

**Testimony of Commissioner Lorelei Salas
New York City Department of Consumer and Worker Protection**

**Before the
New York City Council Committee on Civil Service and Labor**

**Hearing on
Introduction 800-A-2018**

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Good morning Chairman Miller and members of the committee. My name is Lorelei Salas and I am the Commissioner of the New York City Department of Consumer Affairs, recently renamed the Department of Consumer and Worker Protection (DCWP). I would like to thank the committee for the opportunity to testify today about Introduction 800 (Intro. 800), a bill that would, for the first time, require employers to provide paid personal time to New York City workers. In January, Mayor de Blasio announced that New York City would become one of the first jurisdictions in the nation to require employers to provide two weeks of paid personal time. The bill before you today, which has been informed by discussions with workers, employers and other stakeholders, Public Advocate Jumaane Williams, and the Council, will make that commitment a reality. This proposal is another important piece of Mayor de Blasio’s commitment to making New York the fairest big city in the nation by advancing worker rights and protections.

New Yorkers work hard. We may be called “the city that never sleeps,” but that doesn’t mean that hard-working New Yorkers should be forced to miss important family and life events – like parent-teacher conferences, weddings, funerals, or anniversaries – because they can’t get time off work or afford to go without a paycheck. Workers in the greatest city on earth shouldn’t be made to choose between keeping a job that supports their families and having enough time to rest, recharge, or handle family matters. Unfortunately, that is the reality for the up to one million New Yorkers who do not currently have *any* paid personal time.¹

The lack of paid personal time affects workers in all industries and walks of life, but it is especially glaring among those workers who have the most precarious schedules and are paid the lowest wages.² Part-time workers are significantly more likely to lack access to paid personal time than full-time workers.³ In addition, low and middle-income workers are less likely to receive paid personal time than their higher-income peers.⁴ Time to rest and recharge should not be a privilege enjoyed mainly by the most stable and well-paid workers in our city. All New Yorkers – no matter what type of work they do or how much money they make – deserve a day off.

¹ Department of Consumer and Worker Protection estimates based on the following sources: Bureau of Labor Statistics, Quarterly Census of Employment and Wages; Bureau of Labor Statistics, National Compensation Survey; Census Bureau, County Business Patterns Dataset; Infogroup, U.S. Business Database; and Community Service Society, Unheard Third Survey.

² COMMUNITY SERVICE SOCIETY, POOR, PART-TIME, RETAIL AND TIPPED WORKERS AND THOSE EMPLOYED BY SMALL BUSINESSES ARE LEAST LIKELY TO HAVE PAID VACATION DAYS IN NYC 1 (2018), *available at* <https://secure.cssny.org/page/-/UHT%202018%20paid%20vacation%2011019.pdf>.

³ *Id.*

⁴ *Id.*

The benefits of paid personal time – for workers, businesses, and the economy as a whole – are clear. Vacation and time off from work are associated with improved health, lower stress, lower likelihood of depression, and more happiness at home and at work.⁵ Paid time off is associated with higher employee morale and retention, less burn-out, and higher worker productivity.⁶ Experts like former Secretary of Labor Robert Reich agree that paid personal time is “good for workers, good for employers, and good for the economy.”⁷

Countries across the globe have recognized the importance of paid personal time by enshrining the right to time off in national and regional laws. According to a 2012 report by the International Labor Organization, an “overwhelming majority” of countries have established a right to a minimum period of annual leave by law.⁸ A majority of countries in every region across the globe – from Asia, to Africa, the Middle East, Europe, and Latin America – guarantee a minimum amount of paid personal time for workers.⁹ Germany, one of the strongest and most productive economies in Europe, currently mandates a minimum of four weeks paid vacation per year.¹⁰

Unlike these countries, the United States does not currently mandate paid personal time at the federal level. Nor does any state or city in the country. Today, we have the opportunity to change that and to send a message that workers deserve better. As Mayor de Blasio put it: “We as a nation need to get there, and New York City will lead the way.”

I will now discuss the specifics of the proposal before you. Intro. 800 builds on the framework established by New York City’s landmark paid safe and sick leave law. The bill requires employers with at least five employees or one domestic worker to provide at least up to 80 hours of paid personal time per year to their workers. The amount of time is a minimum labor standard; employers may, and are encouraged, to provide their workers with more generous paid personal time if they so choose. The universe of employees covered by this bill would be the same as those covered by paid safe and sick leave, easing the implementation burden on employers. Like the paid safe and sick leave law, this bill applies to both full and part-time workers. Paid personal time would accrue on an earned basis at the same rate as paid safe and sick leave: one hour of leave earned for every 30 hours worked. Employees would be entitled to use personal time for any reason.

