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December 1, 2017

New York State Department of Labor
Commissioner Roberta Reardon

Dear Commissioner Reardon:

We write today in opposition to the new regulations your office has issued in relation to employee scheduling. As elected officials, we understand and support reasonable regulations aimed at protecting the rights and safety of working men and women. We oppose however, regulations that appear to be gratuitous attacks on businesses large and small with little to no data showing the regulation will have the desired impact and even less public outreach.

A report released earlier this year by Gallup demonstrated that even those individuals this regulation is intended to help don't want or need it. One in six employees' works in a non-salaried job where the hours vary week to week and of those, just over half said they preferred the variable schedule. Two-thirds said it did not impose a financial hardship.

We have heard directly from businesses in our districts about the negative consequences that this regulation would impose. To quote one car wash owner in the Finger Lakes region:

"These rules will be DEVASTATING for the car wash business, and for every other weather dependent business in the state. Guarantee that it will lead to higher costs, reduced employment and no employee flexibility in work days, hours or time."

In short, the regulation you are proposing not only hurts small business in this state but it will also negatively affect the very people it purports to help.

There is a time and place for politics in our system of government, in fact, elections are the bedrock of that system. However, good politics does not always make good policy. In a rush to get out ahead of New York City and other states on this issue, it appears that the Governor and the Department are trying to rush through another costly and counter-productive mandate on



hard working small business owners. Policy decisions here in New York State should not be dictated by anyone's national political ambitions.

This is not the first time we have been down this road of course. In 2015, your department adopted rules through a wage board to raise the minimum wage in the fast food industry. Later, the legislature and the Governor negotiated wider changes to the minimum wage in the budget. Fast food wages were not captured and as a result, we continue to have a two-track minimum wage; one for fast food restaurants and one for everyone else. Despite being granted the power to smooth this inequity, the Executive Branch has done absolutely nothing.

Businesses in this state continue to experience death by a thousand cuts, and due to actions such as this, prices for hardworking consumers continue to rise.

We urge you to halt this proposal and instead submit it to the normal legislative process for consideration. If this is truly a good idea then there is no reason to ram it through the regulatory process in the dark of night.

Sincerely,



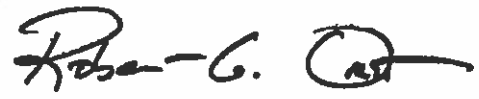
Senator Rich Funke



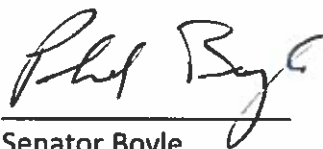
Senator Akshar



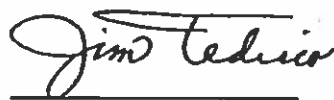
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Senator Ort



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