



Lorelei Salas
Commissioner

**Statement of Lorelei Salas, Commissioner of the New York City Department
of Consumer Affairs**

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**Submitted to the House Committee on Education and Workforce
Subcommittee on Health, Education, Labor and Pensions**

Hearing on H.R. 4219, "Workflex in the 21st Century Act"

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In December 2017, the House Committee on Education and Workforce held a hearing on "Workplace Policies: Opportunities and Challenges for Employers and Working Families."¹ The New York City Department of Consumer Affairs ("DCA") submitted testimony at that hearing strongly urging Congress to reject H.R. 4219, the "Workflex in the 21st Century Act."² Today, DCA maintains that H.R. 4219 would undermine strong local labor standards across the nation under the guise of providing employees with paid time off. H.R. 4219 creates a mirage of meaningful rights of workers to paid time off by, at minimum:

- 1) Neglecting to set parameters for how employees may request, use or accrue paid time off;
- 2) Preempting state and local law pertaining to paid leave and fair scheduling, which weakens labor standards across the nation;
- 3) Ignoring the diverse needs of local workers and businesses and curbing remedies designed to ensure labor laws help workers and businesses alike;
- 4) Failing to clearly prescribe how businesses can comply with the proposal and giving employers unilateral discretion over time and leave policies; and
- 5) Discounting the advantages of paid leave to businesses and the disproportionate advantage large corporations have in complying with local law compared to their smaller counterparts.

Through enforcement of the Paid Safe and Sick Leave Law, DCA has demonstrated that localities can be efficient and impactful in responding to violations of labor laws that are there to protect workers. In the seven months

¹ See *Hearing for Subcommittee on Health, Employment, Labor and Pensions "Workplace Leave Policies: Opportunities and Challenges for Employers and Working Families,"* available at <https://edworkforce.house.gov/calendar/eventsingle.aspx?EventID=402145>

² See *House Committee on Education and Workforce Subcommittee on Health, Education, Labor and Pensions Hearing on "Workplace Leave Policies: Opportunities and Challenges for Employers and Working Families,"* December 2017 (testimony from Lorelei Salas, Commissioner of the New York City Department of Consumer Affairs) available at <https://www1.nyc.gov/assets/dca/downloads/pdf/partners/Advocacy-WorkplaceLeavePolicies-121917.pdf>

since DCA submitted testimony to the House Committee on Education and Workforce on this subject, it has secured more than \$1.3 million in additional relief for an additional 5,000 workers. In total, and since the law's inception in 2014, secured more than \$6 million in relief for more than 25,000 workers, and assessed more than \$2.2 million in fines through settlements with businesses. DCA has received almost 1,600 complaints alleging violations of the Paid Safe and Sick Leave Law and closed more than 1,300 cases.

Further evidence of the Paid Sick Leave Law's success since its adoption in 2014 is the recent amendments to it that passed without controversy. These amendments expanded the Law's definition of family member to include "chosen family" and its uses to those related to taking safety measures from domestic violence, human trafficking, stalking or sexual assault. These amendments make New York City's Paid Safe and Sick Leave Law (PSSL) a vehicle to guarantee almost all workers in New York City, regardless of immigration status and whether they are full-time, part-time, or contingent, basic human dignity.

DCA urges Congress, and this Committee, to reject H.R. 4219, heed steps taken by states and localities throughout the nation, and advance measures that do not preempt or inhibit local control, but instead establish baseline protections that may be augmented by state and local governments to respond to their respective community needs.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a stylized initial 'L' followed by a long horizontal stroke.

Lorelei Salas
Commissioner