

**Testimony of Deputy Commissioner Benjamin Holt
New York City Department of Consumer and Worker Protection**

**Before the Committee on
Civil Service & Labor**

**Hearing on
Introduction 2325: Right to Recall for Displaced Workers**

November 30, 2021

Introduction

Good morning Chair Miller and members of the Committee on Civil Service and Labor. I am Benjamin Holt, Deputy Commissioner for the Department of Consumer and Worker Protection's (DCWP) Office of Labor Policy and Standards (OLPS). I am joined today by Steven Ettannani, DCWP's Executive Director for External Affairs.

DCWP protects consumers and workers through enforcement of key consumer protection and workplace laws. These include New York City's Paid Safe and Sick Leave law, Fair Workweek laws, protections for freelance workers under the Freelance Isn't Free Act, and the recently passed legislation for third-party food delivery workers. Our agency advocates for new policies, investigates complaints, conducts proactive investigations, and recovers restitution for workers.

Recovery for All

As Mayor de Blasio said earlier this summer, "a recovery for us all [means] New York City moves closer and closer to fully reopening our economy, restoring the jobs we lost and ensuring equality in our comeback." DCWP promotes the city's recovery by facilitating the reopening of businesses and addressing the severe economic impact the pandemic had upon hundreds of thousands of working New Yorkers.

As the economic impact of the pandemic came into focus and as businesses began reopening last summer, DCWP advocated for policy and legislation to support businesses and workers alike. We prioritized giving small businesses the tools they needed for compliance, worked with the council to cut burdensome regulations for businesses, and have saved businesses millions of dollars through 33,000 cure-eligible violations. We also refunded more than \$12 million to restaurants participating in the city's sidewalk café program to alleviate business costs and keep workers employed. That, together with the Department of Transportation's successful Open Restaurants program, has saved more than 100,000 restaurant jobs.

We also took steps during the pandemic, in partnership with the council, to enact needed protections to support fast-food, hotel, and food delivery workers. Fast-food workers now cannot be arbitrarily fired from their jobs and have a right to reclaim their former jobs. Hotel workers

must be retained for 90 days when a hotel is transferred or sold, and long-time employees are entitled to up to 30 weeks' severance pay if they are laid off during the pandemic. And third-party food delivery workers have key new protections giving them more control over their work and a right to minimum pay.

Most recently, DCWP partnered with the city council to pass legislation that provides additional paid leave time to more than three million private sector employees to get a child or dependent vaccinated. That legislation will support the small business community by ensuring our city's collective public health. The more we can minimize the effects of the pandemic, the more children will be able to avoid school closures, the more workers will be able to go into work, and the more businesses will benefit from a return to normalcy.

Whether in promoting increased business activity, or by standing up protections that provide workers with stable jobs and stable paychecks, the administration and city council have been steadfast in supporting businesses and workers. And, our message has been clear, we are all in this recovery together.

Introduction 2325 – Right to Recall

Introduction 2325 continues the city's efforts to support an economic recovery for all. It provides laid-off workers in airports and event centers with a right to recall when their former jobs are once again available. These industries represent tens of thousands of workers in New York City, and it is critical to the city's economic recovery that we support their ability to return to work.

While businesses, like retail stores, started more fully reopening and hiring as early as June 2020, workers in airports and event centers are only now seeing increased opportunities to return to work. Airlines and airports, despite being deemed essential businesses, have endured reduced economic activity due to consumer hesitancy to travel and fluctuations in the public health situation. As a result, many people who work in airports, including in food and beverage establishments and other customer-facing services, were laid off without knowing when they would return to work. In the case of event centers, these venues were shuttered completely to the public in March 2020 and only began reopening this past April. That meant that the working people supporting concessions and other operations for event venues were still losing opportunities for work almost a year after many other industries were permitted to reopen.

Airport and event center workers, many of whom are low-wage workers and people of color, were laid off through no fault of their own. As these sectors reopen more fully, we need to ensure that they have an opportunity to go back to those jobs that were interrupted by the pandemic. These individuals are qualified, trained, and experienced workers eager to join the city's economic recovery. Ensuring these workers' right to recall is a key tool to promote a strong recovery for their communities and for the city.

Conclusion

DCWP's partnership with the city council is critical to delivering protections for workers. Introduction 2325 promotes the economic stability that is needed to combat the ongoing and lingering impacts of the pandemic. We urge this legislation's immediate passage.

Thank you for the opportunity to testify today and I look forward to any questions you may have.