

Comments to the New York State Department of Labor Hearing on Employee Scheduling

Submitted by:

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The New York State Hospitality & Tourism Association (NYSH&TA) is the oldest lodging Association in the country - founded in Saratoga Springs in 1887. We have nearly 1,300 member businesses in the lodging and attractions industry, and we currently represent 70% of the total lodging room inventory in the State.

The tourism industry in New York State is unparalleled; it's a combination of creating and maintaining jobs, as well as providing the State with a return on its investment that no other industry can offer. Tourism is a part of each region of the State, providing employment at all levels, from management to entry level. We are submitting these comments to express our concerns on the potential expansion of "call-in" or "on-call" scheduling rules.

In 2015, 764,000 jobs (1 in 12) were sustained by the tourism industry in New York, with a total income of \$33.1 billion, making the tourism industry the 4th largest employer in the State. Many of the jobs created by the tourism industry, particularly in restaurants and hotels, depend on "call-in" or "on-call" scheduling. Many of our members are small businesses that often operate seasonally or in areas of the state with large attractions. Different times of the year often require these businesses to have flexibility in staff arrangements and scheduling, as staffing needs are not always readily apparent weeks in advance.

While the tourism industry and its employers have enjoyed success in increasing tourism jobs and spending, the industry has also endured several challenges. While the industry appreciates the phase-in of the statewide minimum wage increase, the increase itself presents obstacles to employers in the tourism industry, in both maintaining and creating new jobs. Further, New York has recently implemented a paid family leave program, which when fully implemented, will provide 12 weeks of paid leave for employees taking care of family members, which may complicate staffing for employers. The industry is supportive of measures that ease burdens on employers to both boost the economy, and continue to generate additional employment statewide.

NYSH&TA is supportive of the hundreds of thousands of New Yorkers that the tourism industry employs, but the nature of the businesses involved in the industry require flexibility in scheduling for the continuing operation and success of employers. We believe that it is detrimental to both the employer and those seeking employment to place additional burdens on businesses that may lead to a decreased ability to maintain and create jobs in New York.