

NEW YORK CITY  
DEPARTMENT OF CONSUMER AND WORKER PROTECTION

DCWP RULES HEARING  
DELIVERY WORKER MINIMUM PAY

VIRTUAL HEARING  
December 16, 2022

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1 MR. CHARLIE DRIVER: Hey again, for folks who  
2 have joined us in the last couple of minutes, we're  
3 going to get this started in just a few minutes, but  
4 please, if you are interested in testifying and you  
5 have not already reached out to us to let us know, I  
6 would love to get you on my list, please raise your  
7 hand using the raise hand function which is in the  
8 reactions tab on Teams, and I can make sure you're on  
9 the list. If you don't register now and you change  
10 your mind or want to let us know later in the meeting  
11 that's also fine. I'm not going to leave here today  
12 without letting someone who wants to testify, testify.  
13 And we're going to get started I think tentatively at  
14 11:05. Thanks for your patience. Folks, again, if you  
15 are looking to testify and haven't already let us  
16 know, please raise your hand using the raise hand  
17 function on Zoom -- on Teams, excuse me. We'll get  
18 started, I think, just one more minute.

19 Alright, we're, we are going to, to begin  
20 this hearing. I'm going to read a few ground rules and  
21 a little introduction and then we'll get right into  
22 testimony. So, good morning all. My name's Charlie  
23 Driver. I've been designated as the hearing officer  
24 for the public hearing of the Department of Consumer  
25 and Worker Protection on the method for determining

1 minimum payments made to a food delivery worker by a  
2 third party food delivery service or a third party  
3 courier service. This hearing is being held on  
4 Microsoft Teams, and it is now 11:06 on Friday,  
5 December 16, 2022, and I am hereby convening the  
6 public hearing on this proposed rule.

7 The proposed rule was published in the city  
8 record on November 16, 2022. The published notice and  
9 rules are available online on the New York City Rules  
10 website and the Department's website. The Department  
11 has proposed these rules pursuant to the authority  
12 vested in the Commissioner of the Department of  
13 Consumer and Worker Protection by Sections 1043 and  
14 2203(f) of the New York City Charter and Sections 20-  
15 1506(a), 20-1507(c) and 20-1522(a)3 and (d) of the New  
16 York City Administrative Code.

17 This hearing affords the public the  
18 opportunity to comment on all aspects of the rules the  
19 Department has proposed. The Department will carefully  
20 review all testimony and written comments received at  
21 this hearing and will give due weight and  
22 consideration to proposals and recommendations that  
23 are submitted for the record at this hearing.

24 To ensure that everyone seeking to testify  
25 will have the opportunity to do so, we ask that you

1 follow a few ground rules. During the hearing please  
2 give due respect and consideration to everyone  
3 offering their testimony, and please make sure to keep  
4 yourself muted if, if I have allowed you to unmute  
5 yourself previously. Everyone offering written  
6 testimony will have three minutes to provide -- excuse  
7 me, oral testimony will have three minutes to provide  
8 their oral testimony. I will not cut someone off right  
9 at three minutes, but I will not let you go much past  
10 that. If you do have comments that require you to take  
11 more than three minutes to finish off, you can always  
12 submit written comments, those don't have an  
13 associated length limit. And to submit the written  
14 testimony, we'll put a link in the chat to the New  
15 York City Rules website that is hosting this, this  
16 rule. Now, before we begin, Miriam, can you just, can  
17 you just give that information in Spanish?

18 INTERPRETER: Sure. *Gracias, Charlie, buenos*  
19 *días a todos, entonces les voy a dar un breve, una*  
20 *breve traducción de las reglas que Charlie acaba de*  
21 *mencionar. Para garantizar que todos los que buscan*  
22 *testificar tengan la oportunidad de hacerlo, pido que*  
23 *todos sigamos estas reglas básicas. Durante la*  
24 *audiencia todos los participantes deben respetar y*  
25 *considerar debidamente a las personas que ofrecen su*

1 *testimonio y silenciar sus líneas si no están*  
2 *hablando, cada testigo tendrá un máximo de tres*  
3 *minutos para dar testimonio oral, si sus comentarios*  
4 *toman más de tres minutos, sintetice su testimonio*  
5 *oral y deje una copia escrita para el registro. A*  
6 *diferencia del límite de tiempo para el testimonio*  
7 *oral, no hay límite en la cantidad de páginas que*  
8 *puede presentar como testigo, testimonio escrito o*  
9 *como documentos para el registro, la presentación*  
10 *escrita se hará parte del registro público. Ahora*  
11 *antes de comenzar, les recordaré a las personas que*  
12 *silencien sus líneas hasta que se les llame para dar*  
13 *testimonio.*

14 MR. DRIVER: Great. Thank you. And a couple  
15 of other just quick housekeeping notes. When it's your  
16 turn to testify I will call your name. When you hear  
17 your name called, please raise your hand using the  
18 raise hand function, and I'll unmute you and allow you  
19 to access your video. That way we can just make sure  
20 that there are as few distractions as possible.  
21 Miriam, could you just translate that as well?

22 INTERPRETER: *Para guardar el orden, yo*  
23 *cuando llame a una persona o cuando alguien quiera*  
24 *testificar, levante la mano o use el botón para*  
25 *levantar la mano y yo le voy a dar el tiempo para*

1           *poder testificar.*

2                   MR. DRIVER: Great. And final thing, you are  
3 free to offer testimony in your preferred language. We  
4 will not be offering simultaneous translation of those  
5 comments. We will be, you know, making sure that we  
6 understand any comments when we review the comments  
7 after the fact, as part of the rulemaking process, but  
8 I just want to be clear that we won't be offering that  
9 translation at this time. Miriam, could you add that  
10 as well?

11                   INTERPRETER: Yeah, *solo quiero asegurarme*  
12 *que, estar claro en que pueden proporcionar su*  
13 *testimonio en la lengua que ustedes prefieran pero que*  
14 *no vamos a proporcionar interpretación simultánea,*  
15 *pero quiero asegurarme que sepan que pueden presentar*  
16 *su testimonio en la lengua deseada y si al final hay*  
17 *comentarios, entonces también los vamos a escuchar.*

18                   MR. DRIVER: Great. Thank you so much. And if  
19 you have any questions, I think people should be able  
20 to access the chat, feel free to, to post any  
21 additional questions in the chat. At this time we'll  
22 get started with testimony. First up I have  
23 Comptroller Lander. Comptroller, you on, on here, feel  
24 free to just raise your hand. I think I see you. I can  
25 -- great, thank you. Great. You should now be able to

1 unmute and also turn on your camera.

2 MR. BRAD LANDER: There we go. Can you hear  
3 me okay?

4 MR. DRIVER: Yes, you -- I can hear you loud  
5 and clear. You have three minutes. Whenever, whenever  
6 you're ready.

7 MR. BRAD LANDER: Super. Good morning, and  
8 thank you very much to the Department of Consumer and  
9 Worker Protection for the opportunity to testify  
10 today. I'm New York City Comptroller Brad Lander, the  
11 proud city council sponsor of both Local Law 115 of  
12 2021, which established the minimum per trip payment  
13 requirements for third party delivery workers, and  
14 also the sponsor of the earlier Local Law 150 of 2018,  
15 which established similar minimum pay requirements for  
16 for-hire drivers. Thanks for the op-, for your work to  
17 promulgate these rules, for taking the plight of  
18 deliveristas seriously, and for your openness to  
19 testimony about changes to the draft rules, which are  
20 needed, to make sure they achieve the goals of the  
21 legislation and especially of the worker led campaign  
22 that led to it.

23 We all know that app based delivery workers  
24 risked their lives through the pandemic to provide  
25 food for New Yorkers, enabling many of us to remain



1 safe in our homes, and they continue to provide food  
2 and other goods to so many of us on a regular basis  
3 amidst extreme weather like the rain of today and much  
4 worse, and health and safety risks on the streets  
5 which are their workplace, all at sub minimum wages  
6 and without benefits.

7 New York City has an opportunity to lead the  
8 nation by establishing a minimum wage standard for  
9 this growing industry that adequately compensates  
10 delivery workers for their labor and their pivotable  
11 contributions to our city and its recovery. I'm so  
12 encouraged by their courageous campaign, by the  
13 seriousness with which the Department undertook the  
14 required study. However, the repo-, the proposed rules  
15 require several important revisions to ensure that  
16 they will enable all deliveristas to get the pay and  
17 dignity they deserve.

18 First, workers must be paid at least the \$15  
19 minimum wage after business and independent contractor  
20 expenses starting on January 1, 2023. The current  
21 proposal, even by its own standard, keeps workers at a  
22 sub minimum hourly wage of \$13.74 for the first year,  
23 with no workers comp or health insurance after  
24 business and independent contractor expenses are  
25 factored in, and that would be the case even if

1 workers were compensated in full for their total work  
2 time, which I'll discuss momentarily, is not required  
3 and must be revised. While it was reasonable to have a  
4 phase in when the \$15 minimum wage was adopted in New  
5 York State in 2016 across the board, it's not  
6 appropriate for delivery workers now. The 2018 TLC  
7 rules did not include a phase in. There is no reason  
8 to treat delivery workers worse than that.

9 Second, workers must be paid for their  
10 waiting time. The present proposal does not require  
11 companies to pay individual workers for the time  
12 they're waiting for the next trip. It's an aggregate  
13 requirement, which means some workers could get  
14 bonuses and other workers could be paid as little as  
15 \$8.38 an hour even if they're working at the industry  
16 wide average of 61 percent of the time. We don't let  
17 telemarketing firms only pay employees while they're  
18 on the phone but not waiting for the next call; we  
19 don't let offices only pay their receptionist while  
20 they're letting someone in the door; we don't dock  
21 fast food restaurants when they don't have customers.  
22 That's what app companies are doing to delivery  
23 workers, and it is simply wrong.

24 And third, the formula for COLA increases  
25 must be revised to account for inflation and business

1 expenses, and to changes in the state minimum wage, as  
2 the Taxi and Limousine rules require for app based  
3 for-hire drivers. I believe that revised approach is  
4 actually required by the legislation and certainly  
5 necessary to keep up with inflation.

6 We'll detail a little more of that in the  
7 written testimony because I want to respect the time  
8 and make sure you can get to hear from the voices of  
9 deliveristas themselves. Thank you very much for your  
10 consideration of these comments, for your commitment  
11 to the wellbeing of deliveristas, and for serious  
12 consideration to changes to the rules to make sure  
13 that they meet their goals. Thank you very, very much.

14 MR. DRIVER: Great, thank you so much,  
15 Comptroller, really appreciate your work, as always,  
16 and your comments on this, and we're looking forward  
17 to seeing the written comments as well.

18 MR. LANDER: Thank you.

19 MR. DRIVER: Next up -- and I'll also give,  
20 you know, as requested, a few other people who are  
21 further down the list. Next up, we'll have Borough  
22 President Reynoso. Borough President, are you on the  
23 call? Feel free to raise your hand. Great, thank you,  
24 I'll unmute right now. Alright, Borough President, you  
25 should be able to now turn your camera on. After

1 Borough President Reynoso we'll have council members  
2 Brewer and Hanif, just to put you on warning. Borough  
3 President, whenever you're ready, you'll have three  
4 minutes.

5 MR. ANTONIO REYNOSO: Thank you so much. Give  
6 me one second. Sorry.

7 MR. DRIVER: Sure.

8 MR. REYNOSO: Thank you to the Department of  
9 Consumer and Worker Protection for holding this  
10 hearing today on minimum pay for at best -- app based  
11 food delivery workers, *muchas gracias a nuestra*  
12 *agencia por darnos la oportunidad de hablar hoy*. As a  
13 member of the city council last term, I supported the  
14 legislation that prompted this rule change and I am  
15 pleased to see it moving forward now.

16 As many of us know, due to the pandemic New  
17 Yorkers have come to learn that delivery workers are  
18 essential workers. Their job is hard and it is  
19 dangerous, and the mostly immigrant population who  
20 does this work are some of the most vulnerable in the  
21 city. For too long they've been working on long hours  
22 in grueling conditions for less than minimum wage, and  
23 I'm thrilled to see that that ends now. I want to  
24 thank DCWP for the thoughtfulness and work that went  
25 into their report. I love to see decisions like this

1 being driven by data, and I appreciate that the report  
2 acknowledges many of the challenges that the, the  
3 deliveristas face, and understanding that their work  
4 must allow them to provide for their families, rest  
5 when they need to, and handle unfortunate situations  
6 such as theft and injury when they occur. I'm also  
7 pleased to see that this proposal provides more  
8 predictability in terms of scheduling and pay. A  
9 guaranteed base pay for both on call time and  
10 deliveries means workers will now know that at minimum  
11 they will take -- what they will take home at the end  
12 the day without relying on tips or the number of  
13 orders they receive.

