

The CAR WASH ACCOUNTABILITY ACT of 2012

(Intro. 0852-2012) ■ Prime Sponsor: Council Member Melissa Mark-Viverito

The need

The Car Wash Industry in New York is in urgent need of reform. Approximately 200 car washes currently operate within New York City – employing a total of approximately 5,000 workers throughout the five boroughs. Yet the city has virtually no oversight of the industry in place. The experience of agencies charged with enforcing the law in this industry indicate that this is an industry resistant to compliance, in real need of meaningful oversight. In an industry this fraught with legal violations, responsible car wash owners cannot compete.

Industry resistance, unlawful action, and aggression as response to consumer complaints

Preliminary results of a consumer complaint report due out later this summer reveal troubling trends in the NYC Car Wash Industry's approach to handling consumer complaints. Car wash workers provide anecdotal evidence that car wash customers in New York City often lack an adequate vehicle to make complaints about the industry, and that when customer complaints *are* handled and resolved, the common practice across the industry is to unlawfully misappropriate cash from the workers' tip pool in order to pay for damage to vehicles – even when the complaint or vehicle damage is in no way related to worker negligence. Researchers with the Wash NY Campaign conducted a systematic review to identify registered customer complaints about service in car washes in New York City. Sources reviewed include YELP, Yahoo! Local, City Search, Insider Pages, and Google+. The complaints, drawn from 133 separate online posts, reveal cause for serious concern. Common customer complaints are that car washes use poor quality equipment and chemicals and that employees are often unable to provide quality service because of time pressure and lack of management supervision.

Most alarming, a **full 38% of the complaints fall into the categories of inadequate or inappropriate manager response to customer complaint, manager refusing to accept responsibility for loss or damage caused to customer property, or manager and personnel showing lack of respect to customers. Customers even complain that some managers** respond aggressively to complaints and blame consumers themselves. These results point to the need for a more effective mechanism to resolve consumer complaints, in addition to the need for enforcement of worker protections like those that should be protecting workers from illegal tip stealing.

Wage Theft: Signs of an industry in need of meaningful oversight

The long history of wage theft in this industry is shocking. A New York State Department of Labor investigation in 2008 revealed that almost 80% of city carwashes were in violation of minimum wage and overtime laws. The U.S. Department of Labor in 2009 reached a \$3.4 million back wage settlement with Lage Management, one of the City's largest chain operators. As of April 2012, the very same chain is *again* under investigation by the Office of the Attorney General for alleged ongoing wage theft.

Groundwater discharge:

Use of dangerous chemicals is notorious in this industry. Anecdotal evidence indicates that many city car washes flout basic regulatory requirements designed to protect the general public, including mandatory permitting with the City Department of Environmental Protection for wastewater discharge.

The legislation

The Car Wash Accountability Act of 2012 puts in place a basic requirement that car washes apply for and receive a city license if they are to begin or continue business in the city. It is time that car washes – just like dozens of businesses, like auto towing companies, car garages, and even laundries – be brought under basic city oversight to bring the industry into compliance.

The details

The Act would make it mandatory for all car wash operators to obtain an annual license from the Department of Consumer Affairs. The Act sets the penalty for operating without a license at \$200 per day, up to a maximum of \$15,000.

Following are the key requirements that a car wash operator would need to meet in order to obtain a license under the Car Wash Accountability Act. Every car wash operator will need to:

- Provide essential information about the business entity involved and all officers and individuals with ownership interests, to help ensure no future evasion of liabilities.
- Certify and/or demonstrate its compliance with key applicable city, state and federal laws.
- Obtain a surety bond for \$300,000 – available to cover any unpaid fines and penalties to the city as well as unpaid damages owed to customers, suppliers, and workers.

As with other licensed industries, the DCA Commissioner will evaluate the fitness of an applicant to operate a car wash, weighing factors such as prior criminal actions in the industry, violations of related laws, and failure to pay taxes.

