



Testimony Of Jordan Dressler, Civil Justice Coordinator, Office of Civil Justice, New York City Human Resources Administration Before the New York City Council’s Courts and Legal Services Committee

October 16, 2017

Good morning, Chairman Lancman and members of Courts and Legal Services Committee. Thank you for the opportunity to discuss the programs and services for low-income workers provided by the City’s Human Resources Administration (HRA) and the Office of Civil Justice (OCJ), and the legal assistance available to low-wage workers in New York City. My name is Jordan Dressler and I am the Civil Justice Coordinator of HRA’s Office of Civil Justice.

Every day across the City, DSS is focused on providing supports to individuals who are most vulnerable to the consequences of income inequality. Unfortunately, with stagnant wages and a reduced affordable housing stock, the burden of income inequality has disproportionately fallen on the shoulders of low-wage workers and their families. In 2016, 54 percent of New York City families with income below the Federal Poverty Level included a working adult. At HRA we know this to be true, as more than 25,000 HRA Cash Assistance clients are employed; however, their incomes are so low that they still qualify for cash assistance.

HRA is the nation’s largest social services agency assisting over three million New Yorkers annually through the administration of more than 12 major public assistance programs as well as the nation’s largest municipal identification program, IDNYC. With the integration of the Department of Homeless Services (DHS) and HRA into the Department of Social Services in April of 2016, HRA also oversees homelessness prevention services including HomeBase, which connects households on the brink of homelessness with an extensive network of neighborhood-based services to help them remain in their communities and avoid entering shelter. Our services help low-wage New Yorkers stay on the job and in the workforce, providing food and healthcare for their families and averting homelessness. HRA also maintains numerous employment services for our clients who are subject to federal and state work requirements. I will now briefly discuss some of HRA’s employment-related services and programs that keep low-wage workers on the job.

HRA Programs and Services

HRA addresses income inequality and poverty by providing essential services and supports through increased access to benefits that help New Yorkers avert homelessness and programs to reduce hunger and food insecurity. According to a report by the Association for Neighborhood and Housing Development, almost 60 percent of New Yorkers do not have enough savings to cover a minimum of three months’ worth of household expenses, meaning

these households are only one paycheck away from the threat of eviction and entry into shelter.

From the very beginning of the de Blasio Administration, we have worked to implement both immediate and long-term measures to combat social and economic inequality and remove barriers to ensure that everyone who lives in New York City has unencumbered access to the resources that they need to thrive. HRA provides New Yorkers with key supports to help them stay on the job through the following programs:

- 1.8 million New Yorkers receiving Medicaid through HRA;
- 1.7 million New Yorkers receiving SNAP food assistance and millions of meals served through food pantries and community kitchens;
- 710,000 New Yorkers receiving home energy assistance every winter, which the Trump Administration has proposed to eliminate;
- 106,000 receiving one-time cash assistance each year to prevent evictions and utility shutoffs or provide assistance with other emergencies; and
- 6,100 job placements and 7,400 clients have achieved an outcome related to training/education or financial counseling since Jobs-Plus expansion in March 2013. Jobs-Plus is an HRA partnership with the New York City Housing Authority (NYCHA), the Mayor's Office for Economic Opportunity, and the Department of Consumer Affairs' Office of Financial Empowerment that supports NYCHA residents across the city (30 developments total) with a targeted suite of employment services.

Following the December 31, 2014 approval of the HRA Employment Plan by the State Office of Temporary Assistance and Disability Assistance (OTDA), we began developing and implementing significant employment program reforms to improve outcomes for our clients who are subject to work requirements under federal and state law. Since that time we have steadily rolled out programs and initiatives that are grounded in best practices and focus on achieving sustainable job placement and training outcomes. We have also improved our client experience by incorporating new and emerging technology in our service delivery model. For clients, it has resulted in shorter wait times to complete their transaction and allowed them to interface with HRA using their mobile device, which means clients no longer have to take time off of work to apply or recertify for benefits. We feel strongly that these improvements have given our clients an even greater opportunity to achieve economic stability, move off the HRA caseload and out of poverty. HRA has offered this Council greater detail about these programs in past testimony.

I will now briefly discuss our work to support low-wage clients who are experiencing homelessness.

DHS Employment Services and Programs

Since the 1980s, the face of homelessness has substantially shifted from the largely single male population struggling with justice system involvement, mental health challenges, substance use

disorders and inconsistent employment to what we see today – 70 percent of those in shelter are families, and 34 percent of the families with children in shelter have a working adult.