14 As strong as this proposal is, there are two  
15 changes that I would like to see in the final rule, in  
16 line with the ask coming from the workers themselves,  
17 an increase in the hourly rate to cover hazard pay and  
18 expenses, and a reconsideration of the phase in for  
19 the new rate. I'm glad to see a component for workers  
20 compensation included, however, bringing this amount  
21 into line with that of a typical worker does not  
22 acknowledge how much more often deliveristas sustain  
23 injuries on the job. Additionally, the report  
24 indicates that the out of pocket cost of medical  
25 expenses for work related injuries is not included in

1 the calculation of the hourly rate, and these costs  
2 can be significant.

3 The Workers Justice Project also maintains  
4 that the calculation of expenses in the report  
5 undercounts the cost of license, registration and  
6 processing fees for those using vehicles other than e-  
7 bikes or cars, as well as general safety equipment,  
8 such as anti-theft devices and personal protective  
9 equipment. Therefore, I support an increase in the  
10 base pay of \$5 per hour, which would bring the total  
11 to 28.82 per hour starting in 2023.

12 As mentioned above, deliveristas work har-,  
13 work has been drastically overvalu-, undervalued for  
14 too long, inflation is bringing up costs every day,  
15 and these workers deserve to have this money in their  
16 pockets as soon as possible.

17 Again, I want to thank DCWP for all their  
18 hard work on this issue and for considering the  
19 changes outlined above. Thank you. *Muchas gracias a*  
20 *Los Deliveristas, -- felicidades y buen día.*

21 MR. DRIVER: Great, thank you so much,  
22 Borough President, I appreciate your advocacy, and  
23 thank you for submitting these comments and we have  
24 your written comments as well, so we're all set from  
25 you. Have a good day.

1 MR. REYNOSO: Nice to see you. Take care.

2 MR. DRIVER: Yeah. Next up, if Council Member  
3 Brewer is on the call, feel free to raise your hand  
4 and let us know, otherwise after Council Member Brewer  
5 we'll have Council Member Hanif. Alright, we'll circle  
6 back to Council Member Brewer. Council Member Hanif,  
7 are you, are you here on the call, feel free to raise  
8 your hand. Sorry, Dshea, I'm just allowing you to  
9 unmute. Who are you with? Are you one of the council  
10 members? Hi, sorry, we're going in order, feel free to  
11 -- if you're looking to testify, if you could actually  
12 just put that in the chat, I think that would be the  
13 best way of us keeping track now that we're working  
14 our way through witnesses.

15 MS. DSHEA: Not a problem.

16 MR. DRIVER: Okay. Thank you. Alright. Anyone  
17 from Council Member Brewer or Council Member Hanif's  
18 team on the call, feel free to raise your hand, let us  
19 know. Alright. We'll circle back and keep moving. Next  
20 up I have Antonio Solis [phonetic]. Antonio, are you  
21 on the call? Feel free to raise your hand, let us  
22 know. And also, feel free to put in the chat if you're  
23 here. Alright, we're going to keep moving. Yep,  
24 Joshua, it is on my list, Hildalyn, thank you. Willie  
25 Medina, Willie, are you, are you here to testify right

1 now? Raise your hand to let us know. Okay. Ligia  
2 Guallpa, are you, are you here on the call? They're  
3 not here yet. Okay. Hildalyn, I will, I will skip your  
4 group of people -- do you want to go right now? Feel  
5 free to raise your hand if you want to speak. Okay,  
6 great, I'll unmute you now. Alright, Hildalyn, you  
7 should be able to unmute yourself --

8 MS. HILDALYN COLON: Yes.

9 MR. DRIVER: -- and turn your camera on.

10 MS. COLON: Hi, and good afternoon -- good  
11 morning. Sorry, everybody. My name is Hildalyn Colon,  
12 and I'm the Director of Policy and Strategic  
13 Partnership for Los Deliveristas. We're basically,  
14 today, right now, on the street with this weather  
15 condition, kind of like, which is a reality of what  
16 all deliveristas live through. We appreciate the  
17 opportunity for DCWP for workers to comment and to  
18 talk about the rule.

19 I think from our perspective, we are  
20 encouraging the DCWP to consider three adjustments to  
21 the proposed rule, which is, and I know it was  
22 mentioned by Council-, Borough President Reynoso, it's  
23 increase on the \$5 on the expenses base to reflect  
24 workers' expenses, not only on the people that do  
25 motorcycle, but also on the safety equipment that they



1 use, that's GPS and trackers, and also to consider  
2 days like this, like it's a hazard pay, right, we see  
3 how these days like this, there's an increase in  
4 acciden- accidents and fatalities, and they have to  
5 kind of like cover extreme weather conditions where  
6 they do the work.

7 A second recommendation that we'll -- as an  
8 adjustment is basically to give them more money  
9 upfront. In 2013 they have been actually battling not  
10 only just \$7.09 for per hour with tips, but also we  
11 have many circumstances of workers that they still at  
12 this moment have not been paid by the apps, and that  
13 is basically money they have not been able to use in  
14 their pocket. And the third, an adjustment that we're  
15 looking into, like make sure to monitor how this kind  
16 of like plays out, especially in the aggregated pay,  
17 it's something that we haven't seen across the floor.

18 I think I will finish up to say that we  
19 appreciate that DCWP recognized that all work time  
20 that these workers are on the app is actually  
21 considered work and pay time, and that's something I  
22 think a way for us to move forward. I also want to add  
23 that this is not a rule, we're not trying to like have  
24 been also implemented on the taxi side so it clearly  
25 have showed that this is a policy that works and that

1 works not only for the workers but also works for New  
2 York City. Thank you.

3 MR. DRIVER: Thank you so much, Hildalyn,  
4 really appreciate it as always. Alright, next up,  
5 Maria Figueroa. Maria, are you on, are you on the  
6 call? Also, I'll reshare this link in the chat, but if  
7 you're looking to submit any written comments, please  
8 drop those online there. Maria, I'll unmute you now.  
9 Miriam, could you just highlight that link in the chat  
10 in Spanish, please? Just basically just, just say that  
11 we -- that's, that's the way to submit written  
12 comments online.

13 INTERPRETER: *Sí, el link que acaba de*  
14 *compartir Charlie es básicamente como pueden someter*  
15 *su testimonio, así que pueden usar ese link para*  
16 *agregar comentarios y su testimonio en sí.*

17 MR. DRIVER: Great, thank you. And, Maria,  
18 you should be able to unmute and turn your camera on  
19 whenever you're ready.

20 MS. MARIA FIGUEROA: Thank you, Charlie, and  
21 thank you to DCWP for the public hearings and the  
22 opportunity to testify on this important policy issue.  
23 I am, just as -- for identification purposes, I'm the  
24 Dean of the Harry Van Arsdale Jr. School of Labor  
25 Studies at SUNY Empire State College, and my comments

1 draw on previous and ongoing research I have conducted  
2 as an expert in the field of labor and employment  
3 relations for more than 30 years now.

4 Findings from my recent research on app  
5 based food delivery work indicated that the average  
6 pay per hour received by delivery workers was well  
7 below the minimum wage at about \$7 per hour. More  
8 recent estimates by New York City DCWP revealed that  
9 the minimum pay per, per hour for workers had  
10 decreased to \$4.

11 In view of these low levels of pay, the  
12 minimum pay proposal advanced by the City of New York  
13 is a much needed improvement and signifies great  
14 progress for workers in this industry. Nonetheless,  
15 the proposed minimum pay of 23.82 per hour to kick in  
16 in 2025 involves an important limitation as it might  
17 be underestimating the operating expenses incurred by  
18 delivery workers. DCWP estimated operating expenses  
19 per hour at \$2.26, leaving out important items such as  
20 protective gear, hazard pay, and GPS technology used  
21 by all delivery workers independently of the type of  
22 vehicle they ride. The DCWP estimate also leaves out  
23 cost of gas, insurance and registration, which are  
24 expenses incurred by delivery workers who ride  
25 motorcycles. It should be noted that the majority of

1 delivery workers in the outer boroughs of the city  
2 ride motorcycles or mopeds.

3 My calculations based on recent  
4 consultations with workers in the field revealed that  
5 expenses per hour are at around \$6.26, which indicates  
6 that the DCWP underestimated expenses by \$4 per hour.

7 My recommendations include the following:  
8 adjust the expenses estimate by, by at least \$4 per  
9 hour in the total minimum pay accordingly to reflect  
10 this increase in the expenses items.

11 Secondly, the implementation of the  
12 aggregate pay component of the, of the minimum pay  
13 proposal requires very close in-, monitoring and  
14 evaluations to make sure that the, the workers are not  
15 shortchanged in, in terms of the pay per hour. As you  
16 know, this component of the pay structure is left to  
17 the discretion of the apps in terms of determining the  
18 pay for waiting time.

19 And lastly, I think the, the, the increases  
20 should be up- upfronted so that the workers are able  
21 to see net minimum pay that is above the, the minimum,  
22 the minimum wage enjoyed by all workers in New York  
23 City.

24 Thank you again so much, and we very much  
25 appreciate the efforts of the DCWP and all advocates

1 in New York City to address the needs of, of this  
2 important workforce. Thank you.

3 MR. DRIVER: Thank you so much, Maria,  
4 appreciate it a lot. Next up, we have Joshua. Josh, if  
5 you can just raise your hand, we'll make sure that you  
6 can unmute and deliver your testimony. And, Amr,  
7 you're on my, you're on my list now. Josh is not here  
8 yet. Alright, we'll circle back. Hildalyn, if you just  
9 e-mail me when your, when your people are online, I  
10 can make sure that they can testify. Great. Is Nevin  
11 Cohen on the call? Great, let me unmute you. Alright,  
12 Nevin, whenever you're ready you can turn your camera  
13 on, unmute, and you'll have three minutes.

14 MR. NEVIN COHEN: Thank you very much. My  
15 name is Nevin Cohen, I'm an associate professor at the  
16 CUNY Graduate School of Public Health and the director  
17 of the CUNY Urban Food Policy Institute. I apologize  
18 for my dog in the background. Our institute conducts  
19 research, education and action to advance just healthy  
20 and resilient urban food systems, which includes the  
21 health and wellbeing of food workers.

22 The proposed rules are important and we  
23 commend the DCWP for its efforts to establish fair  
24 compensation standards and offering protections that  
25 will hopefully improve the lives of delivery workers,

1 and for conducting a groundbreaking study of New York  
2 City's food delivery workers to establish these rules.

3 We urge DCWP to reconsider its proposed two-  
4 year phase in of the minimum compensation rate. While  
5 we understand the desire to provide time for the  
6 platform companies to adjust their pricing and  
7 deployment algorithms, we're concerned about the  
8 potential unintended negative consequences for  
9 existing workers. The proposed phase in of the \$23.82  
10 per hour pay rate will likely result in enormous  
11 stress for workers as delivery companies attempt to  
12 fill their orders with fewer people and deactivate  
13 large numbers of workers to reduce costs, and we urge  
14 DCWP to shorten the time to reach the mandated  
15 compensation.

16 In addition, we understand from delivery  
17 worker representatives that the amount for hourly  
18 expenses is lower than the actual cost to delivery  
19 workers, especially when the cost of more expensive  
20 mopeds and motorcycles are included, and therefore  
21 urge DCWP to increase the amount of the minimum pay  
22 attributed to expenses by approximately \$5.

23 As the new rule is implemented it's also  
24 critical for DCWP to collect and provide access to  
25 data that will enable workers, labor organizations and

1 researchers as well as DCWP staff to evaluate the  
2 rule's effectiveness and ensuring that delivery  
3 workers receive fair compensation and that the new  
4 minimum compensation levels result in financial gains  
5 and health and wellbeing co-benefits. Careful  
6 evaluation will prevent unintended negative  
7 consequences to workers.

8 With respect to your record keeping  
9 requirements for the proposed rule, we recommend  
10 requiring third party food delivery work- worker or  
11 courier services to collect and report to DCWP data on  
12 worker equipment, theft and breakage and on the job  
13 accidents and injury. Although self-reported such data  
14 would enable DCWP to assess the need to reevaluate the  
15 hourly expense component of the minimum compensation  
16 rate, and whether additional regulations are required  
17 to improve the safety of food delivery work.

