

As we head into summer the State Legislative year has come to an end. The Association was able to successfully navigate the new political currents to win on some key issues, this was a good year overall for restaurants in the state. Below is a summary of legislative activity to date.

NYSRA Wins



Legalization of E-bikes and E-Scooters

- NYS Restaurant Association has long advocated for the legalization of electric bikes and scooters as they will allow for deliveries to be made faster and easier.
- For too long restaurants and their employees have had to face costly fines over using this mode of transportation.
- Legislation is awaiting the Governor's signature.

Halted the "Dependent Worker" Bill

- Bill introduced in the Senate and Assembly that would've reclassified independent contractors for technology companies as dependent workers, including workers for food delivery companies like Grubhub, Seamless and Uber Eats.
- This bill would have substantially increased labor costs for these companies and forced them to pass costs on to the businesses that they serve.
- We worked hard with coalition partners to ensure that this bill would not pass this session - and our efforts were successful.
- We expect to see similar legislation again when the NYS Legislature reconvenes next year, and we will be ready to take up the fight again.

Restaurant Exemption from Plastic Bag Ban

- A major victory in the first part of 2019 was getting restaurants exempted from the statewide plastic bag ban that will take effect next year.
- Some in the legislature are pushing to eliminate this exemption but we are continuing to hold meetings with those involved to ensure this exception remains.

Issue Update

Commercial Organic Recycling

- Not much has changed since the Q1 update. Many details remain to be seen, and the Department of Environmental Conservation has yet to begin promulgating the rules.
- NYSRA has further meetings scheduled with DEC to discuss specific points of the legislation.

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.
- Details have yet to be worked out about how much and where these additional tolls will be collected. We expect to get further clarity this fall.

Employer Lien Bill

- Under this new legislation, employers could have a lien put on their business if they are found to have committed wage theft. This would also make stakeholders liable.
- Legislation passed both houses that would establish more avenues for employees to pursue damages if they have faced wage theft.
- The Association is working with a number of business community partners to communicate to the Governor's office the dangerous precedent this bill establishes in an effort to see some adjustments made during the rule making process.

NYSRA Pushing Forward +

Grubhub Charges

- (+) NYSRA helped raise this issue after it was discovered that Grubhub/Seamless may be charging restaurants incorrectly for orders that did not take place.
- (+) This has received more attention through news coverage, and is now on the radar of the National Restaurant Association and other state restaurant associations.
- (+) The City Council Small Business Committee held an oversight hearing on this issue. Grubhub representatives said there will be no retaliation against restaurants that bring issues to the table. Please check your records and see if you have received any mistaken phone charges. We will be happy to help if you're not sure how to contest charges.

Scaffold Reform

- (+) We continue to support legislation that limits the time scaffolding can be up without work getting done.
- (+) This bill would require periodic inspections at the owner's cost, increased fines for violation if the scaffolding remains up too long, and provides needed incentives to get work done as quickly as possible.
- (+) Current outlook is for a hearing in the summer.

Updates/Clarification

Enforcement of CBD Ban and Outlook

- On July 1, the NYC Department of Health embargo on food & beverage containing CBD went into effect.
- Starting October 1, violations will begin with possible fines/letter grade impact.
- The FDA held a hearing on CBD in May but made no real progress on rulemaking for CBD in food & beverage.

Proposed Foie Gras Ban

- NYSRA testified regarding the enforcement of this proposal, to ensure that restaurants who secure humane, non-force-fed foie gras will not be punished.

NYSRA Pushing Against -

Quick Service Just Cause Legislation

- (-) This bill would require employers prove "just cause" to fire workers or reduce hours by more than 15%.
- (-) Employers would need to demonstrate an economic reason to do layoffs, move in order of reverse seniority, regardless of quality or job duties.
- (-) We have been vocal in the press and had an op-ed published in opposition to this proposal.
- (-) No hearing currently scheduled.

PTO Mandate

- (-) This proposal was originally unveiled by Mayor de Blasio and would require all private businesses in NYC to provide employees with two weeks paid vacation.
- (-) We strongly oppose this legislation and have joined with other industry groups to form a coalition, run a PR campaign in opposition, and recently held a rally for small business at City Hall.
- (-) NYSRA testified against this proposal at the City Council hearing in May and we have a number of meetings scheduled over the summer months with several councilmembers.

Commercial Waste Zones Proposal

- (-) Council Member Reynoso has introduced a proposal which would divide NYC into waste hauling zones which would be serviced by one hauler.
- (-) We are adamantly against this proposal as it provides no choice for businesses or give them the ability to get a new hauler if they aren't satisfied.
- (-) NYSRA testified against exclusive zones at the hearing in June.
- (-) We have been assured by Department of Sanitation that the Administration opposes exclusive zones.