Since coming into office, Mayor de Blasio has restored the City’s rental assistance programs and directed unprecedented resources toward a new comprehensive and holistic approach to stabilizing low-income families and fighting homelessness focused on prevention, street homeless outreach, expanded transitional housing options, averted shelter entry, improved shelter conditions, more robust rehousing and aftercare services, and expanded civil legal services which I will discuss in greater detail momentarily. In addition, this Administration has focused on ensuring that while our clients are in shelter, they are working closely with case workers to seek out opportunities to expand their earning potential. For this reason, DHS has expanded employment services programming, including adult literacy services, high school equivalency programming and employment services that have been described in detail in prior testimony.

Another important tool and expansion in the Administration’s fight to ensure New York remains affordable for all is its historic investment in civil legal services.

HRA’s Office of Civil Justice

The Office of Civil Justice is a permanent office within HRA which was created in June of 2015 through a local law enacted by the City Council and the de Blasio Administration to oversee, manage and monitor the City’s programs that provide civil legal assistance to New Yorkers in need. Since 2014, the City has made great strides in increasing, enhancing and making more efficient the delivery of civil legal services to low-income New Yorkers facing legal issues that may jeopardize the “essentials of life,” including housing, immigration status and wages and employment. As a result of these important efforts, I am happy to report that today New York City is a national leader in providing civil legal services for low-income people.

In Fiscal Year 2017, for the first time, New York City’s overall investment in civil legal services for low-income City residents exceeded \$100 million, a historic milestone. In Fiscal Year 2018, Mayoral programs exceeding \$110 million will fund free legal services for low-income New Yorkers across a range of areas including tenants facing eviction and harassment, immigration legal issues, access to benefits, support for survivors of domestic violence and assistance for veterans.

In addition to the Administration’s commitment to supporting civil legal services, I want to again acknowledge the ongoing commitment and leadership of City Council Speaker Melissa Mark-Viverito and the entire City Council to expanding access to justice by funding legal services. In Fiscal Year 2018, HRA is overseeing approximately \$24 million in funding added by the City Council for legal services programs for New Yorkers in need, including services for low-wage workers.

Civil Legal Services for Low-Wage Workers

Legal assistance services to assist workers with issues related to their employment help to preserve and enhance stability in the lives of low-income New Yorkers. In addition to the pressures on low-wage workers that arise from conditions of income inequality, there are also too frequent instances of misconduct and mistreatment by unscrupulous employers which negatively impact low-wage workers, their families and their communities. In low-wage industries, where workers are paid “off the books,” wage and hour violations are all too common. Such “wage theft” violations include: not paying workers on time, paying them below the minimum wage, failing to pay overtime when required, not allowing meal or other breaks and not allowing required sick leave.

In New York City, it has been estimated that over 300,000 New Yorkers experience one or more wage-based violations every week. In 2009, the National Employment Law Project (NELP) issued a comprehensive study of wage and hour violations, with a survey of over a thousand workers in low-wage industries in New York City. The NELP found:

- Approximately 70 percent of low-wage workers in New York City are foreign born.
- Over one-fifth of the workers surveyed had been paid less than the legally required minimum wage in the previous workweek.
- Nine out of ten workers surveyed worked enough consecutive hours to be legally entitled to at least one meal break during the previous week, but 70 percent of this group received no break at all, had their break shortened, were interrupted by their employer or worked during the break.

Other findings suggest that, when workers advocate or seek redress for themselves, their efforts can be ineffective or even lead to retaliation.

In response, a variety of legal services providers have stepped up to offer free legal assistance to low-wage workers. In New York City, OCJ found that our seven largest legal services provider partners (by staff size) provided employment-related legal advice, assistance and representation to approximately 4,200 low-wage workers in Fiscal Year 2017. Much of the capacity for legal assistance for low-wage workers is attributable to the Administration’s increase in legal assistance for immigrant workers through the Immigrant Opportunities Initiative (IOI).

This Administration has made the protection and vindication of workers’ rights a pillar of our immigration legal services programs. As noted previously, the great majority of low-wage workers in the City - *seven out of every ten* - are foreign-born, and in some industries, that proportion can be even higher; workers in New York’s domestic industry, for example, are estimated to be 99 percent foreign-born. Moreover, immigrant workers can face heightened threats to their wage stability and employment; one study found that immigrant low-wage workers in New York City were twice as likely to experience minimum wage violations.