18 Thank you very much for the opportunity to  
19 present our comments today. We welcome the opportunity  
20 to clarify or elaborate on our remarks and look  
21 forward to assessing the effects of these proposed  
22 rules on the lives of the city's food delivery  
23 workforce. Thanks so much.

24 MR. DRIVER: Great, thanks so much, Nevin,  
25 appreciate it, and thank you for offering those

1 comments. Next up we have, and apologies if I  
2 mispronounce your name here, Dachuan Nie. I'm going to  
3 unmute you and allow you to use your camera. You  
4 should be able to turn your camera on and unmute now.

5 MR. DACHUAN NIE: Hi, good morning, everyone.  
6 My name is Dachuan Nie, I am a food delivery worker  
7 and also the co-chair of the Justice for App Workers.  
8 Thank you for this opportunity to testify before you  
9 today in support of the proposed rules  
10 [unintelligible] [00:32:13] of the -- for de-  
11 determining the minimum payments that, that must be  
12 made to food delivery workers by the third party for  
13 delivery service or third party [unintelligible]  
14 [00:32:28] service. Justice for App Workers is a  
15 national coalition movement re- representing 270,000  
16 Rideshare drivers and delivery workers from the East  
17 Coast to the Midwest. United in our demands to  
18 transform our industry, we are the drivers and  
19 delivery workers who keep communities running, getting  
20 our neighbors what they need and where they need to  
21 go. Together we are talking on the, on the multi-  
22 billion dollar app in- industry to designed at work.  
23 This, this mean living wages, safety working  
24 environment and [unintelligible] [00:33:25]  
25 activation, quality health care befening, befening --



1           sorry, I'm sorry, and the [unintelligible] [00:33:38]  
2           and the right to, the right to form a union. As you  
3           know, the 65,000-plus delivery workers of the city  
4           have been taken advantage of for far too long by, by  
5           the third party delivery apps, such as Grubhub, Uber  
6           Eats, DoorDash and Relay. We work long hours, pay our  
7           own expense, receive no health benefit, no, no sick  
8           pay, let, let alone compen- compensation for injured  
9           property, damage and loss we -- injur- injury while  
10          walking all for the sub minimum wage. For our vast  
11          majority, delivering food is the only, the only income  
12          for us, so like everyone else, we have families to  
13          feed and rent to pay. We are many -- the only the  
14          people to make the, the money, and we also have  
15          colors, like we are -- I am Chinese, I am yellow,  
16          yellow skin, and sometimes that, that will be a  
17          problem for me. So during the pandemic, it was us and  
18          our brothers and sisters driving FHV's and the taxis  
19          who gave the health- healthcare workers and the rest  
20          of the city fare, risking our and our families' lives.  
21          We were -- and our is -- are, are the only worker for  
22          the family and while the food delivery business has  
23          exploded and continues to do well, it is not delivery  
24          workers who are reap- reaping the benefit, it, it, it  
25          is restaurants and mainly the third party delivery

1 apps and all at our expense. And for the FHV driver  
2 brothers and sisters, the app companies they worked  
3 for are relev-, in the city, like the TLC, they ha-,  
4 they, they have to pay, pay for the driver the minimum  
5 rate of, of the pay. Therefore it is only fair and  
6 responsible that food delivery workers also receive  
7 the same. We need, we need the minimum payment. So we  
8 thanks for the city counc- city council and the admin-  
9 administration and the Department of Consumer and Work  
10 Protection for holding the third party app companies  
11 [unintelligible] [00:36:40] for re- recognizing the  
12 need for delivery, for the delivery workers  
13 protections and for Local Law 115 of 2021, and the  
14 resulting rules that would establish a minimum payment  
15 rate of \$23.82 an hour that were also the subject to  
16 annual adjustments based on inflation. We are worried.

17 Thank you for this opportunity to speak and,  
18 and thanks to the staff at DCWP for all your hard work  
19 and for giving us the time to discuss these matters  
20 with you. Thank you.

21 MR. DRIVER: Great, thank you so much,  
22 Dachuan, appreciate it a lot. Next up, I'll go back to  
23 Ligia Gualpa, apologies if I mispronounce your name  
24 there. I'm going to unmute you in just a second.  
25 Alright, you should be able to unmute and turn your

1 camera on and then you'll have three minutes whenever  
2 you get started.

3 MS. LIGIA GUALLPA: Can you hear me? Okay.  
4 Yeah.

5 MR. DRIVER: Yeah.

6 MS. GUALLPA: Yeah. So -- well, thank you so  
7 much to, first of all, to the Commissioner for the  
8 opportunity to speak. And I'm here on behalf of  
9 Workers Justice Project, and first, we want to commend  
10 the Department of Consumer and Worker Protection on  
11 conducting research and putting forward a proposal  
12 rule on the delivery pay, which is the first step  
13 forward to securing economic stability and secure more  
14 protections for gig workers.

15 However, the proposed rule does fall short  
16 by \$5 to meet the day-to-day reality of app delivery  
17 workers in our city. The reality is that deliveristas,  
18 particularly those workers that use motor scooters,  
19 registered motor scooters, spend about six hun-, I  
20 mean 500 to \$1,000 a month to cover the operating  
21 expenses, and just to start -- in general,  
22 deliveristas, just to start as a deliverista, most of  
23 them make a large investment, close to \$10,000.

24 The reality is that these corporations get  
25 away by putting all economic burd- burden on the

1 worker. With a false promise of flexibility they have  
2 trapped workers to be connected on the app, and have  
3 been, have been making them wait for deliveries  
4 without pay. These billion dollar corporations make  
5 app delivery workers depend on tips as a form of wage.  
6 While workers are not guaranteed a real wage, the app  
7 gets to keep all the delivery fees from the consumers,  
8 all the delivery services, all the delivery fees from  
9 the restaurants, and there has been instance where  
10 workers have also reported that some of the apps even  
11 get to keep their own tips.

12 In the research that we conducted in early  
13 2021, that is called Essential But Unprotected, we  
14 actually uncovered along with the Worker Institute at  
15 Cornell, that 42 percent of the workers who  
16 participated in our research actually reported  
17 experiencing non-payment or underpayment of tips, late  
18 tips or non-payment of entire week earnings, and more  
19 than 50 percent of application workers complained  
20 about the app algorithm management, which affects not  
21 only their pay, but also their ability to work. The  
22 apps performance evaluation systems that workers --  
23 put workers at the risk of losing their jobs, being  
24 deactivated unfairly, overall. The bottom line is that  
25 these companies don't care about paying a living wage

1 to workers, and their only interest here is to protect  
2 their pockets and to protect their interest.

3 Deliveristas do need a min-, do need a  
4 minimum pay, but the real minimum pay that  
5 deliveristas need is \$28.82 to ensure that they can  
6 cover all their operating costs.

7 Our proposal has been that in 2023, we can  
8 start with at least a minimum pay of \$20.87, and then  
9 in 2024 it can go up to \$24.25, and then in 2025,  
10 finally, workers can earn \$28.82.

11 I know that the fear is whether that -- this  
12 is a reality, and this is possible. It is possible.  
13 The reality is that these companies are experiencing a  
14 huge market growth, making billions of dollars in  
15 revenue, and we see a potential opportunity that these  
16 companies are going to be expanding to new markets,  
17 and we're seeing it, not only from food, but they're  
18 delivering actually goods from pharmacies and others,  
19 so we're hoping to cont-, with your support to  
20 continue to ensure that workers are paid a dignified  
21 pay in the next coming years.

22 Thank you for having me.

23 MR. DRIVER: Great, thank you so much. Next  
24 up, I'll give the next few names, we're going to have  
25 Josh Gold, Sasha Owen, and then Andrew Greenblatt up

1 next. So, Josh, I'm going to unmute you, or allow you  
2 to unmute in just a moment. Okay, Josh, whenever  
3 you're ready.

4 MR. JOSH GOLD: It's Josh Gold from Uber  
5 Eats. Uber Eats is an open access platform that offers  
6 delivery opportunities to tens of thousands of  
7 couriers. Workers can log in whenever, wherever and  
8 for however long they choose. There's no restricting  
9 access and no requirement to work a specific set of  
10 hours or in a specific location. Where 11,000 New York  
11 City delivery workers answered a survey we sent out  
12 last month and 55 percent of respondents said they  
13 worked for multiple delivery apps, and 24 percent of  
14 respondents log into Uber Eats as a backup option when  
15 they can't go online with another service. More than  
16 half of the delivery workers who connect to Uber Eats  
17 work fewer than 10 hours per week and 75 percent of  
18 workers work fewer than 20 hours per week.

19 While we support fair pay for delivery  
20 workers, the structure of the proposed pay standard  
21 would upend the way third party delivery industry  
22 currently functions, by requiring delivery companies  
23 to pay for all the time a worker is logged into the  
24 app, not just for the time when a worker is engaged in  
25 a delivery. The City knows its approach will append

1 couriers' lives. The City's own analysis of its  
2 proposed rule and related industry study encourages  
3 companies to make significant operational changes in  
4 order to comply, which includes scheduling and  
5 restricting access by time and location in order to  
6 make the workforce more efficient and better utilized.  
7 The impact will be felt by all workers, not just part-  
8 timers who will likely need to find other jobs.

9 As the Department's own study suggests  
10 couriers will compete in order to determine who will  
11 be able to work each week. The best performing  
12 couriers will have better access to work the times and  
13 locations they want. Many will be locked out of the  
14 work they want all together. I chose the word lockout  
15 carefully as this is what Rideshare drivers called the  
16 similar rule the TLC tried three years ago for a short  
17 period. The rule no longer exists as it was originally  
18 written because of the havoc and destruction it  
19 wrought on the lives of tens of thousands of for-hire  
20 vehicle drivers in the short period of time it was an  
21 effect. It's astonishing the Department seeks to cause  
22 the same damage here. It's entir- entirely possible  
23 for the Department to enact a wage standard that  
24 ensures fair pay for all couriers while also  
25 preserving the choice for workers.

1           The City can add an option that adds a  
2 multiplier to couriers on trip time to account for  
3 wait time. This would eliminate the need for apps to  
4 impose restrictions on the amount of on-call time  
5 couriers accrue, since excessive on-call time due to  
6 couriers rejecting offers or going online on multiple  
7 apps simultaneously will not be compensated. By  
8 creating two options for compliance the Department  
9 would create a healthier delivery industry in New York  
10 City, one which does not unfairly favor any companies  
11 or force a segment of workers into a business model  
12 they don't want to participate in. That approach will  
13 maintain and expand earning opportunities for the tens  
14 of thousands of workers who choose to deliver as a  
15 side gig on their own schedule at different times or  
16 days or days of the week, and who do so and who do,  
17 and do so not by pre-committing, but by logging into  
18 the app where and when they have free time to earn.

19           Thank you for this opportunity to testify.

20           MR. DRIVER: Great, thank you so much, Josh,  
21 appreciate your testimony. Next up, we'll have Sasha  
22 Owen, then Andrew Greenblatt and then Juan Restrepo.  
23 Sasha, can you raise your hand? I see two of you on  
24 the call, and I just want to make sure that I can  
25 unmute the correct one. Or actually just see one right



1 now, here. Yep. Right, you should be good to go.  
2 Whenever you're ready, three minutes. Sasha, you  
3 should be able to unmute and turn your video on. If  
4 you're having any troubles let me know in the chat and  
5 we can always bump you to later as necessary. Okay,  
6 we'll circle back to you, Sasha. Thanks. Okay, next  
7 up, we're going to have Andrew Greenblatt, followed by  
8 Juan Restrepo, and then Eric Malinowski. Thanks,  
9 Andrew. I am going to let you have your camera on.  
10 Okay, you should be, should be good to go whenever you  
11 are ready, three minutes.

12 MR. ANDREW GREENBLATT: Thank you very much.  
13 My name is Andrew Greenblatt, I'm the policy director  
14 for the Justice for App Work- App Workers Coalition,  
15 that's the same coalition that Dachuan was just  
16 talking about a couple of minutes ago.

17 I have prepared written testimony I was  
18 expecting to read, but listening to everybody's  
19 testimony, I would just say a lot of the same things.  
20 It is super important that a minimum wage be set, that  
21 that wage fairly reflect expenses, that this is a  
22 workforce that has been exploited for too long, and  
23 this is a great first step to stopping that.