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Int. No.

By Council Member Mark-Viverito

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to licensing car washes.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 33 to read as follows:

Subchapter 33

CAR WASHES

§ 20-539 **Short Title.** This local law shall be known as the car wash accountability act of 2012.

§ 20-540 **Definitions.** a. “Car wash” means any individual, partnership, corporation, limited liability company, joint venture, association, or other business entity that engages in cleaning, detailing, drying, polishing, vacuuming, washing, or otherwise providing cosmetic care to vehicles, including waterless or dry wash systems.

1. For purposes of this subchapter, “car wash” does not include:

i. Any business entity that is engaged in selling, leasing, renting or repairing motor vehicles and that conducts car washing and polishing ancillary to its primary business of selling, leasing, renting or repairing vehicles;

ii. Any charitable, service, sports, veteran, or youth association, club or group that conducts car washing and polishing on an intermittent basis to raise funds for charitable, educational, or religious purposes.

b. “Applicant” means any individual, partnership, corporation, limited liability company, joint venture, association or other business entity that seeks a license to engage in the operation of a car wash.

c. “Licensee” refers to any individual, partnership, corporation, limited liability company, joint venture, association or other business entity that is currently licensed by the commissioner to operate a car wash.

§ 20-541 **License.** a. It shall be unlawful for any car wash to operate without a license.

b. All licenses issued pursuant to this subchapter shall be valid for one year unless sooner suspended or revoked.

c. Each applicant applying for a car wash license or renewal thereof shall file an application in such form and detail as the commissioner may prescribe and shall pay a fee of three hundred dollars for each location where a car wash shall be in operation.

d. In addition to any other information as the commissioner may require, an applicant for a car wash license or renewal shall furnish as part of his, her, or its application the following information:

1. The name and home address of the applicant;

2. The name of the business entity and, if applicable, the entity’s fictitious or “doing business as” name;

3. The form of the business entity and, if a corporation, all of the following:

i. The date of incorporation;

ii. The state of incorporation;

iii. If a foreign corporation, the date that an application for authority to do business in New York state was filed and approved by the New York secretary of state;

iv. Whether the corporation is in good standing with the New York secretary of state;

4. The federal employer identification number and the state employer identification number of the business;

5. The address and telephone number of the principal place of business and, if applicable, the addresses and telephone numbers of any branch locations;

6. Whether the application is for a new or renewal license and, if the application is for a renewal, the prior license number;

7. The names, residential addresses, telephone numbers, photo identification, and social security numbers of the following individuals:

i. All corporate officers, if the business entity is a corporation;

ii. All individuals exercising management responsibility in the applicant's office, regardless of form of business entity;

iii. All individuals who have a financial interest of ten percent or more in the business, regardless of the form of business entity, and the actual percent owned by each of those persons.

8. Written proof of compliance with all applicable laws, regulations and rules, including:

i. Verification that the applicant has received all necessary permits from the New York city department of environment protection for groundwater wastewater discharge pursuant to the clean water act and 40 C.F.R. § 403.3(v) and 40 C.F.R. § 403.8(f)(1)(iii) or any successor law or regulation, and 15 R.C.N.Y. §§ 19-02(f) and 19-05 or any successor rules, or verification that the applicant is exempt from said permits; and

ii. Verification that the applicant has received all necessary permits from the New York city department of health and mental hygiene to use non-potable ground water pursuant to 24 R.C.N.Y. § 141.17(b)(2), or verification that the applicant is exempt from said permits.

