

## Q1 by the Numbers



**530**

Number of bills we are actively tracking.



**40+**

Meetings with State and City officials.



**4**

Lobby Days we have participated in with partners.

The first quarter of this year was a busy one. NYSRA continues fighting to get elimination of the tip credit off the table, and has been tracking hundreds of new bills to make sure the restaurant industry is heard on issues that could negatively impact restaurants.

## NYSRA Pushing Forward

### Credit Card Surcharges

- (+) Currently it is illegal in NYS to pass on credit card fees or have surcharges for credit card use.
- (+) NYSRA is joining other stakeholders in working to get legislation introduced that allows businesses to pass these fees to customers in the form of a surcharge.

## NYSRA Pushing Against

### Elimination of the Tip Credit

- (-) Last year NYSRA mobilized hundreds of employees and restaurants to take part in a series of hearings dedicated to this issue, which resulted in halting momentum for elimination and neutralizing it for now.
- (-) We continue meeting with key stakeholders to make clear how important this credit is to the health of the restaurant industry.
- (-) The NYS Dept. of Labor has made no recommendation on this issue to date.

### Predictive Scheduling

- (-) This does not work, and is not merited for the restaurant industry. We continue to strongly warn against any predictive scheduling effecting the restaurant industry.
- (-) Both employers and employees are against this type of proposal as it limits flexibility in an industry that is attractive to many for that exact reason.

## Updates/Clarification

### Plastic Bag Ban | NYSRA Win!

- (⚡) Restaurant Exemption from Plastic Bag Ban
  - Major victory getting restaurants exempted from statewide plastic bag ban which will take effect next year.
  - We will continue holding meetings with those involved to ensure this exception remains.

### Commercial Organic Recycling

- Legislation passed that mandates restaurants and hotels that generate more than two tons of food waste annually, and are within 25 miles of a processing plant, must cart this waste to processing plants beginning in 2022.
- Many details remain to be seen about this bill as the Department of Environmental Conservation has yet to begin promulgating the rules.
- NYSRA will meet with the DEC to discuss the formula that will be used to calculate food waste, along with other questions yet to be answered regarding this bill.

### Congestion Pricing

- The final budget agreement included a section regarding congestion pricing where vehicles traveling inside certain corridors in Manhattan would be subjected to additional tolls.
- Much like organic recycling, details have yet to be worked out about how much and where these additional tolls will be collected.

## NYSRA Pushing Forward

### Scaffold Reform

- (+) Limits to time scaffolding can be up without work getting done.
- (+) Requires periodic inspections at cost of owner, increased fines for violation.
- (+) Incentive to get work done quickly and safely.
  - Continue meeting with Council Members, as well as Counsel to Housing and Buildings Committee.
  - Current outlook is for a hearing in the spring, likely June.

### Small Business Package of Proposals

- (+) Study and track commercial properties and vacant storefronts across the City.
- (+) Simplify access to City regulations, and SBS trainings, provide legal assistance to businesses facing foreclosure.
- (+) Require evaluation of existing regulations across departments to identify rules that can be eliminated or places where cure periods could be introduced.
  - NYSRA testified in support of these proposals at a hearing in March.

## Updates/Clarification

### THC Pre-Employment Drug Testing Ban

- Passed by City Council. Employers are still free to prohibit workers from being under the influence on the job.

### Enforcement of CBD Ban and Outlook

- Outreach period until July 1, when embargoes begin. Starting October 1, violations will begin with possible fines/letter grade impact.
- Packaged foods/beverages (already infused with CBD) included in ban.

### Kids' Meals Drink Defaults

- Passed by City Council. Soda may be served upon request, but default beverage for kids' meal package must be water, milk, or juice.

## NYSRA Pushing Against

### Fast Food Firings/Layoffs Proposal

- (-) Employers must have “just cause” to fire workers or reduce hours by more than 15%.
- (-) This “just cause” must be provided in writing, employees have access to lawsuit or arbitration if they disagree, burden of proof on employer.
- (-) Employer must prove economic reason to do layoffs, move in order of reverse seniority, regardless of quality or job duties.
  - NYSRA participated in planning call with numerous national fast food chains.
  - NYSRA met with City Council Members alongside National Restaurant Association, Dunkin and McDonalds to explain problems and consequences of these proposals.
  - No hearing scheduled yet.

### Increased Food Cart Vendor Licenses

- (-) Known current state of poor enforcement and non-compliance adds to uneven playing field with storefronts.
- (-) Adding to the problem before showing it's solved is irresponsible.
  - Proposal being considered by City Council.
  - NYSRA made a statement against the proposal, press conference coordinated with business industry allies (BIDs, Chambers of Commerce, grocery and bodega trade associations).
  - NYSRA testified against this proposal at the City Council hearing on 4/11.