24 I've decided not to read my testimony  
25 because there is one thing that people are ignoring

1 that we saw happen in Rideshare that these rules might  
2 do again, unintentionally, and that is if you start  
3 paying workers a lot more for delivery work the  
4 obvious thing that will happen is it will attract a  
5 lot more workers into the work, and the workers who  
6 are already doing this work will work more hours. This  
7 is, you know, simple supply and demand. If you triple  
8 the pay a lot more people are going to start doing it.  
9 What that leads to is longer wait times, so the actual  
10 pay goes down. When, you know, Josh had just talked  
11 about how this created a disaster for, and lockouts  
12 for Rideshare at first. We had foreseen that then too,  
13 and suggested then that the number of workers be  
14 limited, so in the Taxi and Limousine Commission they  
15 have a licensing procedure that we feel they could  
16 limit the attraction of new workers. We feel that  
17 there needs to be a similar, a similar program here,  
18 so that rather than just raising the amount of pay,  
19 flooding the workforce, and then driving pay back down  
20 to where it was beforehand, we need to make sure that  
21 the workers who do this work on a day to day basis  
22 receive the fruits of what this policy is trying to  
23 do, which is raise their standard of living. Without  
24 that, you're just going to get more workers and longer  
25 wait time.

1 I'll submit my prepared remarks in writing  
2 so you do have that on record, but again, the one  
3 thing to, to watch out for is, you know, good  
4 intentions leading to just a lot more workers waiting  
5 around for work and not having the pay they -- that  
6 they deserve.

7 Thank you.

8 MR. DRIVER: Great. Thank you, Andrew,  
9 appreciate it. Next up, we're going to circle back to,  
10 to Sasha now that she's on a new device, and then  
11 we'll have Juan Restrepo and Eric Malinowski. Sasha,  
12 let's, let's try this again. You should be able to  
13 unmute and turn your camera on now.

14 MS. SASHA OWEN: Working?

15 MR. DRIVER: Yeah, all good now, thanks.

16 MS. OWEN: Sorry for that. Thank you. My name  
17 is Sasha Owen, government affairs for DoorDash in New  
18 York, and I want to thank you, Charlie, and the agency  
19 and the Commissioner for all your work on this issue  
20 and the opportunity to comment.

21 We are submitting comprehensive written  
22 feedback, so I'll limit oral comments today to just  
23 sum our primary concern.

24 DoorDash is not opposed to a minimum pay  
25 standard for delivery workers, and has supported pay

1 standards in other parts of the country, but any  
2 standard must balance the needs of delivery workers,  
3 small businesses and customers so delivery services  
4 can continue to grow local economies.

5 Our primary concern is that the proposed  
6 rule requires platforms to pay for all time that the  
7 app is open, rather than just the time that a worker  
8 is completing a delivery. This represents a complete  
9 misunderstanding of our model and what workers are  
10 doing during this online time.

11 Online time is inherently different from on-  
12 the-clock time for traditional jobs because the  
13 delivery worker has the ability to reject any offers  
14 while on the app. Under the draft rule, a person may  
15 open the app and reject delivery offers all day, and  
16 even though they never worked, their time will still  
17 need to be factored into the total amount paid to  
18 delivery workers.

19 Delivery workers are also often multi-  
20 appening-, apping, where they are online and even  
21 completing deliveries on multiple platforms  
22 simultaneously. This means that platforms will need to  
23 factor in the time a worker has the app open, but is  
24 actively delivering with a competing platform when  
25 determining the total pay. This approach would

1 incentivize platforms to make operational changes that  
2 eliminate the flexibility unique to this work, like  
3 restricting workers' ability to reject offers while  
4 online, prohibiting workers from using multiple apps  
5 simultaneously, and eliminating platform access  
6 altogether for workers who frequently reject too many  
7 offers.

8 Dashers in New York City average just over  
9 three hours per week on delivery. They highly value  
10 the flexibility to accept or reject the deliveries  
11 they want, work as long or as little as they choose,  
12 and use multiple apps at the same time. Thousands of  
13 delivery workers made clear it's the reason they do  
14 app based work in comments submitted to the agency.

15 There will also be serious consequences for  
16 consumers, restaurants, delivery workers themselves if  
17 the amount of pay is based on all online time.

18 The City study acknowledges that platforms  
19 may need to raise a fee of the average delivery by  
20 more than \$5, which may be too high of a cost for many  
21 New York City families. We estimate that increased  
22 consumer fees to offset costs will lead to a drastic  
23 decline in delivery orders, resulting in \$87 million  
24 in lost revenue for New York City restaurants and  
25 businesses next year alone.

1           In turn, we estimate that this decline in  
2 orders actually result in a \$29 million loss in Dash  
3 earnings in 2023, despite the increased pay  
4 requirements because of significantly fewer overall  
5 earning opportunities.

6           There is a better way, as outlined in our  
7 full submission, where the agency can ensure that the  
8 pay rate accounts for some reasonable amount of  
9 unavoidable online time. This approach ensure- ensures  
10 robust pay protections for time on delivery and  
11 necessarily -- necessary online time, allows platforms  
12 to maintain flexibility valued by workers, and  
13 mitigate adverse impacts to local businesses and  
14 families.

15           Lastly, platforms need sufficient time to  
16 implement these complex and novel pay requirements.  
17 Implementing this standard will be a major under-  
18 undertaking, requiring hundreds of hours of  
19 engineering work, expansive new record collection and  
20 storage processes and comprehensive assessments of the  
21 current delivery services. We urge the City to allow  
22 at least 12- 120 days for implementation after the  
23 final rule is released.

24           Thank you again for your time and  
25 consideration and for the opportunity to provide

1 feedback today.

2 MR. DRIVER: Great. Thanks, Sasha, glad we  
3 could make that work.

4 MS. OWEN: Thank you.

5 MR. DRIVER: Next up we'll have Juan, Juan  
6 Restrepo. Juan, I'm going to unmute you now. Alright.  
7 Also, just before you begin, you know, everyone  
8 probably had a five minutes remaining warning pop up,  
9 we're going to keep going until we are done here, so  
10 don't, don't worry about running out of time and not  
11 getting a chance to speak. You will get a chance to  
12 speak if you want. Juan, whenever you're ready. You're  
13 on mute.

14 MR. JUAN RESTREPO: Sorry about that. Good  
15 afternoon, Charlie, and thank you for the time. My  
16 name is Juan Restrepo. I'm here today, my capacity  
17 representing Transportation Alternatives as our senior  
18 organizer. We're here in support of the DCWP's  
19 proposed rule to establish a minimum wage for  
20 deliveristas and we are also in support of two  
21 important additions for the rule change, which is the  
22 implementation of the recommendation for an additional  
23 \$5 to be added to the minimum wage, and the immediate  
24 implementation of a network of protected bike  
25 infrastructure to keep delivery workers safe at work.

1           As an organization committed to fighting for  
2 a more livable, accessible and bike oriented city, we  
3 know how important delivery workers are to the fabric  
4 of our community and the city as a whole.

5           In 2019, after years of organizing with the  
6 Delivery Justice Coalition, we celebrated the passage  
7 of state laws that legalized electric bikes and  
8 scooters. These were devices commonly used by delivery  
9 workers for physically demanding shifts that can go as  
10 long as 12 hours. Prior to the legislation workers  
11 were subject to arbitrary tickets and confiscation of  
12 their necessary work vehicles for which the worker was  
13 solely, physically responsible. With these devices now  
14 legal we need to establish a minimum pay so that  
15 delivery workers can actually thrive in our city.

16           Working cyclists have one of the most  
17 dangerous jobs in the city. Since 2020 33 delivery  
18 workers have been killed on the job, 26 of which were  
19 the result, were the direct result of traffic  
20 violence.

21           A component of the workers -- of the works'  
22 danger is a result of the wage structure. Tip based  
23 work incentivizes faster job completions and  
24 deliveries to pad a meager average hourly wage of  
25 \$7.09. this forces workers to perform dangerous street



1 maneuvers to finish jobs quickly, including riding the  
2 wrong way down streets and opting for dangerous  
3 streets to save time. Delivery workers face higher  
4 days missed from work because of the injuries that  
5 occur and often are not provided health insurance by  
6 their employers.

7 A \$28.82 minimum wage would allow delivery  
8 workers to better prioritize their personal safety on  
9 the street. It also supports various costs incurred to  
10 start the work. Delivery workers typically need to  
11 provide their own e-bike or moped for deliveries, and  
12 this equipment can cost upwards of \$5,000. The high  
13 value of these items often make them the targets for  
14 theft and robbery. Reports have shown 54 percent of  
15 deliveristas have reported having their bicycle stolen  
16 compared to the citywide average of 26 percent for New  
17 York City households. When these vehicles are stolen,  
18 workers must replace them out of their own pocket. The  
19 minimum wage would also support hazard pay and GPS  
20 trackers which would combat rampant theft.

21 In addition to this -- thank you, Charlie --  
22 we need a network of citywide safe bike infrastructure  
23 to keep delivery workers safe, at a safe distance from  
24 cars, trucks and other obstacles that may harm them  
25 during a typical work day. There are several crucial

1 areas where the City can do better to improve this  
2 safety for workers. This includes overcrowded bridges  
3 like the Queensboro Bridge and the Washington Bridge.  
4 The Queensboro Bridge has experienced a 12 percent  
5 increase in ridership year over year, and features a  
6 high share of delivery workers crossing daily, but  
7 only maintains one lane of crossing traffic for those  
8 using the bridge. Fifth Avenue in Midtown Manhattan,  
9 the street with the highest bicycle ridership in the  
10 city, but no dedicated bicycle infrastructure. Swats  
11 of the outer boroughs which have no infrastructure at  
12 all or very little, such as South Brooklyn and Queens  
13 neighborhoods like Flushing and Jamaica. And  
14 overburdened, heavily trafficked bike lanes, like  
15 First and Second Avenue, which have dramatically grown  
16 in bike ridership but still remain the same size,  
17 these lanes need to be expanded to handle more  
18 capacity from new mobility devices which are able to  
19 go faster than traditional bicycles.

20 I have a little thing to close it out, but  
21 we can just end it there.

22 MR. DRIVER: Thanks. And I believe, Juan,  
23 your -- did you submit your written comments already?  
24 You can also --

25 MR. RESTREPO: Yes.

1 MR. DRIVER: Okay, great. So we have those as  
2 well. Thank you so much. Next up, we have Eric  
3 Malinowski, we'll follow him up with Josh Ordonez, and  
4 then Ride with Anthony. We have some hands up in the  
5 chat. For folks who have their hands up, it would be  
6 easiest if you could just put in the chat what you  
7 need. Mozeik, I -- if you're looking to testify just  
8 let me know in the chat. And, Miriam, you are  
9 currently further down the list of people to testify.  
10 But I will go through and unmute Eric now. Okay, Eric,  
11 you should be, should be good to go whenever.

12 MR. ERIC MALINOWSKI: Alright, thank you. Can  
13 you hear me, Charlie?

14 MR. DRIVER: Yep.

15 MR. MALINOWSKI: Okay, great. So I just want  
16 to thank the Department for allowing me the  
17 opportunity to comment today. My name's Eric  
18 Malinowski, I am an attorney, I've been working with  
19 the Workers Justice Project now for about two years.  
20 I, I want to support their request for the additional  
21 \$5 to, to bring up the minimum pay to \$28.82. I think  
22 they laid it out adequately in that, you know, this  
23 extra \$5 would help out with the safety pay, so for  
24 the mopeds, the tracking devices.

25 One of the things I do want to harp on, just

1 so I'm not repeating what has already been requested  
2 before, is just to highlight a lot of the deliveristas  
3 I work with, it's with regards to accidents, and one  
4 of the things I want to highlight to the Department,  
5 as you know, is we're talking about minimum pay, we're  
6 not talking about healthcare benefits, any type of  
7 payment for medical expenses. Typically, if a  
8 deliverista is involved in an accident, regardless  
9 who's at fault, it could be something as simple as  
10 slipping on ice or hitting a pothole, that trip from  
11 the accident location to the hospital via ambulance is  
12 \$900, that comes out of their pocket. If they're  
13 treated at the hospital, depending on the severity of  
14 the injury, you're looking at a couple of thousand  
15 dollars. Again, those bills need to be paid by the  
16 deliveristas because there is no workers compensation.  
17 I'm referring to, you know, your simple accident. If  
18 it's a car accident, a lot of times the cars don't  
19 stop, as we all know, also, a lot of cars in New York  
20 City are uninsured, so these are expenses above and  
21 beyond what deliveristas need to pay while they're out  
22 there serving us.

