PUBLIC HEARING
STATE OF WORKERS' RIGHTS

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(NO EXHIBITS MARKED)
OPENING REMARKS

OBIAS: Good evening.

Welcome to our public hearing on State of Workers' Rights hosted by the Department of Consumer Affairs Commissioner, Lorelei Salas, the Human Rights Commissioner, Carmenlyn Malalis, and the Mayor's Office of Immigrant Affairs Assistance Commissioner, Kavita Pawria-Sanchez.

Commissioner Salas will open our program.

MS. SALAS: Thank you very much, Leah.

Good evening, everyone.

(Good evening.)

MS. SALAS: Buenos noches.

I'm going to say a couple things just in English, because I know there's going to be interpretation, you have your equipment.

This is a very important night for us at the Department of Consumer Affairs, labor standards, it is hopefully one of several nights where
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we'll spend time sitting with you and listening to your concerns, together with my sister agencies, we are really hoping to get out of tonight ideas from you, suggestions from you on the things that you see are happening most and hopefully, those ideas will help us develop our policies and think about our approach to enforcing workers' rights in a way that makes sense, to address the needs that you have. Just very quickly, thank you so much for will coordinating this event, and now we'll hear from Carmenlyn Malalis.

MS. MALALIS: Hi, good evening, I will also be brief. I'm Carmenlyn Malalis, I'm the chair and commissioner to the New York City Commission on Human Rights. For those of you that are not familiar with our agency, we are the City agency that enforces the very broad antidiscrimination and anti-harassment protections. If you live or you work in New York City, you
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are extremely lucky, you have one of
the nation's most protective laws at
your disposal and we will not hesitate
to use those laws to protect you and
your communities, I want you to be
thinking through ways that you can be
identifying issues for the Commission
on Human Rights as we're sitting here
tonight for this hearing.

New York City's laws protect you
against discrimination and harassment
at the workplace, but they also protect
you in housing, when you're in public
accessing your businesses or other
institutions, and one of the things
that's important to note about New York
City's laws is that it is illegal in
New York City for housing providers,
employers or businesses to discriminate
against you because of your immigration
status. We have doubled down on our
efforts to combat this specific type of
discrimination and we will continue to
do so.
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So on behalf of the Commission, I want to thank you for being here tonight, I know that you all have other priorities with your families and work and otherwise in your communities, and I'm grateful that you are here today to share with us what your concerns are. I also want to thank, of course, Commissioner Salas and Pawria and all of the staff here from the Department of Consumer Affairs for putting this together and I look forward to hearing from you, so thank you.

MS. PAWRIA-SANCHEZ: Thank you. My name is Kavita Pawria-Sanchez and I am assistant commissioner for the mayor's office of immigrant affairs. We are here tonight because our mission is to advance and protect immigrant workers and we know that immigrant workers' issues are really critical to our realities in New York, particularly in this particular climate, so without further ado, I want to thank all of the
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workers who are here for giving us your
time, we are here to listen to you and
I really look forward to doing that.
Thank you.

OBIAS: So my name is Leah
Obias, Director of Stakeholder
Engagement of DCA's Office of Labor,
Policy & Standards, I'll be moderating
the first portion of the program
tonight. Just a couple of quick
logistical announcements before we
begin, if you are testifying, please
remember to speak slowly for the
interpreters, they've given us two
signs to -- to support the process.
Thumbs up means to please speak louder,
thumbs down means to slow down. So if
you see an interpreter making one of
those signs, please speak louder or
slow down.

Each testimony should be no longer
than three minutes. We have many
speakers tonight so I'll be keeping
time, we have a clock in front. I'll
IMMIGRANT WORKER PANEL

let you know when you have one minute left. At three minutes, you may hear my phone ding or I may simply say, thank you for your testimony.

Our first set of panelists will discuss issues facing immigrant workers in a range of industries throughout New York City, in the interest of time, I'll ask you to introduce yourselves and we can get started. We'll start with the speaker on the far -- on my far right.

JOSE FRANCISCO: Okay. My name is Jose.

NEREYDA SANTOS: Nereyda Santos.

OSIAS DAVILA: Osias Davila.

PATRICIO SANTIAGO: Patricio Santiago.

SANTIAGO TORRES: I am a laborer in Staten Island.

(Applause.)

OBIAS: So we'd like to start hearing testimony from the speaker on the far right.
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JOSE FRANCISCO: Jose Francisco, I thought I was going to go last, but if you want me to go first, I'll go first. Okay. I'll go first.

Jose Francisco, I work in a laundromat. It's in Westchester in Mount Vernon. I have worked there for 22 years. Last year, at the end of the summer, the members of the laundromat in New York City, there was a law passed, Clean, and it permits the workers of laundromats that are unionized to work in a clean environment and give good service that way to the laundromat because we -- we represent the hospitals, old folks' homes, hotels and restaurants. So with that law, clean that is given to the customers, there's a control measure where the consumers can't feel safe to not get contaminated by some disease. Unfortunately, there are companies that are not unionized that the -- the company that I have has unions, it has
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different benefits and pensions,
pensions every three years and labor
contracts every three years and medical
coverage and personal days and holidays
and vacations and it's a just deal,
laundry work is very tough, but many
companies that I have participated as a
volunteer from the union and I've heard
different testimonies from workers
there that don't have the benefits that
we have as a unionized laborers.
There's no respect, are treated,
maltreated because we're immigrants.
And there's no respect. I've heard
testimonies from certain employees that
they have even been -- someone has been
aggressive towards the employees, once
an employer threw coffee at an employee
in the face, it was proven and the
employer was given a fine to pay.
There's another company, UBK, where the
employers are obligated -- employees to
work extra hours without pay. And
they're obligated to work without any
kind of protection and they're exposed
to whatever infection long-term or
short-term.

OBIAS: Thank you for your
testimony, I'm sorry.

JOSE FRANCISCO: All right, I'm
sorry, I wasn't aware of the time.

(Applause.)

NEREYDA SANTOS: My name is Nereyda
Santos, I am a transgender member, I
am -- I want to -- I want to thank you
for -- to give the -- for this panel to
be heard. In 2015, before I was
transitioning, when I was a -- she was
a food preparer in -- and I was
sexually assaulted at work, my
supervisor touched me inappropriately
on my private parts and proposed sexual
favors. I felt very bad about it, and
then I was let go and I think it was
because of transgender issues, which
is -- so because of this reason, I went
to Mr. Rowe[ph] and I filed a complaint
over human rights with the City. After
six months of negotiations, we reached an agreement of $500,000 regarding the -- regarding the abuse and I was going to be paid in six quarters by the employer. Once they were paid, the -- the employer said that he was going to have -- was going to be reaching bankruptcy so he couldn't pay. So in order to avoid bankruptcy with him, I -- I agreed to -- I agreed to a lower pay and so I can give my testimony here. In the meantime, Mr. Rowe helped me to change my name, I -- we -- we filed a joint complaint and with the human rights office so that I can obtain a visa, and my application was filed and I was one of the first one to be granted a visa through the human rights of the City office. I feel like my story is a common one in the city, immigrants, and we're marginalized, jobs that are very discriminatory.

So we have -- thank you.

(Applause.)
Good evening, Osias Davila, I used to work at a bakery, Tom Cat, until two weeks ago, unfortunately there was a critical situation, a group of workers that have worked there for about 10 years to 18 years, friends, but now we are unemployed and honestly, it's indignant. After all the work we did and the hard work we did and to create the bakery, before us it was producing very little work, commerce, and now -- and now it's grown, but we're unemployed now because of the administration which is in place now that's putting pressure on these type of employers, and that's why we've organized, to confront this issue. And to try to gain our rights because administration doesn't want to give us anything, but leave us in the street, so therefore, we're trying to unite to support ourselves.

(Applause.)

Thanks to all that
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are trying to support us so that we can
go forward and push forward and
confront the injustice that the -- that
the employer was trying to
disenfranchise us from. It was -- it's
not just since we've given our -- a lot
of time and lives to the company and
this is the motive of our fight, daily
fight. And everybody knows the
national problem that's going on right
now and along with Tom's bakery and we
were only given ten days to vacate and
it's -- was very hard to get the
documents necessary for some of this
processes. And thank you very much.
And the workers here, we're all here
fighting for the good fight. And let's
all fight when there is discrimination
and injustice to gain our benefits as
workers.

(Appplause.)

PATRICIO SANTIAGO: Good evening,
thank you for inviting. I'm a car
washer from near hospital. My
IMMIGRANT WORKER PANEL

testimony tonight is about we're here
as immigrants and we feel the injustice
of the employer doesn't want to renew
our contracts, doesn't want to give us
additional hours, wants to take away
$0.18 for every hour, and it's a
minimum wage, so we need -- we need
your support and strength as assembly
people, as public, as -- like all we
are from all of you to continue to
fight and to contact more people and
gain support as a community because we
need your support and we feel proud to
be car washers or any laborer and I --
again, we need all of your support,
from the syndicate, from everybody and
my fellow workers, my fellow friends at
the car wash need your support and
there's a lot of theft in the car wash
business, they even steal our tips,
they don't give us insurance, so with
you, power has -- we need your power to
continue and have a secure life and for
all fellow immigrants, from Mexico, so
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we won't be humiliated as workers and
we've come here as friends today to --
to be a force.

And, again, they take away a lot of
our tips and it's just not just because
there's so much to pay in our community
and we don't have even health
insurance, so we need your support.
And to have a safer New York for the
immigrants that do live here, and thank
you very much.

(Applause.)

MEMBER OF THE PUBLIC: Yes we can,
yes we can.

MS. SALAS: I need to ask you a
question for clarity.

When you're saying to take away the
tips of the wage?

PATRICIO SANTIAGO: Yes, I'm asking
that because they take away percentage
for every wage that we get and it
doesn't reach our actual wage, so they
give us 8.30 and they take away 2.70
per each.
IMMIGRANT WORKER PANEL

(Applause.)

SANTIAGO TORRES: Good evening. I am Santiago from Staten Island. I'd like you to know, before the elections, the atmosphere was hot, environment was hot, I was discriminated against and I wasn't paid by an employer. I did a job for him and he didn't finish paying me, he made an excuse and he said to thank God that I gave him a job at least because in actual, you were stealing a job from an actual American and he couldn't pay anything because I didn't have any rights in this country and even further, when the elections came and that my president was going to be in charge of taking all the Hispanics away from -- I mean, take away all the jobs that the country is only for whites and not for Latins.

(Applause.)

MS. SALAS: What industry was it?

SANTIAGO TORRES: It was an odd job.
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MS. SALAS: What do you mean?

SANTIAGO TORRES: Construction.

MS. SALAS: Thank you very much for your stories, sharing your stories and your spirit to fight is contagious. Thank you.

(Applause.)

OBIAS: Thank you to our first panelists. The paid care panel is on its way.

The next panel will focus on issues facing workers in paid care jobs, including home care, domestic and house cleaning workers.

So like our first panel, I'll ask the panelists to please introduce themselves before we start testimony.

MARIA AGUILAR: My name is Maria Aguilar, I come from the liberal -- good evening to everyone. The person in this public audience to talk about the rights of the workers in New York. My name is Maria Aguilar, I'm a cleaner, member of the justice for
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workers. We are a group of workers to organize to improve the working conditions and have justice in our job.

