



**Testimony
New York City Council
Committee on Civil Service and Labor**

Tuesday, May 5, 2020

Good afternoon Chair Miller and members of the committees on Civil Service and Labor. I am Samara Karasyk, Executive Vice President and Chief Policy Officer at the Brooklyn Chamber of Commerce. The Brooklyn Chamber of Commerce is among the largest and most influential business advocacy organizations in New York, having spent the last hundred years developing and promoting policies that drive economic development and advance its members' interests. We are the voice of Brooklyn's business community, offering the promotion, support and advocacy businesses need to continue creating jobs and opportunities in their communities.

Our team at the Brooklyn Chamber of Commerce has been working around the clock to help our small businesses weather the COVID-19 crisis and offer them the support, tools, and resources that they need to survive. We have seen firsthand how difficult it is for them cover basic expenses such as salaries and rent at a time when many have been mandated to close and others have been forced to pivot to a completely new business model that does not offer them the same amount of revenue. We face the real possibility of 30-40% of our small businesses not reopening just due to the impacts of the shutdown. We can't afford to force additional mandates that could shutter even more businesses and put more New Yorkers out of work. Even essential businesses have been impacted by this unprecedented crisis. These enterprises cannot absorb any additional fees, taxes, or fines.

The Brooklyn Chamber of Commerce staff has been in touch with thousands of businesses since this crisis began. Our small business owners have expressed real grief about having to furlough or lay off employees. Those that are still able to be open are worried about their employees' mental and physical health. All of our businesses – essential or non-essential, are fighting to survive. Intro. 1918 would require that businesses with 100 employees or more provide \$30 for a four-hour shift and up to \$75 for a shift lasting more than 8 hours. We have heard from our businesses that would be affected by this legislation that they cannot afford these premiums. They care about their employees and need them to be as safe and healthy as possible – especially under the current circumstances. This bill puts our essential businesses at risk at a time when we need them the most. The New York State government is paying premiums for front line healthcare workers; it is the government's job to cover hazard pay for these essential workers as well - rather than placing a financial burden on businesses that cannot absorb these costs.

We are also very concerned about Intro. 1923, which would mandate that essential employees be given just cause for termination while a state of emergency is in effect in New York State.



This bill applies to businesses of every size and the reality is, for our small businesses, the owner is the HR director, Chief Executive, accountant, and frontline worker. Their HR files may not meet the criteria laid out in the bill when they meet the “just cause” requirements. And even essential businesses are being forced to make difficult decisions about who to keep and who to let go during this crisis. Small business owners consider employees to be family – they take care of them, rely on them, and have a close personal relationship. Now, in these extraordinary times, they are forced to choose between great and good enough employees. This bill makes it illegal for someone to let that “good enough” employee go. Essential businesses must be allowed to make decisions that enable them to survive and provide the much-needed services they offer to the public. This bill puts essential small businesses at risk – the arbitration process (which would take up hours where they must be at their place of business) and fines would be a significant blow to their already fragile businesses – no essential business is going to let someone go right now unless they absolutely have to.

Lastly, I will turn to Intro. 1926., which mandates that contractors that work a minimum of 80 hours a year be given paid sick leave. There are 168 hours in a week. This means that someone could do a job for a business for one week, and that business would be required to pay them sick leave, an expense that would make it impossible to contract with anyone. Additionally, Section 20-912.1 a(1) states that for a person to be considered a contractor, *they must be free of the control and direction of the hiring entity in connection with performance of the labor or services, both under the contract for the performance of the work and in fact*; but I do not know of any business that would hire someone for contract work without stipulating the terms of the work and performance expected. Under this clause as I understand it, all businesses would have to pay contractors sick leave – which is untenable for them – especially in light of the pandemic.

In closing, we ask for your help in saving our local economy and that you pause any legislation that increases financial burdens on businesses at this time. We look forward to working with you to save as many of our small businesses as we can and bring them back to life – our communities and neighborhoods cannot survive without them.

Thank you for your consideration and for your support of New York City’s small businesses.