23 The other thing I want to just quickly  
24 comment on, DoorDash spoke briefly before about imple-  
25 mentation, how long it's going to take, and I

1 understand that. One of the concerns I didn't  
2 understand is the waiting period for deliveristas,  
3 that they're on multiple apps or they have the ability  
4 to reject an offer. That was true two years ago. As  
5 any deliverista will tell you now, they no longer have  
6 the ability to reject these apps or they're on  
7 multiple platforms, because they're punished if they  
8 do. I'd like to hear from some of the deliveristas  
9 about this because I think DoorDash's concern that  
10 they're on multiple apps is no longer true. It was two  
11 years ago, it's not now. In fact, deliveristas, when  
12 they're involved in accidents, and their order is  
13 delayed, are punished by these app companies for  
14 failing to deliver on time, so I don't think that's a  
15 valid concern.

16 But again, I do want to thank the Department  
17 for the ability to comment today. I think this is a  
18 great first step, but I do think that extra \$5 would  
19 greatly assist these workers to get it up to 28.82.  
20 Thank you for your time.

21 MR. DRIVER: Great, thank you so much, Eric,  
22 you hit exactly three minutes, always appreciate that.  
23 Next up, I have Josh Ordonez. Josh, are you on the  
24 call? After Josh we'll have Ride with Anthony and Amr.  
25 For folks who are raising their hand, and Miriam, if

1 you could translate this after, if you have your hand  
2 raised and you'd like to offer testimony, please put  
3 that in the chat, and we can make sure you're on the  
4 list.

5 INTERPRETER: *Si desean proveer testimonio,*  
6 *por favor póngalo en el chat y me voy a asegurar de*  
7 *ponerlo en la lista y llamarlo por su nombre.*

8 MR. DRIVER: Okay. And I'm going to move on  
9 to Ride with Anthony. Anthony, I'm going to unmute you  
10 and allow you to turn on your camera now. So you have  
11 three minutes whenever you're ready.

12 RIDE WITH ANTHONY: Hello.

13 MR. DRIVER: Yep.

14 RIDE WITH ANTHONY: Can you, can you hear me?

15 MR. DRIVER: I can hear you.

16 RIDE WITH ANTHONY: Can you guys hear me?

17 Okay.

18 MR. DRIVER: You're good.

19 RIDE WITH ANTHONY: Okay. I just want to  
20 thank for this opportunity to be us heard. Me  
21 personally, I work Uber Eats as a part timer, and  
22 working Uber Eats for me is a great side gig. I fully  
23 understand that I am an independent contractor. With  
24 that being said, here's why I do it, the flexibility,  
25 yes, there are slow days where you can make \$10 an

1 hour and there are great days when you can make \$30 an  
2 hour. I hope any decision that is being made does not  
3 impact the flexibility that gigs brings to New York  
4 City.

5 I think we need to evaluate like buildings  
6 that require us to like deliver food to the service  
7 entrance, just because that takes so much time to  
8 deliver the food using the service entrance.

9 With that being said I hope that the City  
10 backs up delivery workers, any decision that is being  
11 made, because there's a reason why these Uber Eats,  
12 DoorDash are like multi-million dollar companies, they  
13 always find a loophole.

14 But anyways, thank you so much for letting  
15 my voice be heard and, you know, just keep on  
16 listening to other people on this live stream.

17 MR. DRIVER: Great, thank you so much,  
18 appreciate it. Next up, we're going to have Amr. And  
19 I'm just going to go through the list of people who  
20 are currently on my list of witnesses. So we have Amr,  
21 we have Luis, Miriam, Jose, Henry and Jorge. I will, I  
22 will go in that direction. But, Amr, I'm going to  
23 allow you to unmute now, thanks for raising your hand.  
24 Alright, you should be good to go whenever, whenever,  
25 you'll have three minutes. No, we cannot hear you. It

1 says you're still muted here, so try unmuting  
2 yourself. I think you might have to reconnect your  
3 mic. Do you want to, do you want to leave the call and  
4 come back on and then we can try you again and I'll  
5 circle back to you? Great, thank you. So next up we  
6 have, we have Luis, I don't have your last name, but  
7 if you could just raise your hand that would be great.  
8 Do we have a Luis on the call? No, not seeing him  
9 right now. We will keep moving. Okay, Miriam, I'm  
10 going to allow your camera and unmute you and you'll  
11 have three minutes whenever you're ready. Thanks for  
12 your patience.

13 MS. MIRIAM: Hello.

14 MR. DRIVER: Hi, yeah, I can hear you.

15 MS. MIRIAM: Hi. I just need to turn on my  
16 camera. Hi, how you doing, guys? Good afternoon. So  
17 thank you very much for this opportunity for represent  
18 the delivery workers and also all my community. I have  
19 five years working for Relay, a delivery app. I'm just  
20 grateful for the opportunity for a start join in this  
21 job.

22 One thing that I want to, you know, talking  
23 about, is that I'm not agree with the change of the  
24 rule, because -- I, I totally understand and respect  
25 every mind, but in my case or my personal opinion, is



1 that I feel, I mean a lot of points, you know,  
2 positive about my company, one of the things is that I  
3 can, you know, choose the schedule, flexibility  
4 schedule, like for me, that I'm, you know, like I'm a  
5 woman, I have a toddler for four years, so that's good  
6 for me because I can choose schedules for flexibility  
7 hours for get, you know, like extra money above my  
8 home income to my personal, you know, family stuff,  
9 and another thing is like the reason that I'm nervous  
10 because, I want to give an example, like for these  
11 days, you know, right now in New York we have weather,  
12 a storm, like winter, so if the rule change is going  
13 to affect some tips for the deliveries. So my personal  
14 opinion is, what I'm saying I respect every mind, but  
15 with my experience I prefer be on the same  
16 [unintelligible] [01:08:46] and the same page because  
17 in this season it's better for us. We win and the  
18 company win because what I'm saying I have five years  
19 working on the same way, and I totally understand  
20 that, that sometimes it's, you know, good days and  
21 sometimes it's not a better day with the kids, but we  
22 need to reminder that the company, like in my company,  
23 they give no extra fees or like extra tips in this  
24 season weather, so if they change the rule what I'm  
25 saying, in my opinion, I'm not agree, there's no one

1 that helped me, it's going to affect too much the  
2 bills -- I mean the, the money, I'm sorry, that I make  
3 like for working, so what I'm saying I respect every  
4 mind, but in my opinion I'm not accept it. That is no  
5 good to me.

6 MR. DRIVER: Great, thank you so much for,  
7 for offering your testimony and thanks for your  
8 patience wai- waiting as well.

9 MS. MIRIAM: It's okay.

10 MR. DRIVER: Yeah. Solomon, you just raised  
11 your hand, if you're looking to testify can you just  
12 let me know in the chat, that would be great. And,  
13 Amr, I'm going to circle back to you now and see if we  
14 can get this working for you. Alright, do you want to  
15 try now?

16 MR. AMR ABOZAID: Good afternoon, guys. Can  
17 you hear me?

18 MR. DRIVER: Yep, I can hear you now.

19 MR. ABOZAID: Awesome. So, first of all I  
20 would like to thank DCW- DCWP for this opportunity to  
21 testify and getting us engaged in this testimony. My  
22 name is Amr Abozaid, I'm the enrollment program  
23 director with the American Merchants Association. The  
24 American Merchants Association, YAMA, as we know,  
25 advocates for Yemeni-American bodega owners through

1 outreach, education, and by providing community and  
2 support systems. The collective goal of providing a  
3 brighter future for all Yemeni-Americans working in  
4 these bodegas. At YAMA we work to support these  
5 largely immigrant owned small businesses, and we  
6 ensure that they are continu-, they, they continue to  
7 have access to the economy, opportunity and level of -  
8 - level playing field in New York economy. My work  
9 normally is field based. I meet with bodega owners  
10 every single day. These are like incredibly  
11 hardworking people doing everything that they can do  
12 for their business, families, and community. They are  
13 undeniable elements of New York and they are a  
14 landmark that is on every corner and every  
15 neighborhood, so during the pandemic they were our  
16 essential workers as we all know, and they worked hard  
17 to support us and support their family, they worked  
18 hard at that time when everyone else was sitting home,  
19 advised to stay home during the pandemic. They work in  
20 all hours of the day, late nights, early mornings and  
21 even weekends, and as we know many owners have more  
22 than one store they need to run and operate. Sorry.  
23 And bodega owners are also creative, thinking of new  
24 ways to evolve and adapt, whether it's new offering or  
25 making changes to meet the needs of their communities.

1           So as an organization that also represents  
2           community of essential workers, we understand that the  
3           need to establish minimum pay rate for food delivery  
4           workers and we support the City efforts to do so, but  
5           our committee knows that firsthand the difficult work  
6           that delivery workers grappled with during the  
7           pandemic and the critical role that they played in  
8           helping the restaurant industry to survive.

9           However, the way the initial DCWP proposal  
10          structure presents significant concerns about how it  
11          will potentially impact small business owners like  
12          those who we are representing. New York City bodegas  
13          were hit extremely hard by the pandemic, with many  
14          facing staffing issues, COVID-19 illness in their  
15          communities, and the decrease in foot traffic in their  
16          stores.

17          One of the few opportunities during the  
18          pandemic was the increase of demand for food and  
19          grocery delivery. Our organization saw this  
20          opportunity for our members and work to get our  
21          bodegas on delivery platform like DoorDash and the  
22          other platforms, equip them with the technology to  
23          modernize and grow their businesses through delivery  
24          with goal of sustaining them for the long term, and  
25          many of our bodegas have seen great success, success

1 in these platforms and have relied delivery as like a  
2 key revenue stream in post-pandemic economy, and as  
3 currently proposed, the minimum pay rate contains  
4 previous provision that will likely add significant  
5 costs to delivery pays-, total pay for all workers  
6 around the time they have the app open even if they  
7 have no plans to accept the orders during the time. We  
8 are concerned that this -- the way that this rule is  
9 currently proposed will result in decrease in delivery  
10 orders for the small businesses like our bodegas due  
11 to the rising cost of the -- to the consumers. Our  
12 bodegas owning -- our, our bodegas owners are already  
13 struggling with the rising cost due to the inflation,  
14 and this drop in revenue could be harmful to our  
15 bodegas who have grown and relied deliveries -- have  
16 grown and rely on delivery services for survival of  
17 their businesses and cannot afford additional  
18 [unintelligible] [01:14:46] opportunity that are  
19 helping them to modernize their business. I would like  
20 to reiterate that organization do-, that organization  
21 does not support reasonable -- does support reasonable  
22 minimum wage for delivery workers, but we are --

23 MR. DRIVER: Yeah, Amr, I'm going to have to  
24 cut you off here. You're -- sorry, just out of time.

25 MR. ABOZAID: Thank you, thank you very much

1 for all your time.