9. Written proof of compliance with the surety bond requirement as described in section 20-542 of this subchapter;

10. Signed certification by applicant that there are no outstanding judgments or warrants against applicant, as defined in section 20-543(a) of this subchapter;

11. Certificates of insurance for workers' compensation, unemployment insurance and disability insurance coverage;

12. Original or true copies of liability insurance policies or certificates of insurance for liability insurance carried by the applicant.

e. The commissioner shall refuse to issue a license to an applicant who lacks good character, honesty and integrity. For purposes of determining good character, honesty and integrity, the term "applicant" as used herein shall be deemed to apply to all agents of an applicant for a license. In making such determination, the commissioner may consider, but is not limited to considering:

1. Failure by such applicant to provide truthful information or documentation in connection with the application;

2. A finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license is sought. Examples of actions that bear a direct relationship to a fitness to conduct business include, but are not limited to:

i. Back taxes and related penalties;

ii. Violations of federal, state, and city environmental, health, and other applicable regulations;

iii. Unpaid back wages and related penalties;

iv. Judgments for liability in tort;

v. Judgments for breach of contract.

3. A prior revocation by the commissioner of a car wash license held by the applicant;

4. A finding that the applicant is a successor, as such term is described in section 20-543 (b) of this subchapter, to a previous car wash business for which the commissioner, pursuant to the provisions of this subchapter, denied the issuance or renewal of a license or revoked a license;

5. A finding that the applicant is a successor, as such term is described in section 20-543 (b) of this subchapter, to a previous car wash business for which the commissioner, pursuant to the provisions of this subchapter, would have been authorized either to deny the issuance or renewal of a license or to revoke a license.

f. Licensees shall keep a comprehensive log documenting complaints of damage to vehicles. Each such log entry shall include a detailed description of the damage and the manner and amount, if any, that the customer was compensated for the damage. Such records shall be kept for a period of at least three years and must be immediately provided to the department upon request.

§ 20-542 **Surety bonds.** a. Prior to issuance of a car wash license, each applicant shall obtain a surety bond from a duly authorized surety company approved by the commissioner.

b. The principal sum of the bond shall not be less than three hundred thousand dollars.

c. Such bond shall be payable to the people of the city, and shall be conditioned upon compliance with the provisions of this subchapter, and upon the further condition that the licensee will pay to the city any fine, penalty or other obligation within thirty days of being ordered to do so. Such bond shall also be conditioned upon satisfaction of any final legal judgment recovered by any individual who had a claim against such car wash, or provided goods and services to, the licensee and was damaged or had statutory rights violated thereby.

§ 20-543 **Payment of judgments.** a. No license shall be issued or renewed pursuant to this subchapter, and every license already issued shall be subject to suspension or revocation,

upon the failure of applicant/licensee to pay or satisfy any judgment secured against him or her or it, provided that such judgment was secured in a court of competent jurisdiction against the applicant/licensee for acts of commission or omission with regard to the business maintained, operated or conducted by him, her, or it pursuant to the license issued hereunder.

b. This requirement shall be applicable to any applicant/licensee who is a successor to any individual or business entity which in operating a car wash has failed to pay or satisfy any judgment secured against him or her or it according to the terms listed in subdivision a of this section. An applicant shall be considered a successor if he, she, or it satisfies any of the following criteria:

1. Uses substantially the same facility, facilities or workforce to offer substantially the same services as the predecessor employer;

2. Shares in the ownership, management, control of the labor relations, or interrelations of business operations with the predecessor employer;

3. Employs in a managerial capacity any person who directly or indirectly controlled the wages, hours, or working conditions of the affected employees of the predecessor employer; or

4. Is an immediate family member of any owner, partner, officer, or director of the predecessor employer of any person who had a financial interest in the predecessor employer.