OCJ works in close partnership with the Mayor’s Office of Immigrant Affairs (MOIA) and with legal services providers and community-based organizations (CBOs) to understand the experiences and legal needs of immigrant New Yorkers, and to rapidly deliver the most effective service responses. Specifically, our Immigrant Opportunity Initiative (IOI) program is funded at \$5.9 million annually – nearly a twofold increase from the initial allocation of \$3.2 million - supporting networks of legal providers and community-based organizations and trade advocacy groups who deliver advice and legal representation in state and federal courts regarding employment matters, including issues of unpaid wages and overtime pay, discrimination, family and medical leave issues, unemployment insurance, and family and medical leave, as well as legal assistance in cases of unlawful discrimination and employer retaliation.

Since IOI’s start in July of 2016 as a baselined program funded by the Administration, legal providers have made assistance for low-wage workers a critical component of their services. Last year, IOI-funded legal organizations handled approximately 1,000 cases for immigrant workers, affecting approximately 2,000 immigrant New Yorkers and their family members, ranging from representing workers in fairly straightforward work authorization applications to bringing more complex cases to prosecute wage theft and workplace harassment claims on behalf of immigrant workers.

In addition to IOI, OCJ oversees immigration legal services programs funded through federal Community Service Block Grants, administered by HRA in partnership with the Department of Youth and Community Development (DYCD). \$2.1 million in CSBG funding administered by HRA – funding that the Trump Administration has proposed to eliminate – enables community-based legal organizations to provide a range of legal services, including those designed to provide information, education, advocacy and legal services to protect low-wage immigrants from exploitation and violations of their employment rights. CSBG funding also enables our contractors to provide legal assistance to help immigrant adults and youth attain citizenship and lawful immigration statuses, along with legal and social services for immigrant survivors of domestic violence and human trafficking. Last year, legal services providers assisted nearly 500 immigrant New Yorkers with employment rights education and legal assistance.

These facts and numbers are helpful to understand the scale of the services available, but they do not tell the whole story. It is important to recognize the real-life impact this kind of legal advocacy can have for workers. Last September, one of our legal services partners through IOI, the Urban Justice Center, resolved a case against a restaurant owner on behalf of a group of cooks, table bussers, waiters, counter persons, delivery workers and dishwashers. These workers were connected to UJC’s worker rights practice through the outreach efforts of one of their community-based partners, NMASS, the National Mobilization Against Sweatshops. The group of employees consistently worked between 50 to 60 hours per week, were not paid the minimum wage, were not paid overtime or spread of hours compensation, had their tips unlawfully withheld and were made to sign fraudulent pay record documents to even receive

their compensation. UJC was able to take their case under the IOI program, and after litigation they obtained a consent judgment of \$1.8 million in favor of their clients.

In another case, the Legal Aid Society, another participating legal provider in the IOI program, represented a young woman who worked for several years in an office, during which time she shared a space with an older man who often berated her. She attempted to remedy the situation with her superiors, but they did not provide any assistance. Finally, after a particularly upsetting incident of abuse that caused her to seek medical treatment, she resigned. She applied for unemployment benefits, and the employer challenged her claim. The Legal Aid Society successfully argued in court that her employer's abuse gave her good cause to resign. The judge ruled in Ms. L's favor and reversed the decision of the Department of Labor and awarded her unemployment insurance benefits.

In addition to providing legal resources for low-wage workers and other immigrants in need, the IOI program involves extensive outreach work conducted by community-based organizations partnered with legal organizations. IOI providers participated in over 340 outreach events in Fiscal Year 2017, reaching an estimated 9,300 immigrant New Yorkers to provide information about their legal rights and the services available to them. In addition, the City has also worked to distribute information about available services to low-wage immigrant workers. For example, MOIA has an ongoing partnership with El Centro, a day worker center, to provide "know your rights" information to hard-to-reach immigrants, including day laborers; and MOIA's own outreach team has worked to distribute information about City resources directly to day laborers.

Looking forward, we are in the process of developing the Office of Civil Justice's first Five Year Plan for civil legal services in the City which will lay out an assessment of resources and unmet needs, and a strategic vision for the future of civil legal assistance for low-income New Yorkers, including immigration and workers' rights legal services. We appreciate the opportunity not only to contribute to the conversation but also to hear from the other stakeholders and community leaders testifying today about these important issues.

Conclusion

Thank you for allowing us here to testify today on our efforts to support and provide resources to low-wage workers. We look forward to your questions.