-wage workers and the unemployed. We are nationally recognized for our expertise in employment law and for our insight and research into the world of work.

The Pay Deduction law passed by the Council and signed into law earlier this year is truly ground breaking. It is the first law in the country to create a process through which fast food workers can finance and build their own organization by compelling employers to process deductions from their pay. Workers in the fast food industry are often unbanked and without credit cards, and are therefore excluded from the common payment systems that modern not-for-profits utilize. This bill overcomes this problem by allowing workers to authorize deductions to be taken from their pay and transmitted to a not-for-profit by their employer. Importantly, this law requires employers comply with deduction requests once a threshold number of total employee authorizations has been reached, and prohibits retaliation by an employer or any other person towards an employee for exercising their right to request deductions be made from their pay.

With an accessible avenue for financial contribution fast food workers will be able to build an independent organizations able to fight for issues that intersect and impact their lives – be it immigrant and civil rights, transport and education, or abusive practices and poor safety conditions in a store.

To make this law effective, the rules that guide its operation must be focused on ensuring a reliable and easy way for workers to provide authorizations for deduction. Any excessive process that creates barriers to workers contributing to the not-for-profit is counterproductive to the intent of the law. Similarly, the accumulation of additional costs will serve to undermine the organization's resources and capacity.

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Further to this, 15-02 makes no distinction between what information must be contained on an authorization to be provided to and retained by an employer for the purpose of processing deductions, and what information is necessary for the worker to be provided with respect to the not-for-profit and their right to revoke an authorization.

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of the individual by sending the individual an email or a text message to a mobile phone with an electronic link after the individual submits the electronic authorization. Once the individual clicks on the link in the email or text message, the authorization is verified and the electronic signature valid confirming receipt of the authorization, which confirmation shall advise the worker that they have authorized deductions and that they may revoke the authorization by letter or by sending an email to the organization or the contact person. The confirmation should include the email address of the organization and the contact person.

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Conclusion

I again wish to thank the Department for undertaking this feedback process and for carefully drafting the proposed rules. Given New York City's position on the vanguard of finding new ways for workers to form and finance their own organizations, it is essential that this bill is implemented effectively, so that it can serve as a successful template that can replicated in other jurisdictions.

Hi, I'm Pamela Majors, and I'm a proud member of Fast Food Justice, a new non-profit organization. I would like to thank DCA, the City Council, and all our allies here today who helped make it possible for fast-food workers in New York City to fund our own organization and win a more stable work week.

I've been working in fast food for over 20 years, so I know that things can be better. That's why I am grateful we have the opportunity to fund our own organization. Even as a 20-year experienced worker, I cannot afford to live comfortably in New York City, one of the most expensive cities in the country. I'm grateful to be a part of a community of people who know the same struggle, so we can work on the issue of affordable housing together through our organization.

Fair and stable scheduling is also a huge issue; fast-food workers worked hard and long to make fair scheduling a reality.

That's why I am worried about what's happening in my workplace. I am employed at a KFC store. Just as the scheduling legislation is about to take effect, my employer has distributed a "schedule change consent form" that asks workers to waive the penalties the employer has to pay under the new scheduling law for not complying with the law – for example, the fast food worker is asked to waive "unscheduled or change in shift penalties."

I'm submitting a photograph of the waiver and transcription of the what the waiver says. This waiver removes the incentive for employers to follow the law, and will return us to the days of chaotic, unreliable scheduling.

Access to hours and reliable scheduling are very important for low-wage workers. That's why the scheduling law was enacted. Although the waiver says it's voluntary, I'm afraid my coworkers will feel forced into signing the waiver, fearing they will not be treated fairly by managers if they don't.

I'm going to be educating my coworkers on the new scheduling law. I believe that allowing employers to ask employees to waive penalties is the same as asking workers to waive their rights under the law and will totally undermine the new scheduling law and confuse workers about their rights. The regulations should prohibit any waiver of rights and penalties.

