

**Testimony of Commissioner Vilda Vera Mayuga
New York City Department of Consumer and Worker Protection**

**Before the Committee on
Consumer and Worker Protection**

Oversight Hearing on the Fair Workweek Law

April 17, 2024

Introduction

Good morning, Chair Menin, and members of the Committee. I am Vilda Vera Mayuga, Commissioner of the Department of Consumer and Worker Protection (DCWP). I am joined today by my Deputy Commissioner of our Office of Labor Policy and Standards, Elizabeth Wagoner, and my Assistant Commissioner of External Affairs, Carlos Ortiz. Thank you for the opportunity to testify today on one of our cornerstone protections for workers across the city, the New York City Fair Workweek Law.

Protecting New York's Workers

DCWP enforces key protections and offers financial empowerment resources that improve critical aspects of New Yorkers' daily economic lives. We ensure that consumers who have been deceived or exploited have recourse, that workers have a passionate defender of their rights, and that all New Yorkers have the support they need to improve their financial health. Since the start of the Adams' Administration, DCWP has helped deliver ~\$320 million dollars into the pockets of New Yorkers, through debt relief, restitution, and financial empowerment programming. Today, I'm excited to share more on how our agency has been a nationwide leader in protecting workers.

Fair Workweek Law

The laws that we enforce in the workplace ensure that workers benefit from minimum labor standards that provide greater stability in their schedules, income, and employment. We strive to guarantee that any worker that experiences a violation of their rights has recourse to relief. In 2017, New York City implemented the Fair Workweek Law in response to a crisis of irregular and unpredictable scheduling practices in the fast food and retail industries. The law is designed to disincentivize or prohibit once-common practices, such as keeping workers involuntarily in part-time status, giving workers their schedules with little advance notice, assigning shifts that vary from day-to-day and week-to-week, and assigning "clopening" shifts that do not give workers enough time to sleep at night between shifts. These practices cause income instability and leave workers unable to reliably schedule other commitments outside of work, like second jobs, childcare, or school. In 2020, the law was strengthened through added "just cause" protections, providing greater job stability for fast food workers.

Under the Fair Workweek Law, retail employers must give their workers their schedule at least seventy-two hours before the first shift on the schedule. Retail employers are also prohibited

from scheduling employees for on-call shifts, cancelling scheduled shifts with less than seventy-two hours' notice, and requiring an employee to work with less than seventy-two hours' notice without the employee's written consent.

Similarly, the Fair Workweek Law addresses scheduling instability for fast food workers in several ways. First, it mandates that fast-food employers give workers a stable, regular schedule that does not change significantly from week to week. Second, it requires employers to provide workers each weekly schedule 14 days in advance. Third, it requires that employers provide fast-food workers premium pay for schedule changes and "clopening" shifts, as well as the opportunity to say no to "clopening" shifts or working extra time. Finally, to address involuntary part-time work, fast-food employers must offer current workers the opportunity to work more regular hours before hiring new employees; and cannot reduce a worker's hours by more than 15% without just cause.

Since the Fair Workweek Law went into effect in 2017, DCWP has received over 800 complaints, launched more than 400 investigations, and recovered approximately \$27 million in restitution for workers and \$2 million in civil penalties. This includes our settlement with Chipotle for violations of the Fair Workweek and Paid Safe and Sick Leave laws which delivered \$20 million to approximately 13,000 workers. It was the largest worker protection settlement in New York City history.¹ Just last year, we secured more than \$7 million in worker restitution from Au Bon Pain, Paris Baguette and Panda Express for nearly 4,000 workers under the Fair Workweek Law. We are very proud of these successes, not only because they have put money back into workers' pockets for harms they experienced, but also because they ensure that companies operating in our city understand the importance of following the law.

DCWP also pairs its strong enforcement with proactive outreach. In partnership with community-based organizations, workers' rights groups, and trade associations, our outreach team seeks to ensure that both workers and employers understand the details of the Fair Workweek Law. Since 2018, we've held close to 1,400 events focused on our workplace laws, including the Fair Workweek Law, serving tens of thousands of New Yorkers.

Conclusion

Under Mayor Adams, we have been able to secure \$37 million in monetary relief for 28,000 workers through our enforcement of critical workplace laws. I am immensely proud of these accomplishments. Protecting workers in our city will always be a top priority of this agency. We welcome continued collaboration and partnership with all stakeholders, workers' advocates, and the Council to strengthen protections for New York City's workers. This includes ensuring that workers know about their rights and are made whole for violations of the law, and that employers are educated and aware of their responsibilities. I look forward to our discussion and any questions you may have.

¹ <https://www1.nyc.gov/office-of-the-mayor/news/581-22/mayor-adams-department-consumer-worker-protection-settlement-chipotle-mexican#/0>