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## **In Opposition of the ‘Fair Work Week’ bill package**

Good morning. My name is Kevin Dugan and I am the New York City Regional Director for the New York State Restaurant Association, a trade group that represents food and beverage establishments both in New York City and throughout New York State. The New York State Restaurant Association is the largest hospitality trade association in the State of New York and it has advocated on behalf of its members for more than 80 years. Our members represent one of the largest constituencies regulated by the City and are a key economic engine, with more than 20,000 eating and drinking establishments located in the five boroughs.

New York City is one of the pillars of the culinary world. Our restaurants employ hundreds of thousands of New Yorkers, the quick-service industry alone employs more than 65,000 individuals across the city, and our members support millions of residents and tourists each year. As one of the most important industries in New York City, its growth and survival should be supported by all levels of New York City government.

Although this package is well intended, I fear this it will hurt those that it has set out to help. Flexibility is a key selling point to many of those who work in the quick-service industry. This package takes away that flexibility. These bills would mandate that restaurants rigidly schedule their employees with 14 days of inflexibility. At first glance this might seem beneficial to the employee, however countless employees rely on their ability to pick up extra shifts when needed. This flexibility often results in greater take home pay. While this legislation doesn't exclusively prohibit this, it does impose onerous fines on restaurant owners who are looking to accommodate this employee's request.

While we don't believe a scheduling mandate is necessary or beneficial to the industry, if the Council does pass a mandate, a scheduling timeline of seven days would make much more sense for all parties involved. This would help the

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employees looking for certainty in their schedules, while also allowing other employees to seek flexibility, and would protect the small business owner against a situation where an employee is suddenly forced to deal with someone leaving the business and not being able to change the schedule for two weeks. While an owner may be able to survive a few days of being short staffed, going two weeks without calling in a replacement is simply untenable.

It's important to remember that many of these franchise owners are small businesses. It's easy to lump these restaurants in with the big corporations they're associated with but these owners are almost always local businesswomen and men who employ individuals who live in their community. The restaurant industry, at every level, survives on razor thin profit margins. Every dollar becomes extremely important and has a large impact on the bottom line. Costs in the restaurant industry are on the rise, making it tougher for restaurant owners to make ends meet. Food costs, labor, and rent are just a few examples of major increases that the industry has been dealing with in New York City. These higher costs have led several restaurants to reduce staff and turn towards automation, hurting the very employees that legislators were hoping to help. As an industry we fully understand that the targets of some bills are things that should be addressed. For example, we do not endorse business practices such as "clopening" or "on-call scheduling" and support practical regulations restricting such practices. However, we do ask that if certain employees would like the opportunity to earn overtime pay and volunteer to take on some of these shifts that they be allowed to do so.

We also have certain reservations on the bill that would require employers to allow service professionals to contribute a portion of their hard-earned salaries to a union-run not-for-profit. We see this as further deepening the divide between the employees and employers. Many employers see their employees as part of their family and treat them as such. We recognize that in some unfortunate situations this doesn't happen but the current labor laws in New York protect employees from bad business practices. This bill seems to add an additional layer of superfluous regulation where the penalties again fall on the employer to ensure these donations are getting to the specified source.



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We respectfully acknowledge that members of the New York City Council have the best interests of restaurant industry employers and employees in mind. However, we are disappointed that groups, such as ours, that represent employers were not invited to participate in discussions related to the "Fair Work Week" package of legislation before it was introduced. We ask that you listen to some of the concerns the industry has with the hope that we can find workable solutions to some of the issues addressed.

I thank you for the opportunity to testify today. I look forward to future discussions that will protect the owners who help create thousands of jobs and help keep the local economy strong.

Respectfully Submitted,

Kevin Dugan  
Regional Director  
New York State Restaurant Association