Today, we expect to hear from workers, businesses, and advocates and we welcome their input on the proposed bill. The Administration conducted extensive outreach to affected communities to hear questions and concerns and inform the development of this proposal. Over the course of

⁵ Tanya Mohn, *Take A Vacation: It's Good for Productivity and the Economy, According to a New Study*, FORBES (Feb. 28, 2014, 11:58 PM), www.forbes.com/sites/tanyamohn/2014/02/28/take-a-vacation-its-good-for-productivity-and-the-economy-according-to-a-new-study/#46c9d1c75a33.

⁶ OXFORD ECONS., AN ASSESSMENT OF PAID TIME OFF IN THE U.S.: IMPLICATIONS FOR EMPLOYEES, COMPANIES, AND THE ECONOMY (2014), available at <https://www.oxfordeconomics.com/my-oxford/projects/280061>.

⁷ Robert Reich, *Back from Three Weeks Vacation with a Modest Proposal* (Aug. 9, 2012), <http://robertreich.org/post/29087677974>.

⁸ INT’L LABOUR ORG., WORKING CONDITIONS LAWS REPORT 16 (2012), available at https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_235155.pdf.

⁹ *Id.* at 18.

¹⁰ Reich, *supra* note 7.

several roundtable events, we received helpful feedback from large employers, small businesses, unions, community based organizations and policy groups, and of course workers themselves.

You may hear today that New York City employers simply cannot afford to give workers a break, or that the law will be too difficult for businesses to implement. Many of these same objections were raised when New York City became the largest jurisdiction in the country to provide workers with paid safe and sick leave. Time and experience have shown that an overwhelming majority of businesses were able to implement the law's requirements with City outreach and support and without a measurable loss in profits or productivity. A 2016 report co-authored by the Center for Economic and Policy Research and The Murphy Institute, entitled "No Big Deal: The Impact of New York City's Paid Sick Days Law on Employers," found that nearly 85% of employers reported no changes in costs due to the paid safe and sick leave law.¹¹ In fact, since paid safe and sick leave went into effect, New York City's economy has boomed and our city now has more private sector jobs than ever before in history.¹²

In addition, DCWP's experience helping businesses implement and comply with paid safe and sick leave will inform our approach to this process. DCWP will provide businesses with helpful aids like leave trackers, request forms, and notices of employee rights, just as we do now for paid safe and sick leave. This experience also includes our extensive engagement with industry stakeholders and worker communities. Since 2014, we have conducted almost 1,600 outreach events distributing more than two million pieces of literature to promote worker awareness and business education. We believe New York's businesses are the most dynamic and innovative in the country and that they will be able to implement a law that helps increase productivity and ensure their workers have time to not just survive, but to live fulfilled lives with their families and loved ones.

I am honored to be here today to urge the passage of this legislation. I would like to thank Public Advocate Jumaane Williams, Speaker Corey Johnson, Chairperson Miller and the employer and worker stakeholders who have been generous with their time in offering feedback. Today, New York City has the opportunity to send a message: workers deserve better. Working in our city should mean more than just making ends meet. It should mean time, and peace of mind, to be present for the moments that shape our lives and the lives of those we love: the marriage of a brother or sister or parents' anniversary, the funeral of an aunt, uncle, or close friend, time to visit family abroad, learn a new skill or prepare for an exam, or just enjoy time off to rest and recharge with friends and family. For some New Yorkers, paid personal time will mean the opportunity to keep an immigrant family together across borders or bring family and friends together to celebrate a religious holiday that they would not otherwise get off. This bill will give workers the time they deserve, whatever that means for their lives.

Thank you for the opportunity to testify and I am happy to answer any questions.

¹¹ EILEEN APPELBAUM & RUTH MILKMAN, CTR. FOR ECON. AND POLICY RESEARCH, NO BIG DEAL: THE IMPACT OF NEW YORK CITY'S PAID SICK DAYS LAW ON EMPLOYERS 3 (2016), *available at* <http://cepr.net/images/stories/reports/nyc-paid-sick-days-2016-09.pdf>.

¹² *Labor Statistics for the New York City Region*, N.Y. DEP'T OF LABOR, <https://www.labor.ny.gov/stats/nyc/> (last visited May 23, 2019).