

To: NYS Wage Board

From: Ana Ortiz, Former, as of very recent, Hostess and Server at Ithaca Restaurant

Re: Testimony Regarding Issue of 'Tipped Workers' in Service Industries

Date: October 3, 2014

My name is Ana Ortiz and I have been living in Ithaca, New York for 19 years. Before moving to Ithaca, I lived in New York City but I was born in San Jaman Puerto Rico. I am a single mother of 4 children, all of whom have serious medical conditions. The kids have allergy problems, heart murmurs, anemia and ulcers. My youngest boy is two years old and has an ulcer in his stomach and he has esophagitis. He also has life threatening food allergies that can result in anaphylaxis.

Since moving to America, I have had a number of restaurant jobs including cooking and serving and most recently working as a hostess in a restaurant. As a restaurant worker I have experienced the horrible tip situation first hand. At the various restaurants where I worked, I was usually paid about 4 or 5 dollars an hour but it my wage been as low as 3 dollars an hour. As a single mother, I bring home the only source of income for my family. Therefore, this money is barely enough to get by, especially since I have 4 children with various medical issues.

Furthermore, many restaurants do not even make up the difference between the wages I make and the minimum wage if I do not make enough tips. I remember in 1994 when I first came down from Puerto Rico, I was serving at a restaurant for a couple of months for just 3 dollars an hour. I rarely made enough tips to make the minimum wage but my employer never paid me that difference. At that time, I did not even have children, but I always wondered how the mothers could survive week to week on just 3 dollars an hour seeing as it was barely enough money for me. It was even more difficult because we knew that if we made just a bit more, we would have to deal with DSS.

What made the experience even worse is that people assumed I made way more than I did. In New York City, people assumed that I was making 100 dollars a day. They did not realize how low my wages were and how important the tips really were to me. I did not work at high end restaurants and did not make the 20 dollars an hour that some people did.

Most recently I was working at Denny's in Ithaca, New York as a hostess and a server. I made 5 dollars an hour at Denny's, but even that was not enough to get by. Sometimes I worked the overnight shift with a few of my colleagues. On a slow night, there could have been 3 or 4 employees working at Denny's and only a few customers. We then had to split the few tips received by the 3 or 4 of us that were working. I rarely made 8 dollars an hour even with tips.

Some of my colleagues did not even make enough money to buy a 2 dollar carton of milk for their children!

I have also never been offered health insurance, or given vacation days or sick days. Many times in fact, I have been fired for missing a day of work either due to my health or due to my children's health. My children are often sick and my employers make me choose between taking care of my children, or working; I cannot do both. How am I supposed to leave my 2 year old son at home alone, especially when he's sick? Overall, my experiences at the many restaurants where I worked were not great ones, and I have never been offered a wage or the benefits to allow me to live comfortably with my children.