2 MR. DRIVER: You can submit your comments in  
3 writing if you haven't done so already.

4 MR. ABOZAID: Alright, thank you.

5 MR. DRIVER: Great, thank you. Next up we  
6 have Jose Manuel Gaspariano. *José, puede comentar en*  
7 *español si es preferido y puede usar su micrófono y*  
8 *cámara.*

9 MR. JOSE MANUEL GASPARIANO: *¿Me escucha?*

10 MR. DRIVER: *Sí.*

11 MR. GASPARIANO: *Sí, sí okay, sí, ya, ya*  
12 *estoy acá perfecto, lo que pasa es que no sabía cómo*  
13 *conectarme, pero ya. Muy, muy buenos días, mi nombre*  
14 *es José Manuel Gaspariano, yo, yo trabajo con la*  
15 *aplicación de Relay casi desde el inicio de su*  
16 *creación. Ahora no recuerdo si tiene siete u ocho años*  
17 *o menos, no sé, pero tiene muchos años que trabajo*  
18 *para esta aplicación, y antes de eso yo trabajaba en*  
19 *restaurantes, los restaurantes siempre te ponen un*  
20 *horario fijo, entrada, salida y días de descanso y en*  
21 *ocasiones ellos te lo cambian, este, de una manera,*  
22 *este, arbitraria a manera de que tú sí tienes cosas*  
23 *que hacer, ya no las puedes hacer y te ves en*  
24 *conflictos internos tú mismo, te acarrea muchos*  
25 *problemas. A raíz de haber comenzado a trabajar en la*

1           *plataforma de Relay, yo tuve la oportunidad de crear*  
2           *mi horario, mi horario. Y aparte lo-- lo tomé como un*  
3           *trabajo porque desde un principio ellos siempre han*  
4           *ofrecido un pago por hora, sí, entonces eso garantiza*  
5           *la tranquilidad de una persona como yo, que, que,*  
6           *independientemente de si el negocio está bajo o alto,*  
7           *tú tienes tu ganancia por hora. Y eso yo creo que a*  
8           *todo ser humano le da una tranquilidad de que tiene*  
9           *algo seguro. Entonces yo decidí y para mí Relay es un,*  
10          *es un trabajo, normalmente yo agarro casi un horario*  
11          *normal habitual, así como si fuera un trabajo, pero*  
12          *con la ventaja de que cuando yo tengo cosas que hacer*  
13          *o necesito hacer otras cosas, hay una gran*  
14          *flexibilidad porque yo puedo organizar mi horario a la*  
15          *hora del, de los eventos que yo tenga y siempre que*  
16          *haya yo he hecho mi reserva, y reciba esa percepción*  
17          *económica me da mucha tranquilidad, además no tengo*  
18          *que estar lidiando con personas que de alguna manera a*  
19          *veces, este, te presionan de más, porque acá la única*  
20          *presión es que, que uno tiene es uno mismo. Entonces,*  
21          *para mí esa tranquilidad es muy importante y en este*  
22          *momento, si cambian las reglas de la presión económica*  
23          *como que creo que no, no hay una mejora para mí, al*  
24          *contrario, yo creo que estamos regresando a los*  
25          *tiempos, no sé, pero es algo que no, no, no nos*

1           dejaría tranquilos, este, yo salgo a trabajar  
2           diariamente fuerte y agarro, este, yo, haz de cuenta  
3           que yo no tengo preferencia, como decía que para mí es  
4           un trabajo, yo agarro y tomo el primer delivery que  
5           tomo, voy, lo dejo, tomo otro y así porque si una  
6           distancia va lejos no me importa porque estoy ganando  
7           el tiempo de como si fuera un trabajo, si vas cerca a  
8           veces yo creo que para uno es mejor porque uno avanza  
9           más pero si esa esa esa oportunidad de, de, o sea, ese  
10          beneficio de que te pagan por horas bien, es muy  
11          importante porque, este, si imagínese si usted va  
12          lejos y no le pagan la hora y la distancia es poca,  
13          pues no, como que así no avanza uno, eso es lo que yo  
14          creo que no debe cambiar.

15                   MR. DRIVER: Okay. Muchas gracias, José.

16                   MR. GASPARIANO: Que tengas una excelente  
17          tarde y espero que sirva de algo mi testimonio.

18                   MR. DRIVER: Sí, gracias, tenga buen día.

19          Henry Madzaela. Henry I, I will unmute you now. You  
20          should be good to go now.

21                   MR. HENRY MADZAELA: Thank you so much. My  
22          name is Henry, I'm a Dasher, I've been a Dasher in New  
23          York, New York City for two years and some change. Let  
24          me speak from my experience. It looks good as minimum  
25          wage for delivery workers. Most of us, we have gone



1 into delivery because we need supplemental income and  
2 the, the flexibility of these apps which allows us to  
3 work when we want while attending to our families.  
4 Everybody knows that the, the cost of living is high,  
5 everybody needs supplemental income, and these apps  
6 are there to help us, and by putting it the way they  
7 want it to be, it will impact us because we use our  
8 free time to do this because some of us, we are  
9 fulltime employees, and these apps, DoorDash, helps us  
10 to -- the flexibility of when to work. And when you  
11 understand when you put minimum wage, minimum wage on  
12 the, the Dashers, understand that we have two cate-,  
13 different categories of Dashers who use different kind  
14 of mode of transportation, how do you put a minimum  
15 wage on somebody who works on foot, delivers on foot  
16 and somebody who drives, and you're paying them the  
17 same, the same amount of money. So this, as good as it  
18 looks, for some of us who have come to be Dashers  
19 because of the flexibility of time, it will have an  
20 impact on us. Being somebody who understand the app,  
21 the way it functions, I've heard most some of who have  
22 said we are punished in one way or another, when you  
23 understand the way the app works, you have to follow  
24 the rules of the app. Everybody wants to have their  
25 food at good time and they want their food to be hot

1 not cold. Some of us we use different kinds of apps  
2 and you have more deliveries. By the time you reach to  
3 the delivery location the food is cold. Why? Some of  
4 us want to be greedy, want to take everything. So the  
5 app, like me who delivers using a car, sometimes  
6 there's traffic, the app provides you to have the  
7 communication with the customer so that those -- the,  
8 the, the company does not disqualify you or does not  
9 give you a poor rating because there are so many  
10 things which happens as you are delivering.

11 In a nutshell, as good as it -- as good as I  
12 may support the minimum wage, but how is it going to,  
13 how is it going to be administered between those who  
14 people walk by delivery and those who drive by  
15 delivery. And most of us who have come into Dashing  
16 because of the flexibility for supplemental income  
17 reasons, I think it's not going to stand well for us I  
18 submit.

19 MR. DRIVER: Thank you, Henry, appreciate it.  
20 Sorry. Thanks, Henry. *Próximo testigo es Luis Alarcón,*  
21 *Luis, puede activar su cámara y micrófono y tiene tres*  
22 *minutos cuando, cuando estás preparado.*

23 MR. LUIS ALARCON: *Bien, puedo hablar en*  
24 *español, ¿verdad?*

25 MR. DRIVER: *Sí, sí, sí.*

1 MR. ALARCON: *Okay, buenas tardes a todos, mi*  
2 *nombre es Luis Alarcón, trabajo para la compañía de*  
3 *Relay delivery. Pues, yo soy un testigo para*  
4 *testificar sobre el nuevo pago que se está debatiendo*  
5 *aquí en Nueva York, pues, mi testimonio sobre Relay*  
6 *delivery, pues, ha sido más de tres, casi cuatro años*  
7 *que estoy trabajando con ellos, pues no, no he tenido*  
8 *ningún problema, pues, lo que es los pagos y todo,*  
9 *pues, siempre ha sido, han sido cumplidos más que*  
10 *todo, pues, para mí, pues, que ellos no deben ser,*  
11 *este, tomados sobre la nueva ley que se está poniendo*  
12 *sobre, que está poniendo la ciudad de Nueva York,*  
13 *pues, ellos están pagando lo que es las horas, pues*  
14 *para mí es lo normal porque para trabajar en un*  
15 *restaurante ellos pagan la hora desde que uno empieza*  
16 *a trabajar y hasta que uno termine de trabajar,*  
17 *entonces ellos también están haciendo lo mismo, pues,*  
18 *desde que yo empiezo a trabajar ellos me pagan mi*  
19 *hora, siempre las horas que yo tengo que trabajar,*  
20 *ellos me, me pagan, entonces para mí, pues, estaría*  
21 *bien que, que se sigue esto más que todo, que ellos*  
22 *sigan pagando por hora porque a mí me más que todo,*  
23 *pues para mí que es lo, es lo normal que, que es más*  
24 *que todo se está pasando de Nueva York por muchos*  
25 *casos, pero para mí que, este, Relay delivery está más*

1           que todo cumpliendo las normas y más que todos están,  
2           este, ellos más que todo, están pagando lo que es las  
3           horas y este, en mi opinión estaría bueno que lo  
4           dejaran, así que nos paguen por hora para que todos  
5           más que todos estemos bien porque para que ganamos lo  
6           que es lo correcto, porque más que todo lo que se está  
7           pasando nos puede afectar a nosotros y a todos nos  
8           puede afectar, pero para mí que lo que, este, Relay  
9           delivery pues para mí ellos están bien en lo que ellos  
10          están pagando.

11                   MR. DRIVER: Okay, perfecto, muchas gracias.

12                   MR. ALARCON: Okay.

13                   MR. DRIVER: Next up o después tenemos Jorge,  
14           the name is Jorge. Jorge, un segundo. And also,  
15           NETO21, Antonio, and Solomon M., if you could just put  
16           in the chat if you want to testify, I haven't had a  
17           firm answer from you guys, but I see your hands are  
18           up. Si quieres... Okay, great. Thank you, Solomon.  
19           Great, Jorge, I will -- su micrófono y su cámara son  
20           activadas.

21                   MR. JORGE: ¿Sí, bueno?

22                   MR. DRIVER: Sí. Sí.

23                   MR. JORGE: La cámara no, la apagué, lo que  
24           pasa es que ando trabajando ahorita y pues, está mi  
25           teléfono--

1 MR. DRIVER: *Sí, no es un problema. Cuando*  
2 *estás preparado.*

3 MR. JORGE: *Okay, este, bueno, pues, más que*  
4 *nada, buenas tardes a todos y este, pues quisiera,*  
5 *ahora sí que dar un breve testimonio ya que, pues como*  
6 *ahorita le comento, estoy en horas de trabajo, pero*  
7 *bueno, aquí podemos hablar un poco sobre lo que está*  
8 *pasando sobre esta nueva ley que le están*  
9 *implementando a las a las aplicaciones de delivery. En*  
10 *verdad pues yo he trabajado casi todas las*  
11 *aplicaciones, ya sea DoorDash, Uber, Graham, Relay,*  
12 *pero tiene más de cinco años que he trabajado la*  
13 *plataforma de Relay, y para mí es la plataforma que,*  
14 *desde sus inicios, pues ha estado pagando. Al*  
15 *principio pagaba un poco bajo la, el pago de horas,*  
16 *pero después fueron aumentando, aumentando y hasta*  
17 *ahorita tenemos el pago de \$12.50 la hora que es fijo,*  
18 *más propinas que nos ofrece el cliente y pues, como lo*  
19 *decían los compañeros pasados que también comentaron*  
20 *sobre Relay, es una aplicación, este, muy flexible, ya*  
21 *que tú puedes hacer tu horario un día antes para*  
22 *trabajar al siguiente día las horas que tú quieras y*  
23 *el horario que tú quieras, como dicen, a veces uno*  
24 *tiene cosas que hacer, no puede presentar, no puede*  
25 *trabajar por cuestiones de, ya sea familiares, uno no*

1 puede hacer la reserva y no se presenta y no hay  
2 problema de nada, no toman, ahora sí que no nos afecta  
3 a nosotros, pues ya llevo muchos años trabajando en la  
4 compañía de Relay, hasta ahorita, pues es la única  
5 aplicación que pues me ha sacado adelante porque  
6 créame o no, pues a uno de \$12.50 la hora más las  
7 propinas uno hace, hace su buen dinero a veces, sin  
8 mentirle que a veces uno hasta se pasa más de los \$30  
9 a \$40 dólares la hora, pero hay ocasiones que a uno le  
10 va bien, cuando le tocan buenas propinas, pues, de las  
11 otras aplicaciones también puedo hablar un poco porque  
12 he trabajado en ellas y Graham es la que he trabajado  
13 un poco más también. Graham, pues, te da la facilidad  
14 de tu entrar a la aplicación sin reservación, creo que  
15 todas las compañías te, te piden reservación. Graham,  
16 pues puedes entrar sin reserva y obvio que no te va a  
17 tirar, no te va a mandar muchas órdenes igual al que  
18 tenga una reserva fija porque ellos le dan prioridad a  
19 los que tienen reservación. Lo que veo de esta ley,  
20 pues que, si se implementa para las aplicaciones, yo  
21 he platicado con muchos amigos, compañeros del trabajo  
22 y pues la verdad sí está como medios, andan este,  
23 ¿cómo le podría decir? Medios sacados de onda, como  
24 espantados, no sé, porque dicen que pueden que, que  
25 las aplicaciones, pues debido a que incrementen el

1 pago por horario, pues puede que ya no den la  
2 flexibilidad que están dando hasta ahorita, por  
3 ejemplo, como Graham, conectarte sin reserva, o Relay  
4 que tú haces tu reserva, ellos te pagan la hora, como  
5 le comentaba, a veces uno hace más, hace buena, buena,  
6 buena plata ahí, este, con la compañía, puede que nos  
7 afecte a nosotros porque ya estarían como que más  
8 este, como dándole para todos pero en este caso pues  
9 yo también creo que bajarían la demanda de deliveries  
10 porque ya sea que las aplicaciones suban sus cuotas a  
11 los restaurantes y los clientes, si a veces ya no dan  
12 propina porque dicen que les cobran mucho, menos ahora  
13 nos van a dar propina, y por eso yo pienso que nos  
14 afectaría a nosotros porque los clientes si le suben  
15 la cuota de delivery fee, ya no van a dar propina, y  
16 pues eso si es lo que nos vemos afectados, bueno,  
17 vemos muchos que nos va a afectar a muchos que  
18 trabajamos en las plataformas de delivery y pues, en  
19 mi caso, pues como le digo, este, Relay hasta ahorita  
20 ha sido la aplicación que bien ha pagado y que siempre  
21 anda con los pagos puntuales, a veces cuando es  
22 feriado no se paga pero se paga al siguiente día.

