
Empire State Restaurant & Tavern Association

Report From The Executive Director...Scott Wexler

June 2019

Cronin's Hosts Another Successful Golf Outing - Cronin's Golf Resort in Warrensburg once again hosted our annual golf outing on June 3rd. Sixty-three golfers ventured out in the shadows of the picturesque Adirondack Mountains to enjoy the hospitality of our host and our sponsors. Not only did the group have a great time but thanks to the participating golfers, tee sponsors, and the hard work of many around the state we also raised valuable resources to support the Association's advocacy work on behalf of the hospitality industry. On a related note, at its meeting on the day after the golf outing the Association's Board voted to name the outing after long time member Cleo Emmer who passed away earlier this year. While Cleo made numerous positive contributions to the Association over the years, she was a regular participant in our annual golf outing so naming the event after her seemed like an appropriate honor to recognize her substantial contributions to the Association over the many years.

Bradley and Ford Confirmed (Again) by the Legislature - the New York State Senate confirmed SLA Chairman Vincent Bradley and Commissioner Greeley Ford to new three year terms before recessing for the year. Chairman Bradley and Commissioner Ford have been voices of reason since joining the State Liquor Authority. Most importantly, as residents of upstate New York they bring "upstate sensibility" to the work of the Liquor Authority making sure that there's a balance between the needs of business and the public. We commend Governor Cuomo for nominating them to continue their good work and thank the State Senate for confirming their nominations.

Session Concludes...Some Wins, Some Losses, Threats Looming - The New York State Legislature recessed for the year this month after an active year for the newly minted Democratic Majority. A lot of the "energy" of the legislative session was invested in pushing through a laundry list of "progressive" issues that had been blocked by the Republican State Senate. We started the year with great trepidation about the damage that might be done to our industry, but when the session concluded it turned out to be a mixed bag with our worst fears unrealized although the threat continues. Here's some of the most important actions and inactions of the 2019 Legislative Session:

Elimination of Tip Credit – The Department of Labor's hearings last year calling for the possible elimination of the tip credit for various industries put the hospitality industry on pins and needles. Governor Cuomo could eliminate the tip credit with the stroke of his pen and many of the new members of the Democratic Senate Majority were vocal

supporters of eliminating the tip credit. The legislature did vote to eliminate the tip credit for car wash workers in parts of downstate, but otherwise chose not to take on this issue. We can't take our success to date for granted. Our opposition has built support this year and continues to push their agenda so they're not going away anytime soon.

Employee Liens – In an effort to curb wage theft (and instead of eliminating the tip credit) the state legislature passed a bill that would allow employees to obtain liens on their employers' personal and real property when they claim to have been underpaid. The bill allows an employee merely making an allegation to place a hold on a portion of their employers' assets – there is no proof of the claim required to place this lien. Working with other business organizations we got the bill amended to remove bank accounts from the potential targets of these employee liens and we were able to insert provisions that offer a process for employers to remove these liens. We're continuing our work with our partners to seek to convince the Governor to veto the bill or to seek additional changes to make it more fair and balanced.

Workplace Discrimination Laws – Building on the expansive sexual harassment prevention law enacted last year, the legislature passed a bill at the end of session that offers greater protections to employees from workplace discrimination and makes it much more difficult for employers to defend against such claims. If signed into law by Governor Cuomo it would offer additional protections for protected classes and special protections for employees who allege they have been sexually harassed, changes the law concerning nondisclosure agreements, extends the statute of limitations for sexual harassment claims, and makes changes to other laws governing sexual harassment prevention in the workplace.

Paying Beer/Liquor Wholesalers by Credit Card – The New York State Beer Wholesalers and Manhattan Beer were successful passing legislation that would allow retailers to pay alcohol wholesalers by business credit card and would require retailers to pay wholesalers a fee, to be set by the State Liquor Authority, to compensate the wholesalers for the cost of credit card surcharges and fees. We did not oppose allowing the use of credit cards to pay wholesalers, but we don't understand why the law has to require you to pay the wholesalers credit card fees. We're working with other retailer trade associations to persuade the Governor that large wholesalers don't need to be subsidized by small businesses owners.

Polystyrene/Plastic Straws & Cutlery – Proposed bans on polystyrene (Styrofoam), plastic straws and plastic cutlery are popping up all over New York State with a number of local laws already in place and others under consideration. This is likely going to be a state issue next year if it doesn't get sorted out at the local level before then.

The Association's commitment to advocate for small restaurants and taverns means we're always on guard to protect your business from attack – regardless of where the attack comes from. And we don't shy away from a fight. Stay tuned for updates on how these issues play out over the next weeks and months. Drop us a line if you want to know what you can do to help.