

**Testimony of Commissioner Lorelei Salas of the  
New York City Department of Consumer and Worker Protection before the  
Committee on Civil Service & Labor**

**Remote Hearing on  
The Impact of COVID-19 on Workers in New York City and  
Introductions 1918, 1923, 1926, a Preconsidered Introduction, and Resolution 1285**

**May 5, 2020**

Good Afternoon Speaker Johnson and Chair Miller, and members of the Committee. I am Lorelei Salas, Commissioner of the Department of Consumer and Worker Protection (DCWP). Today I'm joined by Ben Holt, Deputy Commissioner for DCWP's Office of Labor Policy and Standards, and Steven Ettannani, Executive Director of External Affairs.

It is my pleasure to testify before the City Council today and it is my sincere hope that each of you and your loved ones are staying safe and healthy during this time.

During the past several weeks, we have appreciated the regular contact we have had with Council, and I'm eager to continue our work together serving New Yorkers during these uncertain times.

**The Impact of COVID-19 on Workers in New York City**

Since the beginning of this crisis, hundreds of thousands of working New Yorkers have seen their incomes abruptly shrink or disappear as schedules have been shortened and jobs have been eliminated, leaving them financially burdened and vulnerable. Even as many of us shelter-in-place and try to go about our lives at home, essential workers, those who tend to or provide vital services every day to their fellow New Yorkers, continue to serve on the frontlines of this pandemic and keep New York City going. Our thoughts and gratitude are with them, not only this past May Day, but every day: thank you for the risks you have borne to carry New York through this crisis.

This crisis continues to shine a light on the socioeconomic inequality in the city. Workers in jobs with the greatest exposure, such as healthcare, retail and food industries, are from the communities of color in our City, often immigrants, earning low wages<sup>1</sup>. Many have limited access to health insurance or paid personal time for themselves to rest and recover, or simply be with their families.

This Administration and City Council have been at the forefront of protecting workers. The Paid Safe and Sick Leave, Fair Workweek, and the Freelance Isn't Free laws, to name a few, are today, especially during this crisis – helping. They are helping the worker who feels ill to stay at home. They are helping the worker who suddenly has their hours reduced. They are helping the freelance worker who has a right to be paid for their work.

We are facing immense and unprecedented challenges, though. As folks are aware, COVID-19 has unleashed both public health and economic crises, and the city and the state will face difficult

---

<sup>1</sup> <https://comptroller.nyc.gov/reports/new-york-citys-frontline-workers/>

fiscal times ahead. Despite this, the mission of my agency, to protect and enhance the daily economic lives of New Yorkers to create thriving communities, will continue. Now, more than ever before.

### *Enforcement of Worker Protection during COVID-19*

DCWP has, and will continue to, enforce New York City's workplace protections on behalf of essential workers on the frontlines and non-essential workers either working remotely or newly unemployed. During this crisis, it is critical that these protections help to lessen the burdens of the pandemic for our city's most vulnerable workers.

From the early days of the crisis, our agency received more than a thousand complaints and inquiries from New Yorkers regarding their rights and protections, as well as their obligations as employers. To respond to this high volume, after the Governor announced *New York State on PAUSE*, we worked quickly to adjust our capacity and capability to work remotely, and cross trained staff on intake procedures and new laws at the state and federal levels so that we could continue serving our role as a central hub for private sector worker issues in our city.

Paid Safe and Sick Leave – a worker's right during this pandemic to stay home if they or their loved ones are sick – protects not only sick workers themselves but their coworkers, employers, consumers, and other members of the public. During the pandemic, DCWP's Office of Labor Policy and Standards (OLPS) developed new enforcement procedures to respond to the unique needs created by this crisis.

First, we have implemented a fast-track process to resolve COVID-19 related cases as quickly as possible. Rather than using our traditional enforcement process – including requesting and reviewing documents and other information that takes time to collect – an attorney conducts quick fact-finding, reaches out to the employer to inform them of the claim, and presents their findings with the aim of quickly resolving the worker's issue. This approach can shorten the enforcement process dramatically and facilitates obtaining restitution for workers and access to safe and sick leave. Since February 17<sup>th</sup>, DCWP has secured more than \$150 thousand in restitution for workers.