23 MR. DRIVER: *Perdón Jorge, está a la, al fin*  
24 *de tu tiempo.*

25 MR. JORGE: *Okay, está bien, sería todo,*

1           *muchas gracias.*

2                   MR. DRIVER: *Okay, muchas gracias.*

3                   MR. JORGE: *Okay, bye.*

4                   MR. DRIVER: *Next up we have, and again, par-*  
5                   *, excuse me if I'm mispronouncing anyone's name, but*  
6                   *we have Mozeik. I will allow your mic right now. You*  
7                   *should be able to go. Great, you're just muted. Great,*  
8                   *whenever you're ready.*

9                   MS. MOZEIK IVY: *Oh, sorry about that. My*  
10                   *name is Mozeik Ivy, I'm a Dasher. I think the minimum*  
11                   *wage pay is fine, but for Dashing, like me, I've been*  
12                   *Dashing for almost three years, and the flexible hours*  
13                   *for me, if that's impacted, that would mean that I*  
14                   *wouldn't be able to do it because I have younger*  
15                   *children that I find -- that I'd have to find*  
16                   *childcare for. Excuse me. The flexible hours means I*  
17                   *can go out at any time, you know, when is necessary*  
18                   *for me, when I find the -- when I have that extra time*  
19                   *or when I have childcare or what have you, I like that*  
20                   *idea, but I don't think it's really fair that the way*  
21                   *the law is set now, to keep it that way, because that*  
22                   *would mean that I wouldn't be able to do it at all. If*  
23                   *that makes any sense.*

24                   MR. DRIVER: *Great, thank you.*

25                   MS. IVY: *I'm sorry, I'm in the middle of*



1 transportation too, so.

2 MR. DRIVER: Oh, understand. No, we heard you  
3 loud and clear, and thanks for your patience through  
4 the process, I appreciate it a lot.

5 MS. IVY: No problem.

6 MR. DRIVER: Great. Thanks so much.

7 MS. IVY: Thank you. No problem.

8 MR. DRIVER: Next up we have, we have Luis  
9 Perez. Luis, are you still with us? Yep. Luis, your  
10 camera and mic are activated.

11 MR. LUIS PEREZ: Okay. There we go, and I'm  
12 just trying to turn on the camera here. For whatever  
13 reason. Can you hear me?

14 MR. DRIVER: No worries if -- yeah, I can  
15 hear you fine. Camera is optional, so.

16 MR. PEREZ: Good m-, good afternoon if you're  
17 on the East Coast, good morning if you're on the West  
18 Coast. My name's Luis Perez, I'm a Dasher here in New  
19 York, and I'm very supportive of passing a minimum pay  
20 rate for the industry. You know, delivery work can be  
21 difficult, we work really hard, so I think our pay  
22 should reflect that, but for most people, just like  
23 me, it's not really our fulltime job, and the  
24 flexibility is really just as important as much -- as  
25 how much we would make at the moment. And one of the

1 reasons I became a delivery worker is being able to  
2 make the extra money as my schedule allows for it  
3 without the need to really have a set schedule, 'cause  
4 my regular 9 to 5 already kind of takes that, but, you  
5 know, I love the delivery work, and I like the fact  
6 that it allows me to cash out the money the same day I  
7 earn it, you know, it could help in a jam, unexpected  
8 bills, some expense that you didn't plan for, anything  
9 like that, which I'm really grateful I'm able to do  
10 through DoorDash and the other apps that we have  
11 access to.

12           However, I have concerns about what the  
13 City's trying to pass right now because it might be  
14 possible that I'm no longer able to rely on earning  
15 money in a way that works for me. If I had to set a  
16 schedule it would definitely decrease the amount of  
17 possible hours that I can put into it, because my  
18 schedule's just so demanding. But this isn't only  
19 about the pay rate, it's also about what the City is  
20 trying to force on platforms because of all these new  
21 rules, and sometimes I may be only able to commit an  
22 hour or two a couple of times a week, and like a lot  
23 of people, I use several apps at once to try and see  
24 what's the best offer to maximize my time and the wear  
25 and tear on my vehicle, but if New York makes

1 platforms pay workers have an app all the time open  
2 and pay for it, or it doesn't account for the times  
3 that workers don't accept an order because it may not  
4 be beneficial for them, I feel like we'll end up  
5 making less money because the platforms will figure  
6 out a way to cut down on these extra costs, and it's  
7 likely that part-time workers like me will either end  
8 up making less money or choosing not to participate at  
9 all.

10 I do hope the City works to pass on  
11 something that will help people and workers like me,  
12 but the current plan has too many downsides for  
13 thousands of people that are depending on this extra  
14 money and difficult times like now, and they may not  
15 be able to do that in the future.

16 So I just urge the DWCP to carefully weigh  
17 the potential impacts of the rule as it stands, and to  
18 consider making changes to avoid actually harming the  
19 people that are bringing the food to your doorsteps  
20 every night.

21 MR. DRIVER: Thank you so much, Luis,  
22 appreciate it.

23 MR. PEREZ: Thank you. Thank you. Have a  
24 great --

25 MR. DRIVER: Thanks for your patience. Next

1 up we have Dwanet Perry. I'm going to, I still see  
2 you, I'm going to allow your camera to be activated.  
3 It looks like they have left. We'll circle back.  
4 Moving forward. Santos Baten. Santos, ¿está aquí? Sí,  
5 okay, su micrófono y su cámara son activados y puede,  
6 puede comenzar cuando, cuando está preparado. Hola  
7 Santos.

8 MR. SANTOS BATEN: *Hola, ¿bueno, me escucha?*

9 MR. DRIVER: *Si. Si.*

10 MR. BATEN: *Sí, bueno pues, primero buenas*  
11 *tardes, nomás que ando en mi horario de trabajo. Ah,*  
12 *dame un segundo, ¿me logra escuchar bien ahorita?*

13 MR. DRIVER: *Sí, sí, claro.*

14 MR. BATEN: *Bueno, al respecto de lo que*  
15 *estaban mis compañeros anteriormente habían comentado*  
16 *sobre que la aplicación, bueno, yo trabajo con Relay*  
17 *actualmente, llevo ya unos años atrás trabajando con*  
18 *la aplicación y pues anteriormente que ya nos habían*  
19 *comunicado que Relay que, bueno, la ley, la nueva ley*  
20 *que quiere someterse sobre, verdad, todos los pagos,*  
21 *pero bueno, yo me pongo un poco mi testimonio a lo que*  
22 *es hasta ahora he trabajado puntualmente con la*  
23 *aplicación, bueno, yo lo he tomado como un trabajo*  
24 *fijo porque yo le doy uso a la aplicación diario,*  
25 *cinco días, seis días a la semana, y bueno, los pagos*

1 de la aplicación está pagando por hora, como un  
2 restaurante va a pagar por horas solo deliveries si a  
3 mí se me paga la misma aplicación. Trabajo tres-cuatro  
4 horas, te van a pagar las cuatro horas más propinas,  
5 entonces yo de mi parte diría que la aplicación que  
6 siga, que siga dando lo que, bueno, trabajando como  
7 actualmente lo está haciendo, como dijo un compañero  
8 que escuché que las propinas son decisiones de los  
9 clientes, si van a empezar así, pues, imagínate yo he  
10 trabajado con DoorDash, y he trabajado con UberEats,  
11 ellos te pagan nada más por delivery pero los  
12 deliveries no llegan lo mismo, como cuando trabajas en  
13 Relay y la demanda de pedidos es alto, te puede ir, te  
14 va bien en los turnos que trabajas, pero para todos  
15 ahí estamos bien, digo yo de mi opinión pero después  
16 hay compañeros que quizás se pueden molestar por el  
17 pago o no sé cómo lo toman en serio, pero Relay no  
18 debería ser sometido a la nueva ley que será aprobada  
19 o aún no será, pero yo de mi testimonio yo me ha ido  
20 bien en Relay en los últimos, últimamente, últimos  
21 años que he trabajado, el pago es justo, puedes hacer  
22 tu propio horario, si no llegas a presentarte a un  
23 horario un día, no haces, nadie te dice "no", no es  
24 como trabajar en un restaurante, que tienes horario  
25 fijo, si no llegas a trabajar ahí te despiden o te

1           *quitan horas, pero en la aplicación no, la aplicación*  
2           *es el horario que tú tomas tus propias decisiones, qué*  
3           *horario trabajar y qué horarios tomar y que días*  
4           *descansar y nadie te obliga en la aplicación. Bueno,*  
5           *eso de mi parte sería y gracias por la oportunidad que*  
6           *me dio de hablar.*

7                       MR. DRIVER: *Sí, muchas gracias. Okay. Dwanet*  
8           *Perry, I'm going to try you again 'cause I see you're*  
9           *back in, back in the call. You should now be allowed*  
10           *to unmute and also turn on your camera.*

11                      MS. DWANET PERRY: *My name is Dwanet, I've*  
12           *been Dashing for more than two, three years now. I'm*  
13           *actually a single mom who owns a small business so*  
14           *Dashing helps me with the flexibility of like being*  
15           *able to be a mom and have a fulltime job, and then*  
16           *also, like, you know, it supports my everyday needs*  
17           *like, you know, utility bills, rent, gas, car*  
18           *payments, and with this new law that, you know, the*  
19           *minimum pay rate that you guys are putting out there,*  
20           *it's not a bad thing, but I just think that it limits*  
21           *people like me and the ability that we have to be more*  
22           *flexible. I don't have a problem with the pay rate,*  
23           *it's just the fact that I don't think I'll be able to*  
24           *work as flexible as a single mom, as like I have the*  
25           *flexibility right now, so I hope the City works to*

1 pass something that helps people like me.

2 I mean, I don't know if you've ever  
3 DoorDashed, or anybody, or half the people on this  
4 call has DoorDashed before or even Uber Eats, but we  
5 actually need this money, like we need, we need the  
6 flexibility, we need the time that it helps us, like  
7 that's pretty much the main reason why all of us have,  
8 you know, joined these extra side gigs, like it's a  
9 side gig for us, like for people like me. I mean, I  
10 urge the DWCP to like, you know, hopefully look into  
11 it a little bit more and see how it harms the  
12 flexibility of workers like me. Thank you so much.

13 MR. DRIVER: Great, thank you, appreciate the  
14 comments. *El próximo testigo es Otoniel, Otoniel,*  
15 *cuando está preparado puede comenzar. Ataniel, ¿puede*  
16 *activar su micrófono?*

17 MR. OTONIEL: Hello? *¿Sí me escucha?*

18 MR. DRIVER: Sí.

19 MR. OTONIEL: *Oh, perdone, perdone, en sí yo*  
20 *me llamo Otoniel Xiloscu, me considero como trabajador*  
21 *esencial y delivero para la compañía Relay desde enero*  
22 *del año 2019, y me niego rotundamente con la nueva*  
23 *regla que la ciudad quiere imponer donde nos paguen a*  
24 *\$30 dólares la hora. Relay ha sido y es la única*  
25 *compañía que paga por hora, por eso mismo es la mejor*

1           *compañía. Yo y muchos de mis amigos que trabajamos con*  
2           *esta compañía hacemos buen dinero, con decirle que*  
3           *ganamos a mínimo \$40 dólares la hora. Esta compañía es*  
4           *la única que verdaderamente valora el trabajo del*  
5           *deliverero, yo, en verdad siempre he admirado esta*  
6           *compañía Relay, sin duda alguna, creo que el que*  
7           *lidera esta compañía, quizás fue deliverero no sé*  
8           *verdad, pero tiene mucha experiencia en esto y sabe*  
9           *recompensar muy bien a sus trabajadores, paga \$12.50*  
10          *la hora, es un sueldo fijo y aparte la propina. En*  
11          *muchas ocasiones ganamos hasta \$50, \$55 dólares la*  
12          *hora. Ahora, con esta nueva regla que la ciudad quiere*  
13          *imponer, debe, debería de ser descartada, al menos nos*  
14          *perjudicaría totalmente a los que en verdad*  
15          *trabajamos, así como ahorita bajo la lluvia, bajo la*  
16          *nieve y todo, nos perjudicaría muchísimo,*  
17          *lamentablemente muchos de mis compañeros no, no se*  
18          *animan a dar su voto y su opinión por, por falta de,*  
19          *de, de ánimo, de conocimiento y se dejan llevar por un*  
20          *grupo, por un vaso de café, por, por arreglarles sus*  
21          *frenos, por darles un simple casco y se dejan*  
22          *manipular por ellos, pero yo estoy totalmente en apoyo*  
23          *a que, a que Relay siga siendo a como estaba o como*  
24          *está, gracias.*

25                   MR. DRIVER: *Sí, muchas gracias. Next up, we*



1 have Solomon. Solomon, I'm going to allow you to turn  
2 on your camera and unmute yourself, and you can start  
3 whenever you're ready. Solomon, you're still muted,  
4 you'll need to mute yourself. You should be able to do  
5 so.

