

**Testimony of Benjamin Holt, Deputy Commissioner for the  
New York City Department of Consumer and Worker Protection before the  
Committee on Civil Service & Labor**

**Remote Oversight Hearing on  
Workplace Safety in the COVID-19 Era and  
Introductions 1797 and 2161**

**November 20, 2020**

Good morning Chair Miller, and members of the Committee. I am Benjamin Holt, Deputy Commissioner for the Department of Consumer and Worker Protection's Office of Labor Policy and Standards, or OLPS. I am joined today by Steven Ettannani, Executive Director of External Affairs and our colleagues from the Department of Citywide Administrative Services.

On behalf of Commissioner Salas, I want to share our thanks and appreciation to the Council for their ongoing cooperation and dialogue with our Department throughout these difficult times. It is my hope that you all are doing well and staying safe as we head into the holiday season.

Workplace Safety in the COVID-19 Era

COVID-19 remains an existential threat to New York City's working individuals and families. Our friends, family and neighbors face challenges of unprecedented scope and scale. Financial fragility, truncated work schedules and retaliation at the workplace are just some of the factors that are contributing to job insecurity across the city. Further complicating the matter is that these pressures are not from a static event, but rather an ongoing threat. I say all this to underscore that the City's response to COVID-19 is neither one-dimensional, nor housed at a singular agency. At DCWP, for example, we work with our partners in government and sister agencies to leverage interdisciplinary expertise that furthers the City's goals for a safe and healthy reopening.

Broadly speaking, DCWP contributes to workplace safety during the reopening in three discrete ways:

1. it continues to enforce private sector worker protections citywide,
2. it issues and disseminates information and public guidance on local, state and federal worker protection laws; and
3. it coordinates with the City's Health Department and Small Business Services to aggregate and disseminate New York State public health guidance.

*Enforcing Worker Protections Citywide*

New York City benefits from having strong worker protections enshrined in statute, particularly in a pandemic.

The Paid Safe and Sick Leave Law (PSSL), for example, continues to be a resource for New Yorkers to stop the spread and stay home from work if they feel symptomatic with COVID-19,

have been exposed and need to get tested, need to remain in quarantine, need to care for a family member or loved, or need to care for a child whose school has been closed. NYC's PSSL is a very broad protection that is of critical importance during the pandemic.

Second, the Fair Workweek Law (FWW), provides security and predictability to essential workers staffing local grocery stores, pharmacies, and fast food restaurants by requiring employers to give workers advance schedules and to compensate workers for last minute and other changes to their schedules.

And finally, the Freelance Isn't Free Act gives those working as independent contractors the right to timely and full payment free from retaliation.

Critically, these City worker protection laws were never suspended and thus contribute to mitigation efforts citywide to help thwart the spread of COVID-19 and provide some measure economic stability to workers.

I'd be remiss not to mention that efforts to further worker protections have not ceased during this crisis. In September, DCWP was heartened to work with the Council to pass Introduction 2032, legislation which expands and modernizes protections for workers under PSSL. Notably, the legislation ensures that workers can use their leave as they earn it without any waiting periods and gives domestic workers the same rights of accrual and use as other private sector workers in our city. We appreciate your work on this and look forward to continuing to work on worker protection issues in the months ahead.

#### *Issuing and Disseminating Public Guidance on Workplace Laws*

DCWP regularly issues and disseminates guidance on municipal workplace laws it enforces. "NYC.GOV/DCWPALERTS" is a dedicated landing page for the public to view updated Department information and guidance during the COVID-19 crisis. On that webpage, guidance and information is translated in, at least, the ten designated citywide languages.<sup>1</sup>

For example, as it relates to PSSL, current guidance covers recent amendments to the law and gives an overview of City, State and federal sick leave laws relating to COVID-19.

In addition to the reference documents on our website, DCWP holds biweekly informational briefings staffed by legal and External Affairs team members. These briefings offer a conversational venue for stakeholders to ask DCWP experts about workplace laws. The Department also disseminates weekly informational e-mails to the same universe of stakeholders.

In June, DCWP launched another resource to the public, the Worker Protection Hotline, to answer worker questions about workplace reopenings and health and safety standards. The Hotline is available five days a week during regular business hours. The public is encouraged to call and may do so anonymously either by dialing 311 or 212-436-0381.

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<sup>1</sup> Arabic, Bengali, Chinese-Simplified, Chinese-Traditional, French, Haitian Creole, Korean, Polish, Russian, Urdu

Most recently, DCWP embarked on a series of 10 virtual roundtables to promote PSSL. The roundtables, equally divided to address employer and worker-facing needs leverage longstanding relationships with borough chambers of commerce and community partners alike to address recent amendments to the law and compliance during COVID-19.

### *Amplifying and Disseminating Public Health Guidance*

The same landing page referenced earlier, “NYC.GOV/DCWPALERTS” also contains reopening guidance. Documents found on the landing page include those collaborated on by the NYC Small Business Services and Department of Health and Mental Hygiene.

Each phase of the reopening has a dedicated guidance document, and more broadly, there is information for what employers must do before they reopen, what workers should expect, and resources to call if there are questions.

Last week, we issued reopening guidance for domestic workers on our landing page. As the home of a dedicated Paid Care Division, this guidance which incorporates public health and safety guidelines, fills an important gap for this vulnerable workforce trying to navigate safety in a unique work environment.

DCWP has conducted over 334 in-person and virtual outreach events since March. This includes over 30 business education days with sister agencies, where we visited more than 2,100 businesses disseminating guidance on safe reopening standards and helping merchant associations and business improvement districts to distribute personal protective equipment.

In the coming weeks, we will be training New York City Test and Trace Corps staff on PSSL and state and federal emergency sick leave so that they are equipped to give real time feedback to those they connect with. We’ll also be collaborating on informational materials highlighting the right to paid sick leave in the context of exposure and quarantine.

In all, this collaborative outreach has been, and continues to be, emblematic of the Administration’s comprehensive and multijurisdictional approach to informing the public about COVID-19.

### Legislation

#### *Introduction 1797*

Introduction 1797 requires DCWP to engage in ongoing public information efforts to amplify the rights and responsibilities of employers and employees under PSSL. The bill requires the development and distribution of posters, flyers and other written materials to pharmacies, doctors’ offices and hospitals in coordination with the Department of Health and Mental Hygiene.

DCWP supports the intent of this legislation and its focus on the health of all New Yorkers. Particularly, considering the current pandemic, we need the public to know that if they feel

unwell, they should stay home, and that they have access to PSSL to do so. Reaching people at the moments they are seeking care is a strategically savvy approach to improving public awareness.

That said, there is a fiscal impact associated with the bill. As we know, the City is in the midst of an economic downturn, so we would like to work with Council to ensure those resource concerns are taken into account during our discussions of this bill.

### *Introduction 2161*

I want to briefly mention Introduction 2161, which seeks to establish a board to review workplace health and safety guidance during the COVID-19 pandemic. While this legislation does not solely fall under DCWP's jurisdiction, it does implicate our agency to review health and safety guidance issued by both the City and private employers, assess its content and distribution, and make recommendations for future public health emergencies. Further review of the bill is needed, but I note that the City Restart Taskforce, established earlier this year, has worked directly with each agency to review City agency health and safety guidance. We look forward to further conversations about this bill with Council.

To conclude, I want to reiterate that DCWP, and this Administration, is committed to helping our City reopen safely and stay open safely. I look forward to your questions and thank you for the opportunity to testify.