

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

**Before the Committees on
Consumer and Worker Protection and Civil Service and Labor**

Hearing on Safe and Sick Time and Introductions 78, 563, and 617

June 20, 2023

Introduction

Good afternoon, Chair De La Rosa, and members of the Committee on Civil Service and Labor. I am Vilda Vera Mayuga, Commissioner of the Department of Consumer and Worker Protection (DCWP), and I am joined by Elizabeth Wagoner, Deputy Commissioner of our Office of Labor Policy & Standards, and Carlos Ortiz, Assistant Commissioner of External Affairs. It is my pleasure to be here today to testify on a topic that is central to our efforts to protect New Yorkers and their families—Paid Safe and Sick Leave.

DCWP and Paid Safe and Sick Leave

New Yorkers should never have to make a choice between their health, or the health of their loved ones, and their livelihood. As a working parent myself, I rest easier knowing that if I need to take care of my children or my mother when they have to stay home sick, I will not face any repercussions when I go back to work. And, we all are more comfortable at work knowing our colleagues have the right to take time off when they are sick, or when their loved ones are sick.

New York City’s Paid Safe and Sick Leave law ensures New Yorkers have the right to take time off work to care for themselves or loved ones when they’re sick, need preventive care, or access services or take safety measures related to domestic violence, sexual violence, stalking or human trafficking. Currently, most eligible workers have the right to up to 40 or 56 hours of paid leave per year, depending on the size of their employer.¹ As we saw throughout the pandemic, Paid Safe and Sick Leave was an essential right for our City’s workers. And, as we continue our recovery, it remains a crucial workplace right for working families and individuals.

Our team at DCWP works tirelessly to ensure that New Yorkers know about and can exercise their rights under the Paid Safe and Sick Leave law and are not penalized for taking care of themselves and their loved ones. Our education and outreach efforts inform workers through presentations, informational gatherings, and high visibility events partnering with key community-based organizations. We have also used citywide paid advertising campaigns, social media platforms and more to bring the word to New Yorkers that Paid Safe and Sick Leave protections are here for them. Last year, we conducted a multilingual marketing campaign on Paid Safe and Sick Leave to raise awareness of employee rights, with a focus on workers in industries and neighborhoods with high incidence of sick leave complaints. Overall, since the start of the Adams Administration, we have held close to 1,000 outreach events connecting with more than 76,000 New Yorkers.

¹ <https://www.nyc.gov/site/dca/businesses/paid-sick-leave-law-for-employers.page>

And when workers report violations of their rights to us, we take action. Since the Paid Safe and Sick Leave Law went into effect in April 2014, DCWP has received more than 3,450 complaints about potential Paid Safe and Sick Leave violations, closed more than 2,500 investigations, and obtained resolutions requiring approximately \$21 million in combined fines and restitution for 60,000 workers. Last year, we reached New York City's largest-ever worker protection settlement with Chipotle following violations of the Paid Safe and Sick Leave and Fair Workweek Laws. That settlement provides \$20 million in compensation to approximately 13,000 workers, millions of which is attributable to Chipotle's Safe and Sick Leave violations. Just last month, we reached a settlement with Con Edison over violations of Paid Safe and Sick Leave, securing more than \$200,000 in restitution for 480 workers who were denied their right to safe and sick leave and \$40,000 in civil penalties.² And we are not stopping there; we remain committed to our efforts to protect workers and keep businesses and employers in compliance with the law.

Introduction 78

Turning to today's bills, Introduction 78 would require DCWP to hold a public education campaign informing employers and employees of their responsibilities and rights to Paid Safe and Sick Leave. DCWP would be required to coordinate with the Department of Health and Mental Hygiene to distribute posters, flyers and other written materials to pharmacies, doctors' offices, and hospitals, as well as invite NYC Health and Hospitals to participate in the posting and distribution of these materials.

DCWP supports the intent of this legislation; we currently engage in extensive outreach efforts to educate New Yorkers about their rights in the workplace, as I described earlier in my testimony.

Introduction 563

Introduction 563 would allow New Yorkers the right to file a civil action in court if their right to Paid Safe and Sick Leave is violated. At the municipal level, workers can file a complaint with DCWP, but not in court, for violations of the City's Paid Safe and Sick Leave law.

Many labor laws have private rights of action that assist in promoting compliance, as well as providing workers an important additional option if their rights are violated. DCWP supports Introduction 563 and believes that a private right of action for Paid Safe and Sick Leave will promote deterrence and help to ensure more workers are made whole when their rights are violated. The laws and rules of our city, in particular those that advance dignity for workers, must be followed, and bad actors should be held accountable for violations of the law.

Introduction 617

² <https://www.nyc.gov/office-of-the-mayor/news/581-22/mayor-adams-department-consumer-worker-protection-settlement-chipotle-mexican#/0>

Introduction 617 would amend the definition of “employee” under the Paid Safe and Sick Leave Law to include workers who would be deemed an employee under a new standard included in this bill.

DCWP supports the intent of Introduction 617. We appreciate and share the goal of expanding worker protections. That said, we have concerns about expanding the definition of “employee” at the municipal level alone. Any changes to the definition of employee under City law should be consistent with laws at the state and federal levels, to ensure that workers and employers understand how workers should be classified and workers are able to access all benefits available to them as employees. The Law Department is currently reviewing the bill and we welcome further discussions on how this can be accomplished.

Conclusion

Thank you for the opportunity to testify before your committees on our essential work uplifting New Yorkers, and today’s legislation. DCWP and the Administration share your commitment to protecting New York City’s workers. I welcome any questions you may have for further discussion.