First, I'd like to thank you the opportunity to testify in this audience, public audience. The liberal justice is a place where we go to claim our dignity as human and workers and where we learn to use our voice to lift our value of our work and improve our labor conditions and life. This organization for workers have helped me improve my salary and have more control in the conditions of -- in our work through an agency of cleaning. In the organization we create power, this is the union of the -- that has the most organized workers. When I came to this country in 1994, I didn't know my rights and because of the necessity, I would stay quiet in my first years, I worked in factories, in restaurants, with a salary of $5 an hour. It was little, but I -- my need was too great.
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After I was left without work and I found with a parade of Williamsburg, many of you know it, the opportunity that I have was to look for work is a place where the women work, stand and work for people to give us jobs, I would get up at 5:00 in the morning to get there on time and wait hoping that I would be able to find a job that day.

(Applause.)

MARIA AGUILAR: The parade is a corner where we, women who are looking for jobs, stand and wait, so I would get up early, so I would get to the stop to find a job and sometimes I didn't find work and I would get home without money. On the corner, I felt that I was losing my dignity because people were looking at us, the bosses would look at us as if we were slaves and we lived a lot of discrimination. Thank you.

(Applause.)

BARBARA RODRIGUEZ: Good evening
everybody, my name is Barbara Rodriguez, I home health aide and I worked in the field of, before I was a housewife, taking care of my mother, then my late husband fell ill, I had no choice, I had to secure work, I chose home care because I enjoyed working with people. When I first started, it was tough, my first client had diabetes. One of my first experiences was going through a scare with her, her blood sugar was very low, fortunately, she had corrective measures tape in her refrigerator, I gave her juice and a banana and then my heart was back in its place because her sugar turned to normal, I stayed with that client for three years until she passed. I started out as a nonunion agency. Working in that situation meant no raises, no differential pay for holidays, they pretty much paid me what they wanted. I would work 50 to 60 hours a week, I'd get the same 7.25
an hour. I worked long hours, but I only get a week's vacation. My worst time in a nonunion shop was when I totaled up all my hours and I knew I was supposed to get two weeks vacation, but rather only get one. When I complained, they said it was one week, I had no recourses.

Then I went on to work in a nonunion agency that became affiliated with 1199SEIU, the transformation has been amazing, now management has to go by the union contract. We're able to get proper vacation and overtime. We also get much more respect from management, for example, last year, they didn't pay me my holiday differential, I called them and they tried to explain why wasn't it included. I told them, no, we are unionized and you're violating our contract. That differential was in my check that same week.

(Applause.)
BARBARA RODRIGUEZ: It wasn't just about disputes with management, though. After I joined the union, my organizer started inviting me to various events, including rallies, she encouraged me to become active in the union. I told myself, I have to do this. I observed how hard everyone in 1199 works and I figured, if they're fighting for us, the least I can do is be in the front lines. I had to rebalance my family's responsibilities and start to represent myself and my coworkers. Since I've become active, I've spoken to lots of nonunion home health aides, I let them know about my experience, I tell them that in some cases management may try to intimidate them, tell them why bother with the union, well, we'll do better.

OBIAS: Excuse me, I'm sorry, time is up.

BARBARA RODRIGUEZ: Okay.

OBIAS: Thank you for your
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testimony.

(Appplause.)

BEATRIZ CARDENAS: Good evening to everyone. My name is Beatriz Cardenas, I watch children, 14 years of experience. I like to take care of children. I like to feel useful in the family. The difficult thing about this job is the society see us as slaves, we're not slaves, we are people, important people who like to help raise your children. In my last job, it was a very bad experience, if was a woman, I was discriminated woman for not having legal papers, I felt impotent, I was victim of bullying because I didn't have papers.

(Appplause.)

BEATRIZ CARDENAS: They made me work many hours, they didn't pay me two weeks of work, even my things they kept. I was in a situation that was very stressful that affected my health, it was so -- I was feeling so bad that
a person found me in the street and said, go to human rights. I was scared. I went to national alliance for workers, I went to a legal clinic and really they didn't help me and I feel very disappointed. I didn't have the support I was looking for. I didn't feel -- I was not treated the same as the other employees and I was let go. Then I went back to the agency, they were different. I have found people who are supporting me and in every way, like Ms. Marissa, Ms. Ewlon[ph] in that moment, I don't remember so much. When I return from alliance, I had the proper homemakers, it's a group of people who train us, they teach us about our rights to support workers who are looking for justice. This time, I feel more confident, confident in the organization, they gave me, empower me. I felt better to continue and little by little, to continue finding justice in
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my case. I have a lawyer fighting my
case and I begun to get involved and to
learn more of -- I began to become a
volunteer of telephone, with telephones
and actions. I begun to find help. To
find help was very difficult. It's
very difficult to be alone with all
these problems that have to do with
work, because the -- because of the
society that we have to -- and that we
take children for the people, taking
care of the children, taking care of
elderly people, we have to be -- we
have to be, see a value in taking care
of all these people. We need the
support of the community, we need to
support the organizations, we need to
find cases and to find the support that
we should have as workers.

(Applause.)

(Foreign language.)

SILVIA REYES: My name is Silvia.
Reyes. I like to share the time with
children, a long time ago, about six
months ago, I found myself working with a family that was very conservative. These people abused of my time, making me think that I didn't have a life. I worked with them long hours, I worked with them weekends and they used the emotional to make me emotional -- to make me work longer. One day I'm working, I get a text message telling me that, thank you very much for your service and today we don't need you and actually, we're not going to need you anymore, at that moment, I feel desperate, because I have -- you know, you have to pay rent, you have to pay everything, what do you do when you find out you don't have a job from the morning to night. I think that in those situations, the employers take advantage of the necessity that we have to work and that's why they manipulate our time and our salary. Now, I am -- I am part of a company called home care, people who take care of children,
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we have a contract, they find us
employers who value our work and our
time. To value our work is very
important because we take care of their
children so they can go to work. If we
didn't take care of their children, how
can you go to work, how can you go to
work, you can't leave your children,
your loved ones alone.

Now, I have a family, it's not an
association, it's a family that listens
to me, that listens to me and helps me
and guides me and gives me so I can
better be -- do my job so my employers
can feel confidence that the children
are secure with me. What I would like
to ask is, the employers, that we also
have a life, that they cannot just
throw you out of your job without any
time and that we need money and if
you're living without work, you feel
that your hands are tied. Thank you
very much for your time, thank you for
listening to us and have a good night.
PAID CARE WORKER PANEL

(Applause.)

JUANA DWYER: Hello, good evening, everyone, my name is Juana Dwyer, I am a housekeeper, I have been a board members of the organization for seven years, I'm now currently president for Damayan Migrant Workers, Damayan Migrant Workers is a nonprofit organization, our mission is to educate, mobilize and organize the low wage Filipino workers. Filipino workers to fight their labor, health, gender and immigration rights to contribute to the building of the domestic workers movements of fair labor standards, dignity -- labor standards, dignity and justice and to build workers' powers and solidarity towards justice and liberation.

We came to 14 families were united with their 30 children and 11 spouses and more coming in 2016. One more -- more than $800,000 wasted. I came to this country because the Philippines is
very poor, no jobs, a corrupt
government -- with a corrupt
government, there are no ways to
survive. Millions of people leave the
Philippines looking for jobs in other
countries.

As a domestic worker, sometimes I
have been a nanny, housekeeper, dog
walker.

In 2009, I was working on a family
as a housekeeper and a nanny and
sometimes dog walker, basically, over
18 months, as they hired me, we agreed
that we -- I'm entitled to get a two
weeks paid vacation in one year
service. I never took a vacation day.
I asked my employer for two weeks for
vacation, going to the Philippines, I
give three months in advance notice.
When I return in immigration, I realize
my employer was not going to give me my
vacation day, and when I asked the
money, he refused giving, different
excuses like I am not asking proper or
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that do not ask how I have the right to take time off. After that, my employer fired me and told me that by sending text message. I was out of job during that time. During that time, everyone was facing financial problems because of the economic crisis in the United States at that time. I was a member of the Damayan Migrant Workers Association, and the Damayan Migrant Workers Association helped me to fight against my employer, the Department of Labor and I won my unpaid wages and unemployment benefits.

(Applause.)

OBIAS: Thank you.

(Applause.)

OBIAS: Thank you.

MS. SALAS: I just want to say that you've already said it, but I think I speak for my fellow commissioners, if it wasn't for you, we wouldn't be able to go out and work, so thank you so much.
ON-DEMAND ECONOMY PANEL

(Applause.)

OBIAS: Thank you to the paid care workers.

Our final panel will examine problems in the on-demand economy.

I'll let you introduce yourselves.

PIERRE METIEVIER: My name is Pierre Metievier.

ADRIAN HUGHES: My name is Adrian Hughes.

ALASTAIR BATES: My name is Alastair Bates.

CAROLINA SALAS: Thank you. My name is Carolina Salas and I am a member of the Freelancers Union.

OSWALDO MENDOZA: My name is Oswaldo Mendoza.

INDERJEET PARMAR: My name is Inderjeet Parmar.

OBIAS: We'll start with Pierre.

PIERRE METIEVIER: Thanks you guys for coming here today. I have been working in the fast food industry for
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like four to five years. I work in Wendy's, McDonald's, Popeyes, Dunkin' Donuts, now I've been working there for like five months, sometimes I go to work, sometimes I have to wait on line on a Saturday or on a Sunday to go there to find out what day I'm on the schedule. Nowadays, I'm working like two to three days a week. It's like...

(Applause.)

MEMBER OF THE PUBLIC: It's all right.

(Applause.)

PIERRE METIEVIER: I have been working for those companies going on for like three to four companies now, they make billions dollars every like -- make billion dollars in sales, I have always struggled to support my family, to support myself and my family fighting for a wage of $15 minimum wage was a big victory, but I felt because I couldn't even -- I couldn't get enough hours of work at my store. I usually
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got only -- get two to three days to
work a week and that's not enough to
support myself, my four years old
daughter. We live with my girlfriend
family members for the moment, because
I cannot afford my own place. Right
now, I don't have a cell phone because
I haven't even work enough hours the
last past few weeks to pay for my phone
bill and because of childcare, it's so
expensive that my girlfriend stay home
with my daughter because we cannot
afford daycare for her, and she doesn't
start pre-K until September. I have a
lot of dreams for myself and for my
family, but I'm worried about how I
will achieve them if I can't find
enough hours in the four hours. I have
asked my -- I asked for more hours at
my stores, the manager claims there's
not enough business hours to give me
more hours per week. The way I'm
treated by my employer is unfair and
the company saying they are not
ON-DEMAND ECONOMY PANEL

responsible for the franchise and they
give employment practice. They are
making billion of dollars off the hard
work -- workers like me and that's why
I have fast food workers trying to
fight to raise up the minimum wage,
fighting for a better workplace, thank
you.

(Applause.)

MS. SALAS: Pierre, can you tell
us, when you say you typically work
two, three days a week, are those the
same days every week or do they change?

PIERRE METIEVIER: Some days I go
in to find a Sunday I work, sometimes
it be on the wrong day, Monday,
Saturday, Monday, Friday, they change
every week I go in.

MS. SALAS: Thank you.