Second, DCWP has taken additional steps to ensure that enforcement of workplace protections during the current evolving crisis is equitable and in good faith. As such, DCWP is exercising prosecutorial discretion to ensure it is fairly taking financial hardship into account when considering civil penalties for small businesses. Instead, we are prioritizing returning money owed directly to workers and utilizing consent orders to promote future compliance. This approach makes the best use of our enforcement resources and accounts for the financial strains all New Yorkers are experiencing.

Third, DCWP has adjusted its intake and referral practices to ensure we are providing guidance and referrals on both pre-existing and new state and federal laws impacting workers and employers during this crisis. This has been particularly important given the volume of new information and laws relating to workers that has emerged since March: state executive orders, state and federal emergency sick leave benefits, expanded family leave, and expanded

unemployment insurance among them. DCWP's written guidance is a guidepost for workers and businesses alike covering leave and benefit laws at the city, state and federal level. This resource is available on our website in more than 10 languages.<sup>2</sup>

DCWP regularly distributes this guidance, and other educational items, through social media, emails, and virtual outreach events. We have continued our work communicating with the community, stakeholder organizations, and elected officials to mitigate uncertainty through weekly briefings and tele-townhalls. Since March 12, DCWP has held a weekly informational briefing for more than 340 worker stakeholders to provide updates on the agency's efforts during the pandemic. Overall, we have held 78 tele-townhalls, conferences and "know your rights" forums. Our staff will continue working diligently to ensure New Yorkers know that we're here to support them during this crisis and beyond.

### **Legislative Proposals**

Every hour of every day, essential workers are keeping our city going: caring for the sick or elderly, preparing and delivering food, and providing a range of other critical services for New Yorkers citywide. Their work supports all of us, and the bottom line is that, without them, this city's problems would be even more urgent.

The Administration supports the intent of the legislation under consideration today and we want to work with Council to address the economic, operational and legal concerns raised by these bills at this unique moment while also not sacrificing needed protections for workers.

#### *Introduction 1918*

Turning to the specific legislation at hand, Intro. 1918 would provide premium pay to an estimated 800,000 essential workers in New York City. DCWP echoes the call for premium pay for our essential workers. However, we believe that the Trump Administration has a responsibility to New York during this time of crisis, a responsibility to our workers and our entrepreneurs, to provide this premium pay for those who are on the frontlines of this pandemic.

We appreciate the Council's advocacy for workers, and we want to work with the Council to ensure our essential businesses do not shoulder these costs on their own and their workers receive premium pay for the risks they are taking. The federal government must step up and provide tangible economic support for premium pay given the economic crisis that both essential workers and essential businesses are living through.

#### *Introduction 1923*

Intro. 1923 would extend just cause job protections to more than two million essential workers. DCWP believes that just cause is a next step in innovative policies that can protect vulnerable workers. However, at this time, given the operational strain we are under as we focus on COVID-

---

<sup>22</sup> <https://www1.nyc.gov/assets/dca/downloads/pdf/workers/Complying-with-NYC-Workplace-Laws-During-COVID-19.pdf>

19 related priorities, it would be challenging for DCWP to absorb new regulatory responsibilities. That said, we are willing to work with Council to discuss this further.

### *Introduction 1926*

Of the legislation under consideration today, Intro. 1926 has perhaps the longest-term impact by expanding the definition of employee to cover additional workers under the city's Paid Safe and Sick Leave Law. Our preliminary estimates show that this legislation could extend coverage to more than 140,000 workers.

We would like to work through the legislative process with Council to ensure we are able to establish clear standards for workers and businesses and a workable mechanism for the new community of workers this bill contemplates to be able to access their leave. We also believe that this legislation serves as an opportunity to update our Paid Safe and Sick Leave Law to align with their recently passed state legislation.

### **Conclusion**

Over the past months, our city has gone through tremendous stress and we will likely continue to face more trials and tribulations ahead. But we are resilient, we are New Yorkers, and we will come out the other side stronger than ever before. As I said at the beginning of my testimony, I'm eager to continue our work advocating for and protecting all New Yorkers, and particularly the essential workers on the frontlines of this crisis.

I am grateful for the sacrifices and generosity of all New Yorkers during this time and our essential workers are an indispensable part of our city's efforts to flatten the curve and stop the spread of COVID-19. Our thanks go out to all of you who embody all that is great about this city.

Chairman Miller, thank you for the opportunity to testify and I look forward to answering any questions you may have.