I am grateful for our organization and proud of the rights fast food workers have won. I urge DCA to stand by the strong standards in the fair scheduling laws and prohibit employers from seeking waivers from employees. Thank you for your time today.

On Call List
(Schedule Change Consent Form)

I am requesting to be on-call for unscheduled shifts. In addition to my scheduled hours, I would like to be considered for shifts as a result of callouts, unexpected increased business or other emergency situations that may require additional coverage for my job type. This includes staying later, coming in or leaving my shift earlier when I asked. I waive any unscheduled or change in shift penalties I understand that I must work my required schedule, however, if I come in early or stay later, be it voluntary or asked to do so by my supervisor, I waive any penalties. I also waive any penalties for any shifts that I agree to swap with another employee. I waive any penalties and do not hold any of the KFC restaurants or its affiliates owned by Hiren Patel or his affiliates responsible for scheduling. Hours over 40 hours in a weekly pay period will be paid at the overtime rate or 1 ½ my wage rate. I do not forfeit any other wage rate regulation.

My waiver of the unscheduled shift change penalties will remain in effect until I resend my participation. I may resend my participation at any time for any reason except for a shift for which I've already agreed to cover.

I understand this waiver and agree. My enrollment is voluntary and not a result of being forced or pressured.

_____ Print Employee Name	_____ Date
_____ Employee Signature	_____ KFC Restaurant ID No.
- - - - - - - - - -	
_____ Witness	
_____ Print Witness Name	_____ Date
_____ Employee Signature	_____ Title / Position

RGM/ARL- scan a copy and send to payroll@divinelc.com send a hard copy.

This form applies to any and all restaurants owner and operated by Hiren Patel and his affiliates.

(Schedule Change Consent Form)

I am requesting to be on-call for unscheduled shifts. In addition to my scheduled hours, I would like to be considered for shifts as a result of call-outs, unexpected increased business or other emergency situations that may require additional coverage for my job type. This includes staying later, coming in or leaving my shift earlier when asked. I waive any unscheduled or change in shift penalties. I understand that I must work my required schedule, however, if I come in early or stay later, be it voluntary or asked to do so by my supervisor, I waive any penalties. I also waive any penalties for any shifts that I agree to swap with another employee. I waive any penalties and do not hold any of the KFC restaurants or its affiliates owned by Hiren Patel or his affiliates responsible for scheduling penalties. Hours over 40 hours in a weekly pay period will be paid at the overtime rate of 1 ½ my wage rate. I do not forfeit any other wage rate regulation.

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I understand this waiver and agree. My enrollment is voluntary and not a result of being forced or pressured.

Print Employee Name

Date

Employee Signature

KFC Restaurant ID No.

.....
Witness

Print Witness Name

Date

Employee Signature

Title / Position

RGM / ARL – scan a copy and send to payroll@divinellc.com send a hard copy in

This form applies to any and all restaurants owner and operated by Hiren Patel and his affiliate

Hi I'm **Tevin Matthias**, a Fast Food Justice member and I work at Arby's. I joined Fast Food Justice because I believe that if we band together we can make changes that better our lives. I came from North Carolina, chasing dreams of a better life in New York City. The pay is higher, but it doesn't make a real difference for fast-food workers because of the high cost of big city living.

Even though I'm not from here I am going to learn about my rights because of Fast Food Justice. I am grateful that so many of you in this room helped create better laws that will make my life better, in just a matter of weeks. Having access to hours and a stable schedule are very important for working people. What's more, I feel empowered to educate my co-workers about other issues that affect them. For example, I think it's important for people who live paycheck to paycheck to have affordable public transportation. These are some of the issues I want to fight to change through my new organization. I hope that we make it simple for workers to sign-up on paper and digitally. I believe that workers who sign up just need to be clear what they are signing up for and have a way to contact Fast Food Justice if they change their minds. Please keep the process simple for us. I appreciate your time today.