§ 20-544 **Enforcement.** a. The commissioner shall enforce this local law pursuant to the commissioner's powers established in chapter one of this title, provided, however, that in the event of a conflict between the provisions of such chapter and the provisions of this subchapter, the provisions of this subchapter shall prevail.

b. Any license issued pursuant to the provisions of this subchapter may be suspended or revoked by the commissioner upon notice and hearing for any of the following causes:

1. Fraud, misrepresentation, or false statements contained in the application for the license;

2. Violation of any of the provisions of chapter one of this title, provided, however, that in the event of a conflict between the provisions of such chapter and the provisions of this subchapter, the provisions of this subchapter shall prevail;

3. Violation of any of the provisions of this subchapter;

4. Fraud, misrepresentation, or false statements made in the course of maintaining, operating, or conducting business pursuant to the license issued under the provisions of this subchapter;

5. Failure to answer a summons or notice of violation, appear for a hearing, or pay a fine or civil penalty imposed pursuant to the operation of the car wash for which the license was issued.

c. Any individual or business entity operating a car wash without a valid license issued by the commissioner shall be liable for a civil penalty of two hundred dollars per day for every calendar day during which the unlicensed business operated, up to a maximum of fifteen thousand dollars.

d. Any applicant who knowingly or willingly submits false information to the commissioner as part of an application for license under section 20-541 of this subchapter shall be liable for a civil penalty of five thousand dollars in addition to any other civil or criminal penalties otherwise applicable under the law.

§ 2. This local law shall take effect 180 days after enactment, except that prior to such date, the commissioner may take such actions, including the promulgating of rules and the processing of applications as provided in section 20-541 of subchapter 33 of chapter 2 of title 20

of the administrative code of the city of New York, as necessary to implement the provisions of this local law.

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ALL EYES ON 3

Arrest of Chinese drivers has livery industry on edge

Three immigrant Chinese livery drivers who blew the whistle last year on a Queens car service that was bilking its workers have ended up in jail themselves.

And the Chinese and Staff Workers Association, a well-known nonprofit group that came to the aid of the workers, suddenly finds itself in the cross-hairs of a federal criminal probe.

In a startling turnaround, the U.S. Department of Labor last week charged the three whistleblowers with conspiring to defraud the government. Federal agents picked up the three, Hong Xian Liu, Bi Sheng Liu, and Lin Guo on Jan. 23.

They were charged with giving false testimony at a state hearing

so one of them could collect unemployment benefits.

The date chosen for their arrests — the start of the Chinese New Year — sent an eerie signal to New York's Chinese community, which has watched for years the bitter battle unfold between

Tony Luo, influential chief of a small empire of van and limousine companies, and his workers.

Back in 2009, more than 20 of

Luo's nearly 200 drivers at Yes Car Service in Flushing held an angry protest. They accused their boss of beating, extorting and harassing them. Other workers claimed they had been cheated of wages and workmen's compensation. The men arrested last week spearheaded that initial protest.

They quickly garnered the

support of the Chinese and Staff Workers Association, a group founded in 1979 by longtime labor activist Wing Lam. The group repeatedly has won multimillion-dollar back-pay awards for immigrant workers against sweatshop and restaurant owners who violated state and federal labor laws.

Its success has made Lam's group many enemies. Its Chinatown offices were firebombed twice, and a Brooklyn satellite office was once ransacked by thugs.

But now, according to court papers and law enforcement sources, federal agents are seeking evidence that the association coached workers to make fraudulent claims so it could then demand a chunk of the settlements the workers received.

Last year, a state unemployment insurance hearing officer reached a major decision in favor of whistleblower Hong Xian Liu

— one that could cost the Yes Car Service millions of dollars.

Owner Luo had challenged his former driver's application for unemployment benefits, claiming Liu was an "independent contractor." But Liu brought the other two men as witnesses. They testified that they were required to work set shifts for seven days a week, and that the company controlled everything they did.

They even produced an employee manual in Chinese, with English translation. The manual spells out in detail all the duties of drivers. The company's defense was that the manual is fraudulent.

The hearing officer immediately declared in the driver's favor. The same ruling, of course, would apply to Luo's 200 drivers. So would their right to back overtime and to years of payroll tax deductions.

Hong Xian Liu and Bi Sheng

Liu both claim in sworn statements that they were picked up by federal agents last year.

