

**Testimony of Testimony of Commissioner Samuel A.A. Levine
New York City Department of Consumer and Worker Protection**

**Before the Committee on Health, the Committee on Oversight and Investigations, and the Subcommittee
on Early Childhood Education
Oversight Hearing on Child Care Program Background Checks and Introduction 831**

April 22, 2026

Introduction

Good morning, Chairs Krishnan, Schulman, Gutiérrez and members of the Committees on Health, Oversight and Investigations, and Subcommittee on Early Childhood Education. I am Samuel Levine, Commissioner of the Department of Consumer and Worker Protection (DCWP). Thank you for the opportunity to testify before the Committees today on Introduction 831.

Protecting New Yorkers

The NYC Department of Consumer and Worker Protection (DCWP) is the nation’s leading municipal enforcement agency charged with delivering economic justice. DCWP leverages its authority to bring New Yorkers real economic relief and protect them from predatory, deceptive, and unfair practices that violate their rights as consumers and workers. This includes pioneering cutting-edge protections, such as the City’s Consumer Protection Law, Protected Time Off Law, Fair Workweek Law, and Delivery Worker Laws, including the Minimum Pay Rate for delivery workers. Through licensing more than 45,000 businesses in over 45 industries, DCWP ensures fair competition and a level playing field for responsible small businesses that are integral to New York City’s vibrant communities. DCWP also provides essential services such as free tax preparation and financial counseling to ensure New Yorkers keep more of what they earn and can plan for their futures. DCWP is committed to making sure New York City is a fairer, more affordable place to live.

Protecting New York’s Workers

DCWP enforces key municipal workplace laws that provide workers with greater stability in their schedules, income, and employment. We strive to ensure compliance with these essential workplace laws and secure restitution for workers who have faced violations in the workplace. One of DCWP’s cornerstone workplace laws is New York City’s Protected Time Off Law, formally known as the Earned Safe and Sick Time Act, covering 4.3 million workers across the New York City. Protected Time Off ensures that New Yorkers have the right to take time off work to care for themselves or loved ones, including when they’re sick, need preventive care, or are a survivor of domestic violence or workplace violence. New Yorkers should never have to make a choice between their health and safety, or the health and safety of their loved ones, and their livelihood.

Since the agency began enforcing the law in 2014, we have combined our education and enforcement efforts to bring real results for New Yorkers. We have continuously worked in close partnership with the Council to update the law. Through the passage of Local Law 199 of 2017, we made amendments to add a “safe leave” component to the law, and through the passage of Local Law 97 of 2020, we increased the number of hours for paid protected time off from 40 hours to 56 hours at large employers. In 2022, Local Law 22 of 2022 amended the law to provide employees with a private right of action against their employers for alleged violations. Most recently, in February of this year, we celebrated our implementation of Local Law 145 of 2025, which added 32 hours of unpaid protected time off for each calendar year, more covered reasons to use of protected time off under the law, and alignment of the requirements of the Protected Time Off Law and the Temporary Schedule Change Law.

Introduction 831

Turning to today's legislation, Introduction 831 amends New York City's Earned Safe and Sick Time Act (ESSTA) to require employers to provide up to 5 business days of unpaid leave to donate bone marrow and up to 20 business days of unpaid leave to make a living organ donation, in addition to other leave provided by the employer. It also requires DCWP to establish a program to provide employees with a wage-replacement benefit, at the employee's regular pay rate, to compensate employees for unpaid leave taken for bone marrow donation or living organ donation leave.

DCWP supports the intent of Introduction 831. Employees should be able to take time off if they are donating bone marrow or an organ. In fact, employees already have a right to use leave to recover from a bone marrow or organ donation procedure under the City's Protected Time Off Law. And, certain employees also have a right to unpaid leave and job protection under the federal Family Medical Leave Act. That said, changes to the Protected Time Off Law can go further. DCWP believes that employees should have the flexibility to use their protected time off for whatever reason they need to in order to care for themselves or their loved ones. Creating discrete leave banks for specific issues maintains limitations on what employees can do with time they have rightfully earned to take off. Additionally, creating discrete leave banks on specific issues, besides limiting employees' use of time, may pose operational challenges for small businesses, who ultimately will need to implement systems to account for disparate uses and banks of leave. Ultimately, the Administration supports an approach to protected time off that provides the greatest flexibility for employees on using their protected time off that they have earned, while ensuring the law can be operationalized efficiently by small businesses. There could also be improvements to existing state level leave benefits that could address these medical needs. Lastly, DCWP's preliminary evaluation of the bill anticipates that we will have operational challenges with the implementation of "a wage-replacement benefit".

Conclusion

Thank you for the opportunity to testify before the committees on today's legislation. As always, we are eager to partner with the Council on legislation to improve protections for workers, and prioritize economic justice in our city.