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Memorandum of Support for Bill No. A766/S2762

April 29, 2022

The Honorable Kathy Hochul
Governor of New York

The Honorable Andrea Stewart Cousins
Senate Leader

The Honorable Carl Heastie
Speaker of the Assembly

The Honorable Jessica Ramos
State Senator and Chair of Senate Labor Committee

The Honorable Linda Rosenthal
Member of the Assembly and Chair of Assembly Committee on Social Services

Dear Governor Hochul, Senate Leader Stewart Cousins, Speaker Heastie, Senator Ramos, and Assemblywoman Rosenthal:

The New York State Council of Churches writes in strong support of A766/S2762 a bill that will help workers collect wages stolen from them. As a Council, representing 9 denominations, we have committed ourselves to advocating for the rights and dignity of workers since the late 19th Century.

In light of all of our efforts to create a more just economy, we are deeply distressed that wage theft is rampant in every part of our state. Among our 7,500 congregations that employ people and seek to do so in a transparent and ethical manner, it is beyond our comprehension how our fellow employers can get away with hiding or transferring their assets to avoid paying wages they have stolen from their employees. Even when workers win a court-awarded judgment, they are unlikely to collect the money owed to them. A766/S2762, Securing Wages Earned Against Theft ("SWEAT"), will update New York

law joining other states which provide workers with legal tools to ensure their employers will pay them once they are awarded a judgment.

The proposed legislation will:

- Expand New York's existing mechanic's lien law to include all workers, joining other states allowing workers to put a temporary lien on the property of an employer who fails to pay wages.

Amend New York's existing attachment provisions to make it easier for workers to attach an employer's assets at the start of litigation before the property can be sold or transferred, using the standard currently enforced in Connecticut law; and

- Improve the procedures for holding the largest shareholders of privately held corporations and limited liability companies personally liable for wage theft. Current law allows for the largest shareholders of corporations and members of LLCs to be held accountable, but only if workers follow complicated procedures.

When low-wage workers are unable to collect wages that they are owed, the minimum wage and overtime laws are rendered useless. Scofflaw employers not only steal workers' wages, but also cheat the government of payroll taxes and undermine law-abiding competing businesses, thus hurting working families, and disadvantaging legitimate businesses and our State's economy. It's appalling to us that because of these employer's negligence, the rest of us--employers and taxpayers--have to pay for businesses that cheat and steal and put workers in precarious life situations which must be addressed with state programs which are stretched further because of reduced tax revenue. Getting through this pandemic, businesses and not for profits have had to pull their weight to offer security to workers. It's profoundly unethical that most of us are effectively subsidizing predatory businesses for their unethical wage practices and their lack of patriotism. Of course, the people who subsidize these businesses the most are the exploited workers themselves. They become unwitting philanthropists by contributing their stolen wages to unethical employers.

Please support this important legislation, which will make our wage-and-hour laws meaningful and ensure that workers can recover stolen wages.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Cook", with a stylized, cursive script.

The Reverend Peter Cook
Executive Director