They say agents pressured them to say the association's staff coached them to lie and fabricated the manual, but they refused to do so.

Bi Sheng Liu says agents picked him up in Kansas City, where he was living last year, and forced him to record a telephone call with the third driver, Lin Guo, in an effort to collect evidence that the three conspired to lie. He claims he was threatened with deportation unless he cooperated.

Neither Tony Luo, nor his attorney Joel Cohen responded to calls for comment.

You can bet immigrant livery drivers all over this city will follow closely what evidence the government produces in the case of the Chinese New Year bust.

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Juan Gonzalez



May 1st, 2012

12 pm, 26 Federal Plaza

Equal Rights for All Workers Repeal Employer Sanctions

We call on all workers to unite on May 1st to demand the federal government:

- Stop attacking workers who assert their labor rights! Arrest the federal agents & prosecute them for their wrongdoings!
- Ensure all workers the right to file a complaint with the government
- Abolish the modern-day slave law, Employer Sanctions, to ensure equal rights for all workers regardless of immigration status

Documented and undocumented workers of Yes Car Service united to fight for better work conditions. Together, they filed numerous complaints with gov't agencies for their employer's payroll & tax fraud, labor law violations, extortion, gang violence, and other illegal practices. Instead of putting Yes Car sweatshop boss Tony Luo behind bars, the federal government attacked the workers by arresting them on conspiracy charges.

Yes Car is an example of the government's active attack on workers in the interest of bosses & corporations. Employer Sanctions Law is the tool used to divide workers, pitting immigrants and native-born against each other. If we cannot unite as working people, we are powerless to challenge the plummeting conditions in our workplaces and communities.



We have sweatshops on The Upper West Side?

Sweatshops aren't just for clothes.

A sweatshop is any workplace that is harmful to workers and the community.

They have hazardous and exploitative conditions and repeated violations of labor laws.

Employers pay less than the minimum wage, require long hours of work, and fire workers who protest.

Many working people, **both immigrants and US-born**, are affected.

Sweatshops bring down standards for all workers by creating a **"race to the bottom"** and undermining businesses that comply with labor laws.

About the Campaign

The Sweatshop Free Campaign is led by residents, students, workers, and local groups to build a community with good jobs and fair labor practices.

In the past, the struggle of workers at Saigon Grill exposed labor law violations such as failure to pay minimum wage and overtime, tip-stealing, and discrimination.

This led other workers to organize and improve conditions at Flor De Mayo, Ollie's Noodle Shop, Tomo Sushi, Café Con Leche, Artie's Deli, Cottage, Kim's Vegetables and Nail Plaza.

Now the Sweatshop Free Campaign calls on the entire community to join and create a supportive neighborhood that upholds ethical business practices.

Sweatshop Free Upper West Side Campaign

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Eliminating Sweatshops

From Our Community

One Pledge at a Time



**As concerned neighbors
and ethical consumers,
Upper West Siders urge
local businesses to join
the community effort:**

***Pledge to comply with all
labor laws and maintain
a fair labor workplace!***

**Read on to find out what
you can do to help.**

Residents

Buy Sweatshop Free (see insert)
Ask businesses to sign the pledge
Spread the word at local group
meetings
Volunteer for the campaign
Join the picket line:
Saigon Grill, 90th & Amsterdam,
Wed-Sun 12:30-2pm, 6:30-8:30pm
Attend our bi-weekly meetings at
Trinity Lutheran Church, 168 W.
100th St.
Donate to the campaign:
sweatshopfreeny.tumblr.com
to make a Paypal donation

Owners/Managers

Sign the Sweatshop Free
Pledge, and get a **window
sign** to let everyone know that
your business is one they can
support.

To get a pledge form:
See the insert inside this
brochure, visit our website
sweatshopfreeny.tumblr.com,
call 212-358-0295, or email
sweatshopfreeny@gmail.com.