ADRIAN HUGHES: My name is Adrian
Hughes, and I am a member of the Retail
Action Project of workers, and I work
retail wholesale, at RAP, we're very
concerned about what the current
ON-DEMAND ECONOMY PANEL

political climate in Washington means for retail workers and for all workers, the growing retail work force is one in nine workers nationally faces an ever increasing obstacle, not just with low wages, but also with few benefits, unfair scheduling and underemployment and disrespect. This type of grievance in retail is often justified by the claim that retail is a low skill job, yet our members at RAP would be glad to tell you about the sharpness of our logistics and our planning skills that come from having to juggle a full life and raise families without a reliable schedule and paycheck, how skilled we are at making $250 a week magically stretch for a week and a half, and how we manage the fast-paced physical demanding multitasking and customized setting of the retail industry smiling in the face of constant rudeness and lack of appreciation, retail requires significant patience and emotional
ON-DEMAND ECONOMY PANEL

intelligence and it's stressful dealing
with all these customers just looking
for retail therapy and experience --
and experience that our low pay and
unreliable hours rarely afford us. I
came to RAP after four years of working
in the food and retail industry, my
spirit was broken, I had never had a
vacation, whatever hours were asked of
me, I worked without giving it a second
thought. I never felt appreciated.
Hiring managers took advantage of me
and paid me hourly. In the summer of
2014, my general manager came to the
job to evaluate me, but his critical
assessment started to antagonize the
situation, and I wound up having a
panic attack. Sometime later, I was
running late to where our cart was
located on the South Street Seaport and
the propane that was there to prepare
our coffee was running, but had not
been pre-lit and as -- as was company
policy. In my rush to get things set
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up, I was not only inhaling huge
amounts of propane and I lit the pilot,
taking a blast of fire to my arm all
the way up to my elbow, even as I had
wanted to shut the propane off, it was
impossible because the lever was
jammed, which I had -- advance. I was
hospitalized and upon attempting to
return to work, I was gradually pushed
out, being told that, you know, these
are my days of work, but every time I
called an operation manager, they were
like, the truck is not out, the truck
isn't out, which is confusing me. In
the end, I was pushed off the schedule
altogether without even a word of
explanation. It was demoralizing and
inhumane and given the way that I
prepared to put myself on the line.
You know, you don't expect these kind
of things when you get hired in any
establishment and you would hope that
whoever hires you has enough respect to
put your safety first knowing that
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you're pushing their product and
because the organization that I'm a
part of they allowed us -- they've
given us the knowledge to be confident
and stand up for ourself and know what
our rights are and I'm really grateful
for that. Thank you.

(Applause.)

ALASTAIR BATES: Good evening. My
name is Alastair Bates, I'm a member of
the Writers Guild of America East.
Industrywide organizing committee for
nonfiction television, I'm a writer and
producer with more than 30 years
experience in the industry, I've worked
for the networks and for many different
independent production companies,
primarily in nonfiction and true crime.
More recently, I was a supervisory
producer and an executive producer and
show runner for the crime series Redrum
that aired for three years on
Investigation Discovery. Over the past
20 years, nonfiction television has
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boomed in the City. Nonfiction TV now employs thousands of creative professionals here, but true crime shows and reality TV have been a big slice of production and postproduction here in New York, international companies and investors have taken note, a major production company in this sector, Leftfield, was recently sold for $360 million to the UK conglomerate ITV Studios. However, unlike so-called scripted television, nonfiction TV is largely nonunion and thus, not regulated by collective bargaining. While the industry has been enormously profitable for the cable networks and the production companies, the average wages for the people who actually make the shows, the producers and associate producers, as well as production coordinators and assistants, have stagnated or effectively declined over the last several years, especially when you
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factor in the rising costs of living in the City.

As the trend continues towards the so-called economy, people in the nonfiction industry have not only seen their wages stagnate, but other basic benefits eroded or simply withdrawn altogether. Despite its growing presence on the New York media landscape, nonfiction television has received little regulatory oversight. The reality about reality television and much of nonfiction is that it's a race to the bottom. The production companies claim they must do more with less, while networks like A&E take no responsibility for wages and working conditions in the industry and point to the production companies. To name some of the more egregious practices that are commonly in the industry, production companies eagerly fill in timecards for employees and make their hires regularly work for way longer
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	han an eight-hour day, also on
weekends without compensating them for
overtime. In a recent guild survey of
workers in the industry, 76 percent
said they work more than 40 hours a
week, in a week every week, 84 said
receive no overtime pay at all, and
62 percent said their timecards never
reflected the actual hours they worked,
this is called wage theft. Okay.

Occupational health and safety
standards have been routinely ignored
and production companies have failed to
notify their hires that even as
freelancers, they're entitled to sick
leave. So these are just some of the
issues. People moving from TV gig to
TV gig do not have adequate protection
from the worst practices of the
production companies and as more and
more people move into these economy
jobs in television, we need to
establish the ground rules for a better
working environment and a sustainable
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industry, we think that should include
agreed minimum rates of pay for the
basic job categories, overtime, paid
sick leave, strict health and safety
compliance and employer healthcare
contributions.

OBIAS: Thank you.

(Applause.)

CARLENA SALAS: My name is Carlena
Salas, and I've been working as a
freelance marketing consultant over the
last eight years, overall, I've had a
very positive experience being a
freelance creator, but I have learned
the hard way, with few laws protecting
freelance work, that things can easily
go wrong. I'm currently in small
claims court in the litigation process
against the Chelsea Dental Group who
owes me 3500, even though we agreed on
scope of work, the client refused to
pay until the project was completed.
The job was delivered one year ago and
despite completing the work, I wasn't
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paid in full, so now I find myself in
court, not having a contract is a huge
disadvantage, because I kept detailed
records, as you can see here, I can
prove that we had an agreement in
court. However, having a mandatory
contract would greatly help me win my
case and avoiding these types of
conditions to begin with. Because
using a contract is often not standard
practice, many freelancers lack the
power in the relationship from the
start. Losing a 3500 payment would be
difficult for anyone, regardless of
their overall income. As a result of
this nonpayment and the additional
1500, I have paid out in legal fees, I
had to forego several expenses,
including the purchase of a computer I
needed for work. Because of this, I
have had to use my emergency savings
which has been depleted to make up for
the lost income and time spent in my
court case. My court experience has
been emotionally taxing and exhausting,
due to New York City Civil Court,
208.41(f) costs detailed in the 2016
civil practice annual, I was forced to
fire my lawyer and represent myself in
court. Representing myself is one of
the many ways the client -- the
client's attorney has tried to trick me
inside and out of the court. I need a
lawyer to train me in how to
communicate with client's attorney and
get email, how to litigate in court and
how not to let my difficult emotions
get to me in a stressful situation.
All the clients that I work with have
lawyers that represent their
businesses, it's cheaper to send their
lawyer as a way to intimidate me from
representing myself and encourage me to
drop the case altogether. If my lawyer
were to show up in court along with the
client attorney, my case would be sent
to civil court without a hearing, I
would then be required to pay
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additional fees required for civil
court. I'm due back in court next
week; however, the client attorney for
the third time is requesting to
reschedule the hearing, this time he's
rescheduling it to September, to add
insult to injury, the client left for
Paris for a get-away the week my
payment was due claiming they have been
under financial hardship and is
requesting that any payment be made
over two years of monthly installments.
As a freelancer on multiple gigs, you
must constantly be looking for new work
and saving for possible dry spells,
unpredictable income is challenging
when dealing with monthly bills and
even worse when clients don't pay on
time. 71 percent of freelancers are
losing an average of 6,000 a year, when
asked about how they got by, 44 percent
of freelancers said they ran up credit
card debts and 7 percent rely on
government assistance.
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For these reasons, on behalf of the freelancers so freelancers get paid what they deserve, they would be able to seek attorney's fees and the clients would face all the damages, this is an essential protection, if I receive an award, it won't cover the time spent preparing for court, my legal fees and the emotional distress this experience has cost.

OBIAS: Thank you.

(Applause.)

OSWALDO MENDOZA: Good evening. First of all, and with your permission, I would like to have a moment of silence in memory of Jose Cruz, 51 years old, he passed away two weeks ago in Times Square from a construction accident because of negligence of an employer, and definitely could have been avoided.

(Moment of silence.)

OSWALDO MENDOZA: Thank you.

Oswaldo Mendoza. I'm the leader of the
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NICE organization for three years,
actually, I live in the Bronx, and I've
been invited here to give testimony
regarding the abuses regarding workers
of construction.

The industry I belong to, in 2003,
I had an accident, a construction
accident and I'm still in treatment and
there's a 90 percent chance that I will
have to be operated on the hip, the
spine, and I'm not the only one who
suffered such an accident be it through
negligence of the employer. However, I
am sure that we will, as an
organization and institutions still do
as much as possible to reduce this
abuse. We should be conscious that
there's always been exploitation
regarding employers towards immigrant
workers. The only thing they seek for
is decent work and especially in the
times we're living in. And right now,
these types of employers feel more
empowered and they will do whatever
they wish irregardless of consequences since they don't care about their minimal fee or change the company without a problem later on.

So as part of NICE, I have -- I have been part of many cases regarding labor law abuse and violations of health. NICE organization, we've combatted these types of cases, there are many victim ins many cases like this.

In 2016, NICE took 130 cases regarding wage theft and this year, we have launched app and it's a tool to protect our communities of workers. NICE also gives training for workers regarding construction and last year, NICE empowered more workers and has tried to launch more trainings for workers. However, it's not enough.

Last year, 55 years were reported of death of constructions -- of construction work and these were immigrant workers. We are trying to
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reform this as a part of NICE and
regarding how these contractors gain
licenses and try to figure out how they
apply to their -- their wage --
stealing from employees.

I'm here today to tell you that we
need more protection from these types
of employers that are only seeking to
enrich themselves through our effort as
immigrant workers.

OBIAS: Thank you.

(Applause.)

OBIAS: Thank you.

INDERJEET PARMAR: I'm talking on
behalf of Inder Parmer, an Uber driver,
again, this is a story about Uber
driver, this is the message from an
Uber driver about their friends, about
their family, about this Inder Parmer
own family, so I am reading on behalf
of him, he's not coming today, that's
the reason he asked me to read it.

My name is Inder Parmer, I have
been driving for Uber since 2013 and I
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am a member of New York Taxi Workers
Alliance, when I started driving for
Uber, I was paid $3 per mile, again, $3
per mile, their commission was only
ten-person, now they are paying $1.75
per mile, Uber has raised its
commission 25 percent. My expense have
been going down, but I have lost
50 percent of my income. I used to
work 60 hours per week and was able to
put good food on the table for my
family. Now I work 70 or 80 hours a
week and can't barely cover my expense.
I have two kids in college, a daughter
who is getting her MBA and a son who is
getting his bachelor degree, I am so
proud of my children and I like to be
able to help them pursue their
education, but I can barely cover the
cost of my own bills and sometimes fall
behind because I make so little money
now. I have no money left over to
offer them.

Uber consider me as a part-time
driver, even though I work 70 to 80 hours a week. Tell me, how many hours do I have to work to be considered full-time. Many weeks I have earned below minimum wage, sometimes a little after 3 or $4 per hour. Uber even takes a sale tax out of my pay instead of adding it to the customer fare like they are supposed to, Uber tell me who to pick up, where and when, and yet, they tell me I'm an independent contractor and say they do not have to pay me minimum wage or cover any expense. I pay for gas, I pay out of my pocket and when I'm driving eight hours looking for passengers because Uber has flooded the street with so many people, I earn nothing for that time. What are I facing now are inhumane, no one should have to work so many hours for below minimum wage and unable to support our family. Uber treat us like we are machine, not human being, but we are
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human being and we deserve right to --
right of job, Uber should follow the
law and treat us as employee instead of
expendable contractor with no
guaranteed income. Thank you so much.

(Applause.)

MS. SALAS: Thank you, again, to
this panel. You raised so many
important issues in varying industries
and this administration is already
working to address some of these
issues, but we can see that there's
still a lot more to be done. Thank
you. Thank you so much.

