
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

April 2018

Let the Hearings Begin – The State Labor Department’s hearings on eliminating the tip credit got off to a rousing start on Long Island this month. More than 500 people showed up – roughly half taking each side of this issue – to let the Labor Department know how they feel about the proposal. There were so many people who came out to attend the hearing that there was an overflow crowd, filling the hearing room and forcing the Department staff to make arrangements for those who couldn’t squeeze in to the main room.

Groups in support of eliminating the tip credit and those opposed held competing press conferences before the hearings got started. The energy on both sides was noted by a local reporter who described it as more like dueling protests rather than dueling press conferences. The coalition supporting the elimination of the tip credit – including so-called advocates for car wash workers, nail salon workers and restaurant workers along with an assortment of progressive groups – dominated the first 50 of the 150 speakers at the hearing leading to an occasional outburst from someone in support of the tip credit who couldn’t wait to get their voice into the conversation. But overall the speakers were split nearly evenly and before the afternoon was over the Department of Labor had gotten an earful, mostly politely, from servers and owners in the hospitality industry who oppose eliminating the tip credit.

The overwhelming turnout from the hospitality industry at the Long Island hearing was a collaborative effort of many groups and organizations who oppose eliminating the tip credit, but it’s success was due to individual servers, managers and owners taking this seriously, signing up to speak at the hearing and showing up. This was just the first hearing. The next hearings are:

- April 25th in Watertown
- April 30th in Syracuse
- May 8th in Buffalo
- May 18th in Albany
- June 27 in New York City

Sign-up now to speak at one or more of these hearings:

Register online at: www.labor.ny.gov/subminimum

Register by email at: hearing@labor.ny.gov

Register by phone by calling: 518.457.5519

Don't forget to sign up for our coalition newsletter at www.SaveNYTips.org for more information and updates and to connect your servers to the Supporters of the Tip Credit Facebook page so they can join servers around the state fighting for our industry.

State Budget Includes Sexual Harassment Prevention Requirements – The newly adopted state budget includes new obligation on employers of all types and sizes to prevent sexual harassment. These include:

- Prohibits employers from using mandatory arbitration provisions in an employment contract in relation to sexual harassment complaints
- Prohibits the use of non-disclosure agreements except when it is the explicit preference of the victim
- Requires all employers to establish sexual harassment prevention policies and training programs. Provides for the Department of Labor and the Division of Human Rights to develop a model sexual harassment prevention policy and training program. Employers must adopt programs that meet or exceed the standards in the model.

The prohibitions on using mandatory arbitration and non-disclosure agreements take effect 90 days after the bill became law, which is on or about July 4th. The requirement to establish sexual harassment policies and training programs will take effect 180 days after the bill became law, which is on or about October 4th. We'll be working with the Department of Labor to monitor the development of the model policy and training program and will keep you informed of their progress. And we'll update you on any other developments of note.

Plans Announced for the 2018 Golf Outing - The Association's Golf Committee has announced plans for this year's outing. Please join us on Monday, June 4th at Cronin's Golf Resort in Warrensburg. As the enclosed brochure details, for only \$110 per golfer you get greens fees, cart, lunch, dinner and refreshments on the course throughout the day. Cabins are available at Cronin's for those who want to stay overnight Sunday and/or Monday.

This is a great day of hospitality and camaraderie, but it's also a fundraiser to support the work of the Association. The current battle over the tip credit is already draining our resources, so taking part in the golf outing is a good way to help. Can't be in Warrensburg on June 4th? Support the outing with a sponsorship...we have an option for everyone's budget. Check out the available sponsorships on the enclosed brochure.

Following the golf outing, the Association will host its Spring Board Meeting at Cronin's on Tuesday, June 5th. The agenda will include an update on the tip credit public hearings and plans for our Fall Board Meeting in Saratoga. Hope to see you there!