Endorsed by (list in formation): NYS Assembly member Linda Rosenthal, NYS Senator Tom Duane, NYS Assembly member Danny O'Donnell, NYS Senator Bill Perkins, Democratic State Committeeman Daniel Marks Cohen, NYS Senator Adriano Espaillat, NYC Council member Gale Brewer, Community Free Democrats, Three Parks Independent Democrats, Democracy for NYC, Greater New York Labor-Religion Coalition, Rabbi Neil Kaunfer-Director of Judeotutor Service, Rev. Heidi Neumark of Trinity Lutheran Church, Second Presbyterian Church, Rev. K. Karpen of the Church of St. Paul and St. Andrew, Rev. Robert L. Brashear of West Park Presbyterian Church, Rev. Elise Brown of the Advent Lutheran Church, Columbia University Asian American Alliance, Columbia University Students for Environmental and Economic Justice, Columbia University & Barnard College LUCHA, Hunger Action Network of New York State, Justice Will Be Served! Campaign.



Fall 2012 Newsletter

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Who is the Sweatshop Free Upper West Side Campaign: NYS Assembly member Linda Rosenthal, NYS Senator Tom Duane, NYS Assembly member Danny O'Donnell, NYS Senator Bill Perkins, Democratic State Committeeman Daniel Marks Cohen, NYS Senator Adriano Espaillat, NYC Council member Gale Brewer, NYC Council member Robert Jackson, Community Free Democrats, Three Parks Independent Democrats, Democracy for NYC, Greater New York Labor-Religion Coalition, Rabbi Neil Kaunfer-Director of Judeotutor Service, Rev. Heidi Neumark of Trinity Lutheran Church, Second Presbyterian Church, Rev. K. Karpen of the Church of St. Paul and St. Andrew, Rev. Robert L. Brashear of West Park Presbyterian Church, Rev. Elise Brown of the Advent Lutheran Church, Columbia University Asian American Alliance, Columbia University Students for Environmental and Economic Justice, Columbia University and Barnard College LUCHA, Labor Outreach Committee of Occupy Wall Street, Immigrant Worker Justice Working Group of Occupy Wall Street, Hunger Action Network of New York State, Justice Will Be Served! Campaign (Chinese Staff & Workers' Association, National Mobilization Against Sweatshops, 318 Restaurant Workers' Union).

Contact the Campaign: www.sweatshopfreeny.tumblr.com
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212-358-0295

The Community Says Happy Anniversary to the Sweatshop Free Upper West Side Campaign

The late June heat waves couldn't deter Upper West Side residents and workers from celebrating the first anniversary of the highly successful Sweatshop Free Campaign. Despite soaring temperatures, residents and passers-by were drawn in to the festivities, lured by sounds of cheering, festive music and dance performances. One couple stopped by to find out what was going on. Others came because they had heard about it through their community organizations, or

because they had picked up a flyer at the subway station earlier in the week. In all, over 200 supporters turned out to review the accomplishments of the past year and discuss the work ahead.

Because of the Saigon Grill campaign, which has braved blizzards as well as heat waves since November 2010, many businesses have improved their working conditions and have given backpay to their workers. The community came out in droves to celebrate such

progress at popular neighborhood eateries like Tomo Sushi, Sun Lee West, and V&T Pizzeria. Members of our growing coalition gave stirring speeches to the diverse group of party-goers.

The audience was rallied by the speakers' remarks. "It was actually because of my son that I got involved in this campaign," said Pastor Brashear. He and Pastor Neumark described their resolve to continue fighting

The event was fortunate to have a lineup of great speakers, starting with a welcome by Father Mike Tyson from Holy Name Church, followed by remarks from New York State Assembly Member Linda Rosenthal, Joan Paylo of the Community Free Democrats, Pastor Heidi Neumark from Trinity Lutheran Church, Cynthia Doty of Three Parks Independent Democrats, Pastor Robert Brashear of West Park Presbyterian Church, Oscar Vