
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

April 2019

State Budget Round Up...Bags, Food Waste, and Bottles - The State Legislature completed adoption of the state budget overnight on March 31st and April 1st and there were no major issues for our members. The final budget does include a ban on single-use plastic bags, but it exempts restaurants. The new state law has a somewhat confusing local option to require a fee on paper bags. That may not be the end of this discussion – one legislator has introduced a bill to extend the ban to include restaurants and there are ongoing discussions about the paper bag fee.

The budget also includes a requirement for large food generators (those producing an average of two tons of food waste per week over the course of a year) to donate edible food and to compost food scraps if an organic recycler is located within 25 miles of their location. This won't affect you in its current form – very few restaurants in the state will be covered – but it sets the framework for future rules for all food service establishments.

Efforts to expand the bottle bill fell short during the budget discussions. There is broad legislative support for expanding the law to include more containers, including possibly wine and liquor bottles, and the legislature is expected to pursue this in the post-budget portion of the session. The challenges of the international recycling market, the needs of local municipalities, and the realities of the collection system make this an extremely complicated issue to resolve. We're digging in for the battle to make sure your business interests are protected.

New Threat Emerges to Tip Credit - While we've had our eyes on the state budget deliberations, Restaurant Opportunities Center United (ROC) - the union funded organization driving the campaign to eliminate the minimum wage for tipped foodservice workers - has been busy building support for their proposal to eliminate the tip credit:

- ROC has brought tipped workers to Albany to advocate legislators to eliminate the minimum wage for tipped foodservice workers
- ROC held a press conference in the State Capitol with several state legislators and tipped foodservice workers calling for the elimination of the tip credit
- ROC has activated celebrities to speak out in favor of eliminating the tip credit for foodservice workers including Amy Poehler, Jane Fonda and Hilary Clinton

- ROC has collected tipped foodservice workers' signatures on an online letter to Governor Cuomo calling for him to eliminate the tip credit for foodservice workers

We can't allow these attacks to go unanswered! We have got to speak up to Save the Tip Credit or it will disappear. Here's who you need to contact:

Assembly Labor Committee Chair Marcos Crespo – crespom@nyassembly.gov

Senate Labor Committee Chair Jessica Ramos – ramos@nysenate.gov

Let these legislators know that you oppose eliminating the tip credit for food service workers. Explain why you oppose eliminating the tip credit and what it would mean to your business if the tip credit is eliminated. Will you have to lay off employees, will you have to cut hours, will you have to delay maintenance...include this in your message to these officials so they understand the impact of their actions. If you have employees who are willing to be vocal on the issue please ask them to send an email too. The Labor Chairs will be particularly interested in what impacts and unintended consequences this would have on employees. Make sure you include the bill numbers, S1760 – A1240, so your legislators know exactly what you're talking about.

Association Counsel Joins The Wagoner Firm - Longtime Legal Counsel to the State Association, Jim Linnan, has joined The Wagoner Firm. Jim joins The Wagoner Firm in its fifth year of business and at a time of dramatic growth, as the firm adds medical malpractice, personal injury and expertise in the area of the hospitality industry, including representation before the New York State Liquor Authority to its already established list of practices.

Jim has served as Counsel for the Empire State Restaurant and Tavern Association for more than 30 years, and has represented many hundreds of liquor license applicants, existing licensees, and those facing disciplinary proceedings before the State Liquor Authority Board. Jim is well-versed in representing those who are buying or selling existing hospitality businesses and those who are applying for licenses from the SLA. The Wagoner Firm is conveniently located at 150 State Street in downtown Albany, just two floors above the Association office. You can reach Jim at 518-449-5400 or at jim@linnanassociates.com.

Calling All Golfers - The Association's Annual Golf Outing will be held this year at Cronin's Golf Resort in Warrensburg on June 3rd. The \$110 per golfer registration fee includes greens fees, cart, lunch, refreshments on the course, hors d'oeuvres and dinner (cash bar), awards, and prizes. Cronin's cabins are available for overnight stay on a first come – first served basis. Call 518.623.9336 to reserve your cabin.

The outing is an Association fundraiser so please show your support by signing up to play in the outing or for a tee sponsorship. Your support for our cause (doing all the work mentioned above) will help make the outing a success.