6 MR. SOLOMON M.: Yes, thank you. As I was  
7 saying, I do appreciate the opportunity to voice my  
8 opinion. My, my feelings and my testimony are very  
9 similar to Luis who spoke a few people ago, but I also  
10 wanted just to say from my personal experience that I  
11 started the DoorDashing in 2018 when my wife was laid  
12 off of her job for 20 years. So having two salary our  
13 family was scraping by, and losing that income was  
14 just horrendous, so having the flexibility of DoorDash  
15 was like a lifesaver in a sense and it gave me the  
16 opportunity to Dash when I needed to. If we take that  
17 away I, I don't know what I would do. It would make  
18 life very, very difficult. So I really hope that we do  
19 look into the, the new proposed rule and keep that  
20 flexibility for all Dashers.

21 MR. DRIVER: Great, thank you so much for  
22 your comments, appreciate it.

23 MR. SOLOMON M.: Thank you.

24 MR. DRIVER: And next up we will move to  
25 Orlando. Orlando, I'm going to -- you should be good

1 to go whenever you're ready.

2 MR. ORLANDO: Hello.

3 MR. DRIVER: Hi.

4 MR. ORLANDO: Can you hear me? Is it working?

5 MR. DRIVER: Yeah, I can hear you fine. You  
6 can start whenever you're ready.

7 MR. ORLANDO: Okay. I would like to take this  
8 time to thank the Department of Worker Protections,  
9 Columbia University for supplying the data, Eric  
10 Malinowski, who is my lawyer, hearing him testify was  
11 very important to me. I'm absolutely in favor of the  
12 hourly rate. I've heard a lot of people speak about  
13 how they're scared to lose their flexibility. I don't  
14 really see how that could possibly be a problem. I  
15 know Uber, DoorDash, Grubhub, they've all used this  
16 jargon in the past in other states, I actually was in  
17 California when Prop 22 came to pass and then was  
18 overturned later by the government [unintelligible]  
19 [01:48:39]. Because we're 1099 contracted employees  
20 that protection is supposed to still be in place even  
21 if we were paid hourly, and I'm sure that the apps are  
22 going to be able to accommodate us the same way they  
23 were able to accommodate people in California, and  
24 that pay will make a, a significant difference. It's  
25 going from not having a livable wage to now I can

1 afford the rent in the neighborhoods that I deliver  
2 food in to. You know, a lot of us are heads of  
3 household, myself included, I have four younger  
4 siblings to support and, and, and rent to pay, and  
5 with this, you know, legislature passing by the  
6 Department of Worker Protection it will allow for that  
7 to happen.

8 Furthermore, we were clear about labor laws  
9 in 1979, I don't see why now this is, in 2022, it's  
10 being rediscussed as though it's something that's so  
11 crazy, but it's, it's, it's a step in the right  
12 direction to say the least.

13 Also, I'd like to say one last thing before  
14 I go 'cause I do want to keep it short so that other  
15 people get to speak, DoorDash needs to be called out  
16 on their ableism. Earlier this year they took away the  
17 right to walk for deliveries. You know, people -- I  
18 have friends who used to work via wheelchair who are  
19 now no longer able to because that option was taken  
20 away from them. Uber is now the only of the apps that  
21 allows for people to, to walk, and their new  
22 distribution system has made that, you know, border  
23 the question of if, if this is even walkable delivery  
24 anymore. I've had an order -- you know, because I, I  
25 was hit by a car earlier this year, I did testify

1 about that back on June 15th so I'm not going to get  
2 into it, but I had an order yesterday for 115 minutes  
3 from a store in Queens, New York to Greene Hook --  
4 Greenpoint, Brooklyn, so I just wanted to throw that  
5 out there.

6 Thank you again for everyone and your time  
7 and I'm looking forward to hear the rest of the other  
8 people speak.

9 MR. DRIVER: Great. Thank you so much,  
10 appreciate your time. Next up, we have Ramon. Ramon,  
11 whenever you ready. *Cuando está preparado.* Ramon, are  
12 you -- oh, there you are. Okay.

13 MR. RAMON: *Hola, ¿me escuchan? ¿Bueno?*

14 MR. DRIVER: *Sí, sí, sí.*

15 MR. RAMON: *¿Se escucha bien o no?*

16 MR. DRIVER: *Sí, perfectamente.*

17 MR. RAMON: *Yo, este, mi opinión personal es,*  
18 *bueno ahorita ando trabajando y tengo mi celular en*  
19 *una bolsa de plástico, por eso se ve así medio borrosa*  
20 *mi foto. En mi opinión personal y con familiares hemos*  
21 *platicado sobre eso. Yo siento que como ya está*  
22 *pagando Relay por hora ya, ya está pagando bien, yo*  
23 *honestamente por hora está pagando por hora, está muy*  
24 *bien cómo paga por hora, es como si yo estuviera, es*  
25 *como si yo estuviera trabajando en un restaurant con*

1           *salario fijo. Y me siento a gusto trabajar porque*  
2           *tengo un salario fijo trabajando con Relay, es su*  
3           *salario justo, paga \$12.50 por hora y más aparte de*  
4           *las propinas. Yo me siento bien a gusto trabajando con*  
5           *el Relay y, y yo he tenido, este, otra malas*  
6           *experiencias por ahí, en caso de con Uber, porque con*  
7           *Uber ver la verdad, pues no, Uber manda demasiado*  
8           *lejos, 40 cuadras, 30 cuadras y con Uber ellos, no sé*  
9           *si ellos quitan la propina, no sé qué pasa con ellos*  
10          *porque con Uber cada vez que vamos a entregar una*  
11          *comida con Uber son las propinas son de \$2 dólares de*  
12          *\$1.50 y son demasiadas cuadras con Uber, y más aún lo*  
13          *mismo, similar como pasa con DoorDash, DoorDash paga*  
14          *muy poquito y Uber paga muy poquito y para mí la mejor*  
15          *aplicación es Relay y así que yo siento, ojalá que*  
16          *sigan siendo así, que paguen, siento, o sea que paguen*  
17          *así, continúen trabajando por hora y, y yo, en mi*  
18          *opinión personal, que en mi opinión personal es eso de*  
19          *que Relay es la mejor aplicación, así como están*  
20          *ahora, ojalá que las otras aplicaciones Uber, DoorDash*  
21          *que pague Uber, no sé, tal vez unos \$13 o no sé cuánto*  
22          *vas a ser, ojalá que se pudieran hacer eso que Uber*  
23          *pague por hora y que DoorDash pague por hora como como*  
24          *hace Relay porque Relay sí trabaja bien, el Relay sí*  
25          *hace bien, Relay paga bien y, y Uber y DoorDash, la*

1           *verdad, que la verdad, pues, es muy complicado*  
2           *trabajar con ellos, porque en todo el día, desde 10:00*  
3           *de la mañana hasta 10:00 de la noche apenas uno hace*  
4           *\$120 dólares con ellos, no es mucho, no es nada y con*  
5           *Relay nosotros ganamos, ganamos un poco más con Relay*  
6           *y así que mi experiencia Relay es la mejor, así que*  
7           *espero que no la cambien, que lo dejen así.*

8                     MR. DRIVER: *Sí, muchas gracias.*

9                     MR. RAMON: *Sí, gracias.*

10                    MR. DRIVER: *Ramón, tenga buen día.*

11                    MR. RAMON: *Gracias.*

12                    MR. DRIVER: *Okay. Next up NETO21. I will*  
13           *activate your camera. Okay. Whenever you're ready.*  
14           *Cuando está preparado.*

15                    NETO21: *¿Sí, bueno?*

16                    MR. DRIVER: *Sí.*

17                    NETO21: *¿Qué tal? Buenas tardes, mi nombre*  
18           *es Ernesto. Yo actualmente llevo trabajando como tres*  
19           *años con, con Relay, no, cuatro más o menos creo, y*  
20           *Relay es una es una de las aplicaciones de las que más*  
21           *ha cumplido con la ley porque siempre nos ha pagado*  
22           *por hora, aparte los tips y, y es la mejor aplicación*  
23           *para trabajar, a mí me ha gustado mucho, he tratado*  
24           *con Grahan también y con DoorDash, y realmente no me*  
25           *ha gustado muchas otras plataformas, pero con, con*

1           *Relay es la mejor porque siempre nos ha pagado con,*  
2           *por hora, ellos siempre han pagado por hora y entonces*  
3           *me gustaría que dejaran así como está con Relay porque*  
4           *Relay sí es la mejor, es la mejor plataforma para*  
5           *trabajar para mí y para mí personalmente, pues sí, me,*  
6           *me ha ayudado demasiado Relay a mí, esa es mi opinión*  
7           *con, con Relay, Relay es, es una excelente aplicación.*

8                     MR. DRIVER: *Okay. Muchas, muchas gracias.*

9           Next we have Dshea. I am going to allow you to turn  
10          your camera on. You should be able to do that now, and  
11          you can start whenever you're ready.

12                    MS. DSHEA: Hi, everyone. Great day. Thank  
13          you for allowing me to testify and give my opinion. I  
14          am for the pay increase because as a New Yorker it's  
15          very expensive to live here. I'm a DoorDasher, and  
16          also do work on other platforms as well, but as a  
17          single parent of a special needs child, my job as a  
18          parent comes first before anything, and these  
19          platforms have given me the opportunity and  
20          flexibility and independence to be able to work as  
21          much as I need to as long as I need to, because a  
22          regular 9 to 5 would not give me a job because due to  
23          the demanding lifestyle that my daughter requires of  
24          me to be able to be there for her, for her well care  
25          and being, so if anybody has a parent or even a child

1 that they're caring for, someone that they're caring  
2 for, within high demands, you're not going to be able  
3 to do a regular 9 to 5 without exhausting yourself out  
4 or being able to be there in full effect for someone.  
5 But as a worker for these platforms, it gives me the  
6 flexibility, independence that I need to be able to  
7 come and move and do what I need to do and still be  
8 able to provide. So if, if the other part of the law  
9 goes into access where it cuts our flexibility, not  
10 only to cut our flexibility, it will cut our  
11 independence also too, so that's what I have to say. I  
12 don't want our independence or our flexibility to be  
13 cut down. Thank you.

14 MR. DRIVER: Great, thank you so much, and  
15 appreciate your patience throughout this long hearing.  
16 Thanks so much. At this time we do not have anyone  
17 else who's on my list. If you want to testify please  
18 raise your hand. I see Gary Colemanthar [phonetic]. *Si*  
19 *quiere comentar, por favor levante las, la mano.* I'll  
20 give it a couple of minutes while waiting, I think  
21 we'll start to wrap this up. If you want to submit any  
22 written comments, there is a link in the chat. Miriam,  
23 since you've already commented I can't take another  
24 comment from you at this time, I'm afraid. If you have  
25 a question, feel free to just drop it in the chat. Or



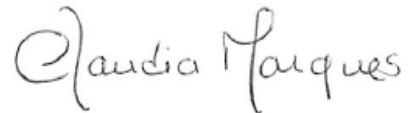
1 actually let me -- yeah, person hand down. Okay. Final  
2 call for oral testimony now. You can submit written  
3 testimony up until midnight tonight, that's the  
4 comment deadline. And then with the registration that  
5 you did here, we'll make sure that you're apprised  
6 with any updates with this rule, so we'll use the e-  
7 mails we have to send out updates when we have any  
8 notice of adoption or any other updates. Great. At  
9 this time we'll end this hearing. Thank you so much  
10 for taking the time today to listen to everyone  
11 testifying, and for those who did testify, thank you  
12 for sharing your experiences. *Muchas gracias a todos.*  
13 Have great day. *Tenga buen día.* And happy holidays.

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CERTIFICATE OF ACCURACY

I, Claudia Marques, certify that the foregoing transcript of DCWP Rules Hearing - Delivery Worker Minimum Pay on December 16, 2022 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Claudia Marques

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Date: January 20, 2023

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