(Applause.)

OBIAS: That concludes the
panel portion of our program tonight.
We want to thank all of our panelists
again.

(Applause.)

OBIAS: For all of your
preparation and courage to come out and
testify tonight.

For the open testimony portion of
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our evening, I will now turn it over to
the OLPS legal director, Jill Maxwell.

MS. MAXWELL: Hi everybody, thanks
to all the panelists so far, it's been
a really, really great evening and I
want to keep the momentum going, I'm
assuming we're pretty much on time, but
we have a lot of testimony to still get
through, so I'm going to keep us to our
three minutes limit on testimony and
you'll see me hold up this sign when
you have one minute left and I'm going
to rudely interrupt you when the time
is up and we'll go on to the next
person. I'll be calling people up in
groups of three to make this as
efficient as possible, so you can line
up at the microphones that are at the
end of the aisles here, and what I'm
going to do is actually call the first
three people up and after two people
go, I'm going to call the next three
people up so that we can really keep
this moving because we do not have that
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much time left considering how many things we need to get through.

Okay. So the first three people, please line up at the microphones, Rodney Stiles, Norman Echovari -- sorry, I'll apologize in advance for butchering everybody's names -- and Sara Ziff and please, when you begin your testimony, just introduce yourself.

RODNEY STILES: Good evening everyone. My name is Rodney Stiles, I am the assistant commissioner of the policy and external affairs division at the Taxi and Limousine Commission.

First off, I want to thank everyone for sharing their stories tonight and also thank Commissioner Salas and Malalis and Maria Sanchez for hosting this event tonight. TLC is responsible for sponsoring for-hire transportation in New York City, including the companies and the drivers, TLC currently licenses over 160,000 drivers and a vast
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majority of these drivers are classified as independent contractors. The number of licensed drivers has grown substantially in the last few years with the rise of pace car services, like Uber and Lyft. In addition, 91 percent of our licensed drivers are immigrants, driving for hire has historically been a pathway for new immigrants to make a reasonable living in the City, but with the growth in the number of drivers, we have increasingly heard concerns that wages may be falling, TLC recently held an overflowing public hearing on April 6th about economics in the for-hire industries. 80 people spoke, about 2,000 watched in person or via live stream and over 4600 people have viewed the hearing video since. The hearing was one of the longest in TLC history underscoring drivers' feeling that their income is decreasing as drivers share their stories about trying to
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earn a living driving for hire, with
the rapid transformation of the
industry in recent years, it's
unsurprising that this issue generated
an unprecedented level of interest and
emotion from our licensees. The major
recurring themes were decreasing
income, increasing expenses and a lack
of transparency in driver recruitment
and compensation. We also heard that
more drivers have entered into leasing
agreements that further reduce their
income.

We took a first step in addressing
calls around driver earnings last
week in responding affirmatively to a
petition from the Independent Drivers
Guild for a tipping option within the
app, since passengers wishing to tip
their drivers today must do so in cash
and since tips can sometimes be
critical to a driver covering their
expenses and netting profit. We
understand that opening up access for
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tips to drivers is only one small means of addressing drivers' income and we will continue to research issues around driver economics, we look forward to hearing comments from drivers at this hearing and other workers who have come to identify issues on workers' rights. We also look forward to working with your agencies to develop reasonable policies to ensure protection of workers' rights. Thank you again for the opportunity to speak publicly on issues today.

(Applause.)

MS. MAXWELL: Thank you.

NORMAN ECHAVARI: Hello, my name is Norman Echavari, and I'm a wheelchair attendant at La Guardia airport. I work for the airline. This company broke the law in all the ways. First of all, they stole our salary because they don't pay the minimum wages, they have a long history about that, they pay the minimum wages for overtime,
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they stole our salaries. In the second one, they have long, long list of --
y they don't have protection, they don't have -- we don't have insurance, and they treat us like slaves, they don't give us trainings and they will -- when we do our job, they call the personnel, the wheelchair attendants, sometimes we have to push the wheelchairs at the same time, there's no safety and they have a lot of violations, the OSHA, they have a lot of for the OSHA, because they broke the law and 50 percent of the workers in the airport has to apply for public benefits, because the salaries over there is the minimum wages and they cut the hours, they cut the people, they want to give us agreement, we work in a dangerous place, you know, two years ago and last year, somebody shooting people in the -- they find the bombs in there, so there's no safety place for work, we don't have nothing, we don't
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have any benefits. They cut out
vacation time, they cut out one week
for sick time, when you call up, like
time for vacation, so we don't have our
sick time, so they broke the law for
all the ways. So we like you here to
help us and thank you for listening to
our testimonies and please continue
work for us, we need you. Thanks.

(Applause.)

MS. PAWRIA-SANCHEZ: Thank you.

MS. MAXWELL: I'm sorry, I should
mention that the commissioners might
ask some questions of you, so please
just stick around to the mic and we
actually have one right here, thank
you.

NORMAN ECHAVARI: No problem.

MS. PAWRIA-SANCHEZ: Just wanted to
understand the organization that you're
representing or the contracts that
you're working under the name of the
company.

NORMAN ECHAVARI: Yeah, the name of
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the company is PrimeFlight Aviation Services.

MS. PAWRIA-SANCHEZ: Thank you.

MS. MAXWELL: Okay. And before we get to Sara, I'm going to call the next three, Frank Gattie, Lorena Gill and Erica Radinsky.

And, Sara, you can begin.

SARA ZIFF: Thank you for giving me the opportunity to testify before you today. My name is Sara Ziff and I'm the founder of the Model Alliance, which is a labor alliance for models working in the American fashion industry, I started working as a model in New York City when I was 14 years old and I have been very lucky in my career, but my peers and I have also experienced sort of the pitfalls in working in an unregulated industry and we endured systematic abuses that have gone unchecked for too long, issues like long working hours without breaks, pressures to pose nude in a sexual
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stance, excessive dieting required by agencies, dropping out of high school and opaque bookkeeping and resulting wage theft. Unfortunately, since models are a mostly young female workforce, appears to be glamorous, our concerns tend to be trivialized and dismissed, although essentially all working models operate under fixed terms and exclusive contracts to their agencies who have power of attorney, control their access to finance and work schedules, negotiate their fees, book their jobs, collect their earnings, cut their checks and sponsor their work visas, modeling agencies argue that models are independent contractors, not employees. Models are explicitly defined as employees under the New York Unemployment Benefit statute and many models may be disclassified. Further modeling agencies in New York appear to meet the definition of employment agencies and
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have faced multiple class action
lawsuits brought by models who allege
shady practices and systemic theft.

The Department of Consumer Affairs
has done nothing to address this issue,
a lack of financial transparency and
accountability in New York's modeling
industry is a widespread problem. Most
models have no bargaining power and
frequently are not paid all their
earned wages or paid late, are paid in
trade, meaning just clothes, not money,
or are not paid at all, many models
include minors who work in debt to
their agencies. I'm going to rush
through a little bit. But models often
live in model apartments that are owned
by the agency and are charged as much
as five times the market rate to sleep
in bunk beds.

Further, because even reputable
agencies in New York are not licensed,
scam operations are able to thrive.
Model agencies, unscrupulous, tell
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young people they are destined for
success, they just have to pay upfront
for photos and other fees. However,
the jobs never materialize, in other
cases, models report being sexually
assaulted and many have gone missing
from modeling scams.

Modeling agencies call themselves
management companies rather than
agencies, claiming that their primary
goal is to manage model's careers, not
book jobs, in reality, it's very clear
to me that they are employment
agencies.

MS. MAXWELL: Thank you, that's
your time.

SARA ZIFF: Okay. Thanks.

(Applause.)

FRANK GATTIE: Hello, my name is
Frank Gattie. I currently work in the
National Employment Law Project, but I
spent ten years working as a server in
New York's restaurant industry. It
seems that there's often complaints
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from restaurants that they're drowning
in regulations of both the labor and
health departments, what I have found
as a server is that there is not this
fantasy restaurant where regulations
are followed, what I found is wage
theft, erratic scheduling and a disdain
for workers' health and safety. One of
the biggest problems is wage theft.

Restaurants have figured out that
they can save labor by convincing
tipped employees to work off the clock
while still receiving tips. I actually
worked under this scheme at Uno Chicago
Grill in Astoria, where I worked 60
hours a week, but the manager would
back me out to 40 hours every Sunday to
make it look as if I was only working
40 hours and cheat me out of overtime.

Later on, I learned not to do this, for
example, while I was in college, I
worked at Atlantic Grill on the Upper
East Side where I would sometimes be
scheduled shifts that I couldn't handle
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with my schoolwork, but unfortunately, many of my coworkers were willing to work off the clock and the manager would tell us, or me in particular, if I wanted to get my schedule covered, I would have to get it covered by someone they could trust, someone who would clock in a little late or clock out early while still working. Even one of the managers prided himself when he was waiting tables that he would work eight shifts a week and never get overtime.

I hated doing that, I hated cheating my coworkers out of overtime by asking them to pick up shifts, but often, with only one day in advance for a week's schedule, I had little choice, and every time I opened the schedule, I never knew what it would be, on call shifts, double shifts, two, sometimes three in a row, but of course health and safety is not something restaurants are known for. One example, at the Atlantic Grill is their fire and safety
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procedure, they realized that the fire inspector only comes around for 5:00 p.m., so for lunch, they would bring a table outside and then at dinner service bring it in to block the first exit to fit more people in the restaurant, it's even worse in the summer where they put a table in front of the other side of the exit for fear that workers will go in and out while waiting on customers in the outside cafe, that's just on the first floor. In the small tenement basement, there are four exits, one which is marked fire door often has tables and chairs blocking it, another has garbage piled up by 6, 7, 8 o'clock and in the winter, another is used as a coat check area, so on a busy Friday night in, say, December in a small --

MS. MAXWELL: Thank you, your time is up.

FRANK GATTIE: Thank you.

(Applause.)
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LORENA GILL: We're going to share our three minutes.

MS. MAXWELL: Sure.

MEMBER OF THE PUBLIC: So cut her off at one and a half, please.

MS. MAXWELL: Okay.

LORENA GILL: Okay. I'm cutting to the point, my husband suffered long-term dementia and through that experience, I do have some things to say about the situation, ways the City, I think, could help with the home care.

MS. MAXWELL: Could you just try to speak directly into the mic, thank you.

LORENA GILL: And here is what I've been saying about the home healthcare situation, where I think the City could help, direct hiring of home healthcare aides is an excellent solution, in some cases, it can make long-term home care possible for those who can't apply for Medicaid, can't pay the costs of agency care, in addition, it provides consistent care, the same aides are
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consistently there for the long-term, a serious important factor in the quality of care, but it also fosters good relations between family and aides, New York City could help, it would be enormously helpful if the minimum wage for certified home healthcare aides could be raised to at least people that -- for fast food workers, currently $15 an hour, so that a person might have to choose a fast food job, rather than take a course for certification as a home healthcare aide, many would prefer to bring pride and satisfaction that home care can provide despite the hard work, but will have to choose the higher pay. There goes my minute and a half, paid sick leave, workers' comp, Medicare on the job and other basic benefits will also help, more qualified individuals will be able to choose a career in home healthcare with these basics. New York City could subsidize and expand free
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training for certified home health aides, this isn't exactly a workers' right issue so maybe I should skip that part, but the for-profit accrediting schools charge a lot and often don't actually provide the job hiring services that they advertise, and New York City registered certified aides would be a great resource for aides and families alike, individuals don't know where to find home health aides except through agencies, thank you.

MEMBER OF THE PUBLIC: I'm also an employer of a house cleaner whose labor I deeply value and have valued for over a decade, I consider her a member of my family, and I am here to speak on behalf of all domestic workers. Actually, I'm here to ask better education for employers because I only have a minute, so I can't even read this, but I joined an organization called Hand in Hand, a domestic employers network, it's a national
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network of employers of nannies, house
 cleaner and home attendants and their
 families and allies, we are grounded in
 a condition that dignified and
 respectful working conditions benefit
 worker and employer alike. I think the
 City can do a lot to help with
 educating employers of domestic
 workers. Oftentimes, there's no
 standard available for employers to --
 who want to treat domestic workers
 fairly, they're not sure what wage to
 pay, there's no -- if there's no
 standard, then how can we -- how can we
 treat them with what they deserve. I
 think the City advocacy office should
 support robust and innovative community
 education to help shift the culture in
 the domestic work sector towards
 respect and understanding and fair
 treatment. We can connect them with
 Hand in Hand, for example, and
 introduce them to programs like mine,
 Aliyah, which is a spear to the
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National Domestic Workers' Alliance,

it's a benefits fund for domestic

workers and in particular, house

cleaners to take sick days and have

access to insurance.

MS. MAXWELL: Thank you.

(Applause.)

MS. MAXWELL: Okay. Before we get
to Erica, I'll call the next three;

Antonio Abreu, Daniel Cortez and Mina

Niloofar.

ERICA RADINSKY: Thank you.

My name is Erica Radinsky. I work

in the entertainment industry, and I

think we can all agree that this

business contributes to the local

economy and job market. It's

personally fulfilling work and filled

with hardworking, creative people

willing to go to any length to get the

job done and in spite of a large

freelance economy. I've worked many

jobs, all freelance, including lighting

technician, production assistant,
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associate producer, driver and
researcher. Working conditions and
rates vary widely depending on the
production and the position.
Employment can be anywhere from one day
to indefinite. Companies can be in
business for a long time or just a
couple of months it takes to film.
Jobs can last as long as originally
expected or extend a few months at a
time. The Writers Guild has identified
reality TV as one segment of the
workforce that has slid under the radar
of protection and independent film is
in a similar place. There are basic
questions for the workers about how a
12-hour workday standard is supposed to
be calculated in order to even
determine your paycheck, much less if
there is a violation. You take your
12-hour day rate, split it into eight
hours straight time, four hours
overtime, account for lunch and if you
went over 12 or if you worked more than
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six without a break, this is why you
will often have production filling out
your timecard and then production
always has to take into consideration
their budget. This makes it very hard
to interpret how the minimum wage,
overtime, sick time and other labor
laws even apply to you, and what is the
employer responsible for when the work
is for different companies on a daily
or bimonthly basis. Now that we can
get healthcare through the State
exchange, that is really helpful to me,
so please keep fighting for that. And
I know a lot of us are excited about
the steps the City has taken to ensure
timely payment and a living minimum
wage. A means to find this information
in one's spare time, after a 14-hour
workday, seven days a week, would be a
great service from this commission.
There must be resources out there, but
we don't know what they are. What
information should we collect when we
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work a job, so that we can follow up if we don't get paid, any information that can elucidate compensation or health and safety rights of freelance workers would be extremely helpful to a large segment of entertainment industry professionals. Thank you.

(Applause.)

MS. MAXWELL: Antonio.

THE INTERPRETER: Yes.

Okay. So he said he was going to start with a joke, and we're going to listen to the joke now.

ANTONIO ABREAU: The joke, okay. There are so many situations that coincide with our situation, they all coincide. You can -- I'm going to --

My name is Antonio Abreau. I'm here for laundry workers, which I've worked in 12 years and which because of our status, immigration status, and especially with this administration, it seems like the owners of these laundries have increased the pressure
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on the workers causing stressful situations until the point where they can maltreat us psychologically, the workers. What occurs is there was an increase in pay, but the owner, in a smart way, but I call it ignorant, deducted the -- deduced our pay, put more hours, for example, where there were four workers, he only assigned two. So those two did the work of four.

And this is because of our immigration status. In a city like New York, where the high cost of living and the education for our kids and the cost also is so -- I have two teenagers, 12, 14 the girl, and 16 the boy, they're intelligent, they are advanced intellectual, but at the same time, they have closed the door to the laundry, they closed the door where my wife and I work and we have no idea what we're going to be doing, so we're appealing to the authorities to -- to
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listen to us and see if you can
transform the situation. This
insistent situation, because it's
impossible to live in a situation where
you can't buy nourishment and you work
very hard. We support the economy
through our sweat and hard labor.

(Applause.)

MS. SALAS: A question. Can you
share the name of the laundry?

ANTONIO ABREAU: Quality Living,
but they closed the doors Saturday. We
got the notice through ten workers to
tell the other workers that there's no
more work.

MS. SALAS: Where is the work?

ANTONIO ABREAU: In Queens, College
Point.

MS. SALAS: Thank you.

DANIEL CORTEZ: Good evening,
Daniel Cortez. I live in Astoria, New
York.

For 30 years I've been working in
New York. I'm a dad, three kids. As
you can see, I'm hurt, this happened to me at the last job, at the bakery in Manhattan. But before I tell you that, I would like to tell you my experience -- my work experience.

Before the bakery, I was working in a restaurant on the East Side. I worked there seven years, assistant cook and waiter, as a waiter, the employer would not allow us to keep our tips and would take away $15 every night and we would work a lot of hours and he would be paid, I think, 12, $15 an hour, it wasn't -- we work from Tuesday to Saturday and he would never pay overtime. I told him he should pay, but he says he -- he wouldn't and didn't give us tips. He was the type of person that would sue everyone and a friend of mine at that job cut his elbow working, the -- the employer just covered him up on his own and -- to prevent his bleeding, it wasn't right and I saw it, and my friend was --
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needed medical help. He told me to
shut up and told me to work in a
corner. My fellow workers were afraid
of him, what he could do to them. For
12 years I worked like that and
suffered like that and we tried to
unite to sue him, but my employer
manipulated in fear, instilled fear in
the workers and he never gave us
overtime and never gave us our tips, so
unfortunately, we only have a waitstaff
status to -- which doesn't mean
anything to -- we sued on -- in 2015,
my exhibit employer -- in 2016, we
reached an agreement with the -- and it
was much less payment which we
deserved, but it was enough for the
lawsuit to be dropped.

MS. SALAS: Question.
The employer threatened you when
the -- when your fellow worker got hurt
at work?

DANIEL CORTEZ: Yes, and he -- and
he maltreated me when I tried to help
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out, help him out.

MS. SALAS: And when the lawsuit occurred, did you gain legal assistance for your lawsuit?

DANIEL CORTEZ: No, I was -- it was -- it was a private lawyer at 42nd Street.

MS. MAXWELL: Thank you.

(Applause.)

MS. MAXWELL: I'll take a moment to announce the next three Build Up New York individuals; Andy Horton, Ricky Pimentel and Lenore Friedlaender, Pradu Sigamani and Rosanna Gucnam.

NILOOFAR MINA: Hi, name is Nillofar Mina, and I'm a faculty member. I'm talking on behalf of adjunct faculty.

Right now, about 73 percent of people that teach in universities and colleges around the country are contingent teachers and their average salary is below $3,000 for a three credit course that lasts four months,
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16 weeks. Most of the universities will not allow adjunct faculty, contingent faculty to teach more than 50 credits a year, as a result, most have to patch together several part-time jobs to have a full-time workload and even people who teach full load and even more than full load, 21 credits or more, cannot make more than $21,000 a year. Also, adjunct faculty are subject to last minute course cancellation, department chairs can cancel the work a day or on the first day of the semester with no repercussions and, you know, people just lose their money and then there is a great deal of difficulty receiving part time or partial unemployment. Last year, in my school, almost all of the people who receive unemployment benefits have to be -- were asked to return the money because the system decided that we weren't entitled to it, which is completely unfair.
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When you look at this in the context that most of the faculty that teach in universities have master's and Ph.D.s and they cannot make a salary similar to what fast food workers make, you see the depth of the problem and the fact that athletes are up to 7 percent of contingent faculty are on public assistance, why should this be so? Because it has nothing to do with budgets, when I was teaching at Hunter College, I taught classes of 70 to 80 students and only three students SAT tuition would cover my salary, so the system, the Hunter College benefitted from all of the rest and we did not receive anything.

Additionally, contingent faculty do not receive paid office hours, and most of the schools don't even have --

MS. MAXWELL: Thank you, your time is up.

(Applause.)

ANDREW HORTON: Good evening, my
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name is Andrew Horton, I've been a window cleaner for 35 years and I'm also a window cleaner apprentice training coordinator, I'm here tonight with Build Up New York City. I want you to understand the difference between a State-approved training program, apprentice program that makes safety for workers in the public. A few years ago, two window cleaners got stuck on the World Trade Center One, the equipment malfunctioned, some of you may remember this incident because it got a lot of press, these two window cleaners were stuck 600 feet in the air, if they didn't have the safety equipment and training, they would have fallen to their deaths and they could have hurt or killed people walking on the streets below. Fortunately, the window cleaners were trained, the incident is very personal to me because I was the one who trained both of them, as soon as I found out what had
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happened, I rushed down the scene, I knew the guys that were there and their families were scared and obviously worried about themselves. As I watched the rescue being -- taking place, I was hoping that they remembered what they were taught and also I prayed very hard. We stress over and over in our training program the need to inspect equipment for proper use of safety equipment and what to do if malfunction of equipment occurs. As I teach our apprentices and journey persons that they have a responsibility to speak up if they see something that is unsafe or that does not appear to be in the proper position. Fortunately, they were wearing their harnesses, hardhats and lanyards and they did their best to stay calm until they were rescued by the fire department, I stayed on the site until the rescue occurred, I had tears in my eyes when I saw them, this bothers me every day of my life. Last
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year a window cleaner fell three
stories to his death, he slipped and
didn't have his proper safety fall
protection, his employer didn't
participate in an industrywide training
program, every life is precious, we,
the City of New York, with outstanding
category projects that require
participation and State-approved
training, pay the prevailing wage for
the projects that get financially
subsidized from New York City, EDC,
projects that are grant funded, tax
benefits like PILOT, payment in lieu of
taxes, or projects that get types of
subsidized and public benefits. We
also urge the City to dramatically
increase the fines and penalties for
employers who violate City, State and
federal laws, the most common
violations that I see are unsafe work
conditions, which is usually a lack of
personal fall protection or working
without a permit, the City of New York
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should send a strong message to the
companies that work without permits,
this is a very serious condition.

MS. MAXWELL: Thank you, your time
is up.

ANDREW HORTON: Thank you.

(Applause.)

RICKY PIMENTEL: Good evening, my
name is Ricky Pimentel, and I'm a
laborer for Local 79. I'm talking to
you tonight on behalf of Build Up New
York. In my current job, I'm working
safe and getting paid a good wage with
benefits. It hasn't always been like
that, especially for someone like me
who was formerly incarcerated, the road
to putting my life back together
started with getting a good job, a
condition of my parole is to maintain
employment, without a job, I really
love construction work, but some of the
jobs I had were hard because some of
the employers often take advantage of
you and your situation.
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On one job, I had an OSHA 30 certification, which I could supervise, I rose quickly at the job and got to become a labor foreman. My employer was not a good contractor, knowing my situation and my fear of going back to prison, I lost -- if I lost my job, they tried to take advantage of me. They started with the pay. They started me at a much lower rate and they said -- and -- pardon me -- they started me at a much lower rate of pay that they said I deserved and said I would get an increase when they squared up the paperwork at the end of the week, end of the week came, and then another week, still no more money, then they started reducing what they said my pay was going to be, they promised pay increases, never came. When you find out you are working for a bad employer, when one thing is bad, a lot of other things are bad as well, with this employer, it was very hard to get
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personal protective equipment for all
the workers, there were plenty of times
when guys had to do some chopping, and
they would do stuff they're not
supposed to do, you end up sometimes
having to dip into your own pocket to
buy equipment you need to work safely
from a street side vendor. A developer
came on the job once and wanted to know
why we weren't wearing high visibility
vests and matching hardhats. We asked
the employer but he put us off. When
they did eventually bring the vests and
helmets and hardhats, there wasn't
enough to go around, what are you
supposed to do?

My request to you is that you
require the employers on any private
company that you give any funding or a
tax break to have to provide training
to make our worksite safe, to pay an
established prevailing wage and that
you do everything you can to make sure
employers treat every worker fairly,
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whether it is how much you pay workers
or the benefits and safety equipment
they provide.

(Appplause.)

MS. MALALIS: Ricky, can I just ask
you a question.

RICKY PIMENTEL: Yes, ma'am.

MS. MALALIS: You were mentioning
that one of your former employers, you
were paid a lower rate of pay, is that
the -- do you attribute that to the
fact that you were formerly
incarcerated?

RICKY PIMENTEL: Yes, they look --
they look for people like that, you
know, they say, hey, we know we can pay
you less, we know you're going to work
hard, we know that you're afraid of
going back to prison if you don't
maintain employment, they'll promise
you pay raises that just won't come.

MS. MALALIS: Can you -- what's the
name of that employer?

RICKY PIMENTEL: Tradeoff.
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MS. MALALIS: Tradeoff, and which
borough is that in?

RICKY PIMENTEL: It's in the five
boroughs, actually.

MS. MALALIS: Five boroughs.

And have you found that to be a
common situation in the construction
industry?

RICKY PIMENTEL: It's very common
because they get a tax break for hiring
the formerly incarcerated.

MS. MALALIS: Okay, thank you.

(Applause.)

LENORE FRIEDLAENDER: Thank you so
much, good evening, my name is Lenore
Friedlaender, I'm the executive
director of Build Up New York, we are
fighting for good jobs and responsible
development, we are very focused in the
construction and building services
industry, building services meaning
cleaning, building operations,
maintenance, security, and you heard
Danny, window cleaning as well. We are
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so appreciative that you are actually
holding this hearing and interested in
the conditions facing workers and
working people.

(Applause.)

LENORE FRIEDLAENDER: That really
makes a huge difference and sends a
message that working people and work
matters and working people should be
respected.

In the construction and the
building services industry, many people
work for contractors or subcontractors
and there are some structural problems
because contractors and subcontractors
get awarded jobs based on being the
lowest bidder, that --

MS. MAXWELL: Sorry, if you can
just slow down a little bit.

LENORE FRIEDLAENDER: Sure. Trying
to stay in my time frame here.
Absolutely want to be fair to the
translators.

The low bid, when contractors have
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to operate in a low bid environment,
that creates a race to the bottom, the
way to be cheaper and win a bid is to
pay less, have less benefits and many
times what workers experience is a lack
of safety equipment for them, a lack of
training, any ways that a contractor
can save money, so that is bad for
workers and it also is unfair
competition for responsible employers,
so that's kind of a structural problem.

We have four concrete suggestions
for solutions to the problems we've
heard tonight. One is incentivize
development, and that is the City has
an established prevailing wage for our
industries and many others that -- that
is at a level of fair wages, benefits
and training, that only applies to
public contracting work. It should be
expanded to include publicly subsidized
work, developers on projects that build
on public land and get a tax break or
subsidy --
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(Appplause.)

LENORE FRIEDLAENDER: -- or hired
by a public benefits corporation should
have to pay the prevailing wage, it
should include required training,
apprentice language so these workers
have a right to organize.

Second, there should be increased
transparency so when there are RFPs
that are out, that the public has a
right to know who really is bidding on
that work and can weigh in before
decisions are made.

Third, in our industries, there
really needs to be an increase in more
effective enforcement, there are some
interesting things happening in other
states, New Jersey, in many
jurisdictions, passed local ordinances
where if employers were found in
violation of wage theft laws, they can
lose their license in business or can
be suspended, that kind of thing should
be happening in New York City,
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Massachusetts has a law that's been introduced that holds the contractors liable for the behavior of the subcontractors.

MS. MAXWELL: Thank you, your time is up.

LENORE FRIEDLAENDER: And the final point is just really increase public education on the rights of workers so that everybody knows what their rights are, because employers often don't provide that information, we have folders with our testimony information for you. Thank you so much.

(Applause.)

MS. MAXWELL: One quick announcement, somebody left a pair of glasses towards the front and they're available at the interpretation table if they're yours.

PRADU SIGAMANI: Good evening, everyone, my name is Pradu Sigamani. I'm a policy organizer of the Restaurant Opportunities Center of New
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York and affiliate of the Restaurant
Opportunities Center United, for the
past 15 years, ROC of New York has
advocated for fair wages and working
conditions for thousands of restaurant
workers, with 12 million workers and
over 200,000 in New York City alone,
the restaurant industry is one of the
largest and fastest growing employers
in the city and nationwide, America is
now a country that eats more outside
than cooking at home.

New York City food service
industry, almost 70 percent of all
workers are low wage, immigrant from
Latin America, Africa, Asia and the
Iraq world and 10 percent is
African-American. Restaurant workers
live in all five boroughs, but
predominantly in Queens, the Bronx and
Brooklyn. We estimate that close to
40 percent are undocumented restaurant
workers, the restaurant industry is the
second largest employer of undocumented
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workers, surpassed only by the
construction industry, where up to
15 percent of the restaurant industry,
jobs are minimum wage, fine dining
service and bartender positions, jobs
for which employers only hire Caucasian
male. The vast majority of restaurant
jobs remain low wage jobs held by
women, youth and immigrants across the
communities of color.

Nationally, seven out of the ten
lowest paid occupations and the two
absolute lowest paying occupations are
jobs in the restaurant industry, given
that federal law allows pay
discrimination between tipped workers
and non-tipped workers, permitting
employers to pay tipped workers a sub
minimum wage of $2.13 an hour, the
minimum wage of tipped workers over $9
an hour, including tips, subsequently,
restaurant servers suffer from three
times the poverty rate of the rest of
the U.S. workforce and use food stamps
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at double the rate. With only 1 percent of the industry nationally unionized, the vast majority of New York City restaurant workers are employed in nonunionized shops and lack any institutional support for community organizing and advocacy. Different industries, same struggle, restaurant workers are the largest group of tipped workers in New York, a group which allows -- which includes airport workers, nail salon workers, car wash workers, the recent minimum wage increase left off tip workers as the state minimum wage will gradually increase over the next year.

MS. MAXWELL: Thank you, your time is up.

(Applause.)

MS. MAXWELL: I'll call the next three people; Natasha Lycia, Hernan Ayabaca and Richard Blum.

Go ahead.

ROSANNA GUCNAM: -- representing
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the home worker. I belong to a
national alliance, WA. A lot of us
suffer wage theft and labor abuse. We
are -- a lot of us work even 24 hours a
day, but they only pay us -- they just
pay us $17 an hour, I don't think
that's just because we -- we take care
of our clients, the elderly. We
represent the families when their
families are in the care of others, we
are the ones who take care of them,
taking care of them, doing everything
for them. And they just don't take us
into consideration regarding our work.
Thank you.

(Applause.)

MS. SALAS: Question. They pay you
$17?

ROSANNA GUCNAM: We work 24 hours a
day, but they pay us $17.

MS. SALAS: For the whole night?

ROSANNA GUCNAM: Yes, and sometimes
we work, for example, we go in at 8:00
and we leave at 8:00 the next day, so
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the whole day, we enter at 8:00 a.m.
and we leave at 8:00 a.m. and for
the -- for the 24 hours, they pay us
$17.

MS. SALAS: What do you mean by the
time of the night?

ROSANNA GUCNAM: They say, at
8:00 at night, we don't have to do
anything for the client, just check --
check for his escaping or something,
but we work sometimes harder at night.

MS. SALAS: So 8:00 to 8:00 --

ROSANNA GUCNAM: No, no, just for
the night. It's like $10 an hour
during the day for 12 hours. But
during the night, they give us $17 for
the whole time of the night and that's
unjust because sometimes the clients
are harder to work with at night.

During the day, they're more active and
we can work better with them and we can
take them to different places, but at
night, they become children, they
become hyper.
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MS. SALAS: Thank you.

ROSANNA GUCNAM: Thank you.

(Appplause.)

MS. MAXWELL: Natasha.

MEMBER OF THE PUBLIC: I'm actually speaking on behalf of my colleague, Natasha, but I am Natalia, so I will actually cut this shorter than we have written on in her written testimony.

Good evening, my name is Natalia on behalf of Natasha. I'm a legal fellow at a national civil rights organization engaged in advocacy and impact, on behalf of underserved Latino communities along the East Coast. Thank you for allowing us to speak today. In general, I wanted to -- a lot of people have highlighted different points that we have to make, but we're, in general, emphasizing the vulnerability of the immigrant community when it comes to workers' rights considering the current political climate. And other -- a lot
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of people, like I said, a lot of people have brought up things that we were going to bring up, but specifically one thing that has not been brought up is also pregnancy discrimination, pregnant women who are in the community, may not be here tonight because they are busy attending to very important things so that's one of the things that I wanted to bring up, but also to emphasize that the harassment and discrimination that happens after people have been taken advantage of and their wages have been taken, a lot of times an underlying theme is the discrimination that's happened specifically as a result of people not having papers or different forms of immigrant status, so in general, these are -- this just leads to increased vulnerability among this population.

In addition to that, someone did bring up recently, but I'd like to echo it, and I think you did a wonderful
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job, which is the vulnerability in
previously incarcerated persons.

And finally, of course, as
attorneys, we have to always say that
we think that many communities would
benefit from neighborhood meetings that
take place as a result of federal
government criminalizing our immigrants
and to these policies, we suggest that
the DCA and the CCHR look to
participate in them, it even hosts
legal clinics where needed to ensure
that immigrant workers are gaining
access to the information and
resources.

Thank you very much.

MS. MALALIS: Can I just ask you a
question, what kind of stories are you
hearing with regards to pregnancy
discrimination, what are the common
scenarios?

MEMBER OF THE PUBLIC:

Unfortunately, this was Natasha's
testimony, but I believe that pregnancy
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discrimination, people not being able
to come back for employment or being
let go as a result of pregnancy.

MS. MALALIS: Which industries, do
you know?

MEMBER OF THE PUBLIC: I don't.

MS. MALALIS: Okay. I'll follow
up.

MEMBER OF THE PUBLIC: I'd
appreciate that, thank you.

(Applause.)

HERNAN AYABACA: We are all here
regarding worker rights for New York.
My name is Hernan Ayabaca. I am a
construction worker and member of
project laborers justice. Thank you
for giving us the opportunity to
testify publicly. Talking years back,
I was looking -- I was 117th Street,
Northern Boulevard looking for work,
the first job was repairing roofs,
roofs at homes, rooftops, dangerous
work. It would be a hundred dollars a
day. It's not always stable either.
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Sometimes there's little work and
there's a lot of people waiting for
work. Another occasion, the employer
hired me as an assistant and said he
would pay me $60 a day, but afterwards,
he would return me back to the corner
saying that he would pay me the day
after, but he never paid me.

On the corner, you're always afraid
and unsure. It's very dangerous. It's
dangerous work and dirty work and no
one wants to do it. But necessity
obliges us to do it. It's bad work.
It's low pay and very risky and risky
to your health. This is a daily
experience with workers of construction
that live in New York. A lot of times
we feel that the employers have more
rights than the workers and that
they -- they create a system to evade
their responsibilities, especially in
the construction field. We're -- and a
lot of the times we don't even know who
our employer actually is.
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A lot of our employers looks at us as disposable and as inhuman. What I would like to see is the City to work with our center to help make these companies pay for their responsibilities and pay and with better security measures and also our dream is to have a center for workers, more dignified, where it's bigger and we can hold better trainings and dispatch more workers. And so to change this exploitive culture in the construction field, together with all my fellow workers, we have --

MS. MAXWELL: (Foreign language.)

MEMBER OF THE PUBLIC: (Foreign language.)

RICHARD BLUM: Good evening, Richard Blum, speaking on behalf of Legal Aid Society, it's like a homecoming here. I submitted written testimony on behalf of Legal Aid, but I want to focus on two points in particular, that are not so much the
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jurisdiction of the people on the stage tonight, but are issues where New York City practices are very much at odds with your goals in enforcing rights that you enforce, protecting the communities that you protect, and I am sort of pleading with you to be a voice within the administration to counter prevailing practices and those two have to do with policing practices, one of which is the broken windows method of policing, which is not only -- it not only creates an environment that is not a sanctuary for people who are born in this country who are in the city, who are of color in local communities, it's not a sanctuary for them, and it's certainly not a sanctuary for immigrants who, because of any contact with the police now, because of the executive orders we're living under, unfortunately, are at risk of immigration enforcement action, just having contact and having their
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fingerprints taken is enough to trigger immigration enforcement, so even if we say we're not going to cooperate, in fact, we are cooperating and we're doing it daily and we're doing it on the basis of things like turnstile jumping, perhaps by somebody who wasn't paid his wages or her wages, crimes of poverty, crimes that are not really -- shouldn't be crimes and because we enforce heavily in communities of color, in low income communities, immigrants are at risk and putting immigrants at risk of just being out there further exacerbates the kind of fear that people are living under that make it impossible for them to come forward to complain about all of the abuses that we've heard about tonight, it's very clear from all the testimony that immigrant communities are particularly exploited, particularly abused and when they're abused by the police, it makes it almost impossible
for us to do our work to bring these
issues of exploitation to the surface.

The other area, similarly, having
to do with policing has to do with sex
work. We have an exploitation
intervention project, which is just a
report together with John Jay and the
Urban Institute about decriminalization
of sex work and the importance of that
in giving protection to people who are
doing this either as part of a survival
economy or who are doing it because of
trafficking.

In either circumstance, we should
not be criminalizing the activity of
people who are doing sex work. We need
to be finding ways of supporting them,
as workers and to people in need of all
kinds of economic and social supports
that make it unnecessary for them to do
survival sex work or make it possible
for people to escape from trafficking.

The way we police sex work now is
completely at odds with that and does
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not respect these workers. It further undermines them and makes it much more likely that people are going to wind up trapped in sex work if they're trafficked or unable to find ways out if they're doing it for survival. So I would plead with you to be a voice within this administration to change those approaches to policing, those practices are completely at odds with what you're trying to accomplish.

Thank you.

(Applause.)

MS. MALALIS: Thanks for raising that. I'm just going to note something, something that a lot of folks do not know is that there's a provision under the New York City Human Rights Law that also provides jurisdiction if folks, if they have been profiled by law enforcement, to protect in category under the laws profiling by law enforcement, I think this is a city that tries to practice
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what it preaches, we really do want to,
you know, to the extent that there are
any bad apples at PD, that can make us
all look bad, we want to be able to
address that, so people do feel that
they -- people in their community have
been profiled by PD because of their
immigration status, in any one of the
protected categories under the law,
please do call the Commission on Human
Rights, 311, (718) 212-3131, because we
want to know about it.

RICHARD BLUM: I just want to say
that unfortunately, the broken windows
policing is not just a case of bad
apples, but the policy that targets our
community, that is going to have a
disparate impact.

(Appause.)

MS. MAXWELL: Call the next three
people; Maia Goodwell, Maria Figueroa
and Glenda Sefia.

MAIA GOODWELL: Good evening and
thank you. My name is Maia Goodwell,
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I'm with MFY Legal Services, soon to be Mobilization For Justice, visions in society in which there's equal justice for all, and we fight particularly to promote equality among all workers. Last year, MFY launched a workplace safety and health initiative to respond to the needs of New York workers who need help asserting their rights to a safe workplace, medical leave, appropriate accommodations and particularly workers' compensation. Workers' compensation is available to all workers regardless of immigration status that recently found that 20 percent of the cost of workplace is borne, only half is borne by the workers and their families and of course that OSHA report found that there are higher barriers for workers, including greater job contingency and language access barriers, so we really apply to CA's efforts to create a centralized for workers and we would
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ask DCA and the commission and also the agencies to add workers’ compensation to your screening referrals.

Of course, right now, things are particularly bad for immigrant workers, even the limited reassurances about protection against retaliation that we as lawyers are able to give to immigrant workers are now in serious jeopardy. We can no longer assure clients that immigration authorities will not be waiting at the courthouse, the emergency room, that information filed with agencies will not be shared with federal authorities or that immigrations and customs enforcement will not respond to a call from the employer who has called them because they asserted their workplace rights. We know this is a particularly critical time for lawyers and other advocates to stand with workers who assert their rights. Many agencies, including the commission on human rights, have led
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the way in establishing clear policies
and are handling immigration
information and personal information
and we would ask that all City agencies
do that and provide a standard for
State agencies, such as the workers'
compensation board and the Department
of Labor. I agree with Ricky that we
need to include law enforcement in
those citywide standards for protecting
that kind of information. Thank you.

(Applause.)

MS. MAXWELL: I think Glenda is
actually next.

GLENDA SEFIA: Good evening. I am
a nail salon worker for four years, I'm
here to testify regarding the
conditions at work in nail salons.
Based on my experience and also the 500
nail salons that -- that are the --
part of the association of nail salon
workers through the syndicate of united
workers.

The biggest problem there that we
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have is regarding health, security and protection. Regarding requiring these kind of standards and in actuality, there are very few standards are being practiced because they don't allow it. We -- it's not regarding the materials that we need to do our job, but they do -- they do pretend to show there that they regulate -- they're part of these standards when regulators come around and all the time I've worked, I've never seen any workers use the mask, which is required by NID law and like hospital workers use. And if they permit the use of gloves, it's only to -- it's only for cases -- it's when -- when a sick person comes, it's not all the time that we get to use the gloves. And even if we want to, they don't allow it, they -- the employers get annoyed, so I want to tell you one incident.

There was a luxurious nail spa, they would use the -- the files, they
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would reuse the files, they would reuse
the -- they would use it with other
clients and other instruments as well,
they would reuse them, and there was a
case also where an employee that had to
clean the floor with a toothbrush and I
know that this is just unjust, we are
decent people and we deserve a better
just wage. We deserve it. Our wage is
included with tips, we need a real wage
apart from the tips. There are a lot
of tales like this regarding
discrimination in these nail salons.
When you go in as a client, you see
beautiful, but behind the scenes is a
horror story and we cannot work like
that.

MS. MAXWELL: Thank you.

(Applause.)

MS. MAXWELL: Okay. Amy
Plattsmier, Maggie Marron and Tito
Sinha.

Is Amy here?

(No affirmative response.)
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MS. MAXWELL: Okay. Maggie.

MAGGIE MARRON: Hi, good evening.

My name is Maggie Marron, and I'm a staff attorney, also known as a worker and a proud union member at the Community Development Project Justice Center. I thank the union members who are here. I just want to thank the commissioners and the assistant commissioners and also workers of the CA who have made this night possible. I'm here to speak to potential worker co-ops, as an affirmative work to strategy to combat worker exploitation, particularly in this moment of intense immigrant hostility in the country.

For more than ten years, CDP has collaborated with community organizations and worker sectors to New Yorkers for work around cooperative businesses, worker co-ops are businesses that are owned and democratically governed by their workers. These centers, many of which
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focus on sectors of the service industry and contingent workforce, including childcare, home healthcare, house cleaning, services, have created more stable jobs where primarily the immigrant workforce is and these traditionally low income, high exploitation industries, worker co-op jobs offer high pay, help develop business skills and allow worker/owners at all income levels asset building opportunities. The benefits and protections of worker co-ops are becoming more pronounced in the new era under the current president. Extreme hostility of the federal administration toward immigrants translates directly into exploitation of workers on the ground, where this abuse thrives on a culture of fear and power imbalance. In this environment, worker co-ops offer sort of sanctuary workplace. Free zones where worker/owners are empowered with knowledge.
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Workers have better footing to set their own standards in the market, and they have access to support information networks among their other fellow worker owners, they're not subject to instability of less regular work.

Recognizing the potential for worker co-ops to empower some of NYC's most vulnerable workers, the city council has invested $6 million in their development over the last three years, administered by SES, this year alone, 27 new co-op businesses are being developed through the incentive and this represents the creation of hundreds of meaningfully safer, more stable jobs for primarily immigrant workers in low wage industries across NYC, at a time when these populations are being targeted by federal policies and survival of their families and communities is made more precarious by the day. If NYC is to be a true sanctuary city, in simple terms, that
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must include assuring New Yorkers ways
to make safe and sustaining livings
free of abuse and exploitation.

MS. MAXWELL: Thank you.

MAGGIE MARRON: Thanks very much, I appreciate it.

(Applause.)

TITO SINHA: Good evening, my name is Tito Sinha. I am a fellow
coworker and an attorney with Maggie Marrone at the Community Development
Project at the justice center. Thank you, first of all, for the opportunity
to present this testimony. A major problem we face is when we are able to
obtain a judgment for our clients, we often are unable to collect damages, as
employers use a variety of things to avoid paying judgments. In
collaboration of our partners, we are always exploring and supporting new
mechanisms to enforce new labor laws
and hold employers accountable for
unpaid wages. Several of CP's
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community partners, NCP, have been
discussing the potential role the
Department of Consumer Affairs can play
in enforcing labor laws. Given that
DCA licenses a wide variety of
businesses and employed workers, we
believe DCA has the potential to use
its licensing powers to help ensure
that licensed businesses comply with
judgments in three ways.

The first, DCA could work to gather
information about the employer's labor
law of compliance from the federal and
state departments of labor, the courts
and the public. Second, DCA would then
either deny licenses to and/or penalize
businesses that have failed to pay the
final judgment for wage theft issued by
a court or an agency. And third, DCA
can make information about licensees
labor law compliance available to the
public. We believe this transparency
to immigrant workers, as well as
consumers who will have this
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information, to decide whether to work for or support a particular business.

In these times of increased immigration enforcement and harsh anti-immigrant rhetoric, we are seeing employers increasingly retaliate against workers who seek to enforce their labor law rights. Primarily, they are threatening to report workers to immigration or other governmental authorities or actually doing so. We would like to explore how City agencies can play an affirmative role to protect their workers from employers with unfair practices, and think about how City agencies can use their enforcement powers.

For example, when employers threaten to report workers to immigration authorities in response to their complaints of unpaid wages, workers can turn to the New York State Department of Labor. But we also ask independently whether there's for the
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commission on human rights, for example, to initiate investigations against employers who make such threats in response to complaints of unpaid wages as potential discriminatory harassment under the City human rights law on the basis of immigration status while keeping the complainants' identities confidential, now more than ever, we are seeking new avenues for potential enforcement of labor laws and also seeking to --

MS. MAXWELL: Thank you for your time, sir.

(AppAUSE.)

MS. MAXWELL: The next three are Pamela Hazel, Molly Weston Williamson, Marguerite Dunbar and Nadia Marin-Molina.

PAMELA HAZEL: Good evening. Thanks for the opportunity. My name is Pamela Hazel, I've been a caseworker for more than 20 years. I know everyone who needs a union, a union
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could be a good thing, but there are always two sides of the story. At present, the union that I'm involved in, caseworkers union, they have gotten so relaxed that they do not represent us in a lot of complaints that we have.

At present, where I'm working, there are threats of asbestos, we have complained to the union and nothing has been done. We have complained to health and safety and nothing has been done. And I believe a lot of union members, we have come to the conclusion that the reason the union is either ignoring us, relax, don't care or whatever else you want to think about is because we have to pay union dues, regardless, whether they work for us or not.

We are also mandated to join the union. At this point, we are -- we want to make people aware that even though the union is good, people who are in union right now, for a lot of
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years, we are asking for union reform because union members are being taken advantage of. A few people came to me because I'm African, from Jamaica, Queens, and people know me, and people came to me, in particular bus drivers have come to me, I take the bus every day, from the bus I take the subway and drivers have come to me and they have said they have to urinate in a pack or in a bucket that's because they have no choice, this is what you have to do, nobody will go to the union, the union taking advantage of their members, of their membership because, as I said before, it's mandated that we have to join a union, we don't have a choice, I believe it's time for union reform and people should have a choice to join or not join, you cannot say it's a free country and at the same time, you have to join into an organization that do not satisfy your needs.

Also, there are some misconception,
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people believe that because you're in a union, you know, like maybe you have healthcare and so forth, as long as you're in a union, I just want to let people know, that's not so. As long as you're off payroll, if you're on vacation, if you're on maternity leave and so on and so forth, you do not --

MS. MAXWELL: Thank you, your time is up.

(Applause.)

MOLLY WESTON WILLIAMSON: Hi, thank you for this opportunity.

My name is Molly Weston Williamson and I'm a staff attorney with A Better Balance. One of the organizations that help write, fight for and the New York City Earn Sick Time Act, we now provide free and confidential legal services under this law, and still regularly hear from workers whose rights under the law are being violated, who are not being paid for sick time they earn or being retaliated against, including
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being fired, to -- under the law,
abuses are particularly in exactly the
industries we heard about tonight, home
care, retail, restaurant and
construction. Under the experienced
leadership of Commissioner Lorelei
Salas and the office of labor policy
and standards has made, worker
responsive agency, we look forward to
continuing to work with -- to build --
including the building law requirement
to resolve in arbitration, including
complaints, both parties, with equal
status as their law breaking requires,
for workers who may be undocumented or
otherwise vulnerable, we strongly urge
OLPS to create an effective process for
receiving and acting on tips and
anonymous complaints, such a process
would support on proactive
investigations and enforcement, we also
urge renewed attention for worker
application to outreach, to ensure that
all workers know about and can use
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their rights under the law. We also
call on the mayor and city council in
providing a private right of action
under the Earned Sick Time Act, workers
whose rights are violated need and
deserve the right to bring action to
court, of the 37 jurisdictions in this
country who now have paid sick days on
laws on the books, only seven,
including New York, do not provide any
right to go to court, it is time to
pass that. Workers deserve fair and
predictable schedules, without a work
schedule, workers have difficulty
making childcare and eldercare
arrangements, provide obstacles in
pursuing their education and experience
adverse financial and health effects,
we urge passage of the entire package
currently pending bills to address
these problems. Under the leadership,
the commissioner of human rights has
become a powerful force for the
workers, we look forward to continue to
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work with the commission to enforce
important protections, like the
Pregnant Workers Fairness Act and call
upon the City to significantly increase
funding, particularly to hire much
needed staff. Now more than ever, the
nation needs New York's leadership in
the fight over her rights, we have
agencies, Justice for Workers, through
vigorous enforcement of existing laws
and keen attention to the need for new
protections. We look forward to
continuing cooperation in both efforts.

(Applause.)

MARGUERITE DUNBAR: Good evening.
I'm here speaking on behalf of the New
York Committee for Occupational Safety
and Health, NYCOSH, we work to extend
and defend every person's right to a
safe and healthy workplace, on Friday,
we're going to be holding our annual
commemoration of workers' Memorial Day
and remembering workers who died on the
job in mostly preventable workplace
OPEN TESTIMONY

incidents. From January 2016 to today, 34 New York City workers have been killed on the job, and this doesn't begin to count the workers who suffered long-term illnesses and death due to exposure to chemicals and substances, such as asbestos, silica or a toxic mix of substances after 911, workers are still dying today because of that. It also doesn't count hundreds of thousands who are injured and that become ill because of the working conditions.

Previously, people have already mentioned that the crackdown on the immigrant community is one of the dangers that is endangering workers' rights and in particular their health and safety. The previous administrations have had some level of worker-friendly policies or encouraging workers to come forward and under the current administration, this is being replaced by Draconian measures that are
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criminalizing workers. But in addition to that, the budget proposals are going even further to endanger worker safety and health, so the Trump administration budget proposes a 21 percent across the board cuts to the U.S. Department of Labor, which includes the Occupational Safety and Health Administration, which is charged with protecting the workplace and most of the workers who are here today. OSHA is already severely understaffed, it has 66 inspectors for the entirety of New York state, and so they don't have, even now, under the best circumstances, the ability to do the work and to cover the mission of protecting workers here on the job. So we just have a few recommendations, with regard to how the City can step up, in terms of its protection of workers.

One is, as others have mentioned, to ensure to protect workers' identities, regardless of immigration
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status, and in particular,
collaborating with local agencies or
with State, rather than with federal
agencies and we don't know exactly how
the information is going to be used.
Two, to use your local authority, as
others have mentioned, to prosecute and
penalize law-breaking employers and to
suspend or revoke business licenses for
those who are engaging in wage theft or
negligent health and safety practices.
Three, to protect workers from ICE
operations in their homes, on the
street or in their workplaces. Four,
to provide funding in collaboration
with organizations that are actually
reaching out to these workers. And the
last thing I would mention is to take
an affirmative stance to protect
workers at every opportunity that you
have, on February 18th, the day of
workers -- A Day Without Immigrants,
thousands of workers came out and stood
up for their rights.
OPEN TESTIMONY

MS. MAXWELL: Thank you, your time is up.

MARGUERITE DUNBAR: And May 1st is an opportunity for you to make a statement about --

(Applause.)

MEMBER OF THE PUBLIC: Hi, thank you for this opportunity. I'm a freelancer working in nonfiction TV and my job title is associate producer and I've been involved with the Writers Guild industrywide organizing campaign and in working extremely long hours with no overtime pay in this industry and my understanding is in my position, as an associate producer, I'm entitled to overtime pay, but in reality, my bosses often tell me that I cannot get -- in reality, my bosses tell me often that I can't get paid overtime, no matter how long I work. At times, there's a case when I was at ITV, one of my bosses wanted me to work at night and over weekends, while my other boss
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who was in charge of pay told me I
couldn't get paid for those hours, I
was told that I couldn't write it on my
timecard the actual hours that I
worked. As is supported by the recent
Guild survey, many of us in this
industry are told to fill out our
timecards just what I worked or to
refer to eight hours every day, even if
we worked longer hours. I left the --
I filled out my timecard the same every
day, regardless of how late I stayed.
And at ITV, I was also told that when I
was working in the photo shoots, I was
then entitled to overtime pay. The
other producers and I would get up
early, film during the day, and then
when we would get back to the hotel, we
were considered off the clock, but we
might have hours of work to do for the
next day, but our hours were only
counted from when we left to start
filming to when we returned from
filming and also other productions, we
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would end up sleeping very few hours
and then be driving around in vans,
which is also a safety issue. Many
producers worked long hours and did not
get compensated for those hours, we're
expected to work for free.

No one is monitoring to make sure
we are not being exploited. We're
excited about the formation of the
office of labor policy and standards
and hope this will help to monitor how
many hours we're being expected to work
and how many hours we are actually
working, thank you.

(Applause.)

MS. MAXWELL: Amir Sircan[ph].

MEMBER OF THE PUBLIC: Good

evening. My name is Juan
Matusully[ph], organizing with New York
taxi worker the last 15 years and
driving a taxi last 15 years and as I
was representing my fellow Uber driver,
now I'm talking about in the driving
issue, it is me actually.
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So driver in that particularly Uber, green cab, cab, I should talk, over a hundred thousand driver and the TLC represented it right here, he know exactly that well, but he also know exactly that driver making the money and it is not even minimum wage, it's all driver, it's all driver, doesn't matter which category taxi they are driving, is it yellow, green, livery, Uber and also look at the Uber, the way they race on the chase actually, they are race with the other yellow, green, livery, who -- the Lyft, this chase needs to be stopped, which chase that is $10 today, tomorrow will be $8, the next day will be $6, all that race to the bottom, but we need a liveable income, we need to think about the minimum wage, we need to be survivor, we have more than hundred thousand driving in the city, it's over the night, and they all need to act as soon as possible, this government need to
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react, the mayor need to react, peoples
need to react, legislators need to
react to bring this -- taxi driver in
the minimum, we have a half a million
family member in New York City, hundred
thousand driver, each member, two
member, three member, is 200,000,
300,000, half a million member, they
are going tonight under the poverty,
and how long we will do this, we drove
the TLC, we drove the street, we drove
the TLC, we do the public hearing, how
long we have to do this public hearing
to keep our minimum wage? This is
long, long due, it is need to be really
act right now. Take my method as
personal, think about it, you are the
wife or you are the mother of the taxi
driver, think about it how they will
survive on a $2, that's my family, I go
Brooklyn College, I lived here, being a
taxi worker last 15 years, I hear every
single day, for the driver, loose,
overcharging, garage.
CLOSING REMARKS

MS. MAXWELL: Thank you, your time is up.

MEMBER OF THE PUBLIC: Thank you so much. I get emotional, I'm so sorry. Thank you.

MS. MAXWELL: That concludes everybody who signed up. Is there anybody else who did not sign up and who would like to speak?

(No affirmative response.)

MS. MAXWELL: Okay. Great. Commissioners, any final thoughts or words?

MS. SALAS: Thank you to everyone who came to testify today and everyone who stayed to hear the testimony, which at times was very emotional, we definitely have our work cut out for us, but thank you, thank you, everyone.

MS. MALALIS: It's been a long night, I appreciate all the folks who stayed to the very end. As you can see, this hearing is also being transcribed, so we look forward to
CLOSING REMARKS

being able to go through the transcript
and to seeing what are the areas that
we can be working on and getting back
to the public.

MS. PAWRIA-SANCHEZ: Thank you.

MS. SALAS: So we'll officially
close.

(Applause.)

(Time noted: 9:30 p.m.)
CERTIFICATE

I, SADIE L. HERBERT, a Registered Professional Reporter and Notary Public, do hereby certify:

That the within transcription is a true and accurate record of the stenographic notes taken by me.

I further certify that I am not related to any of the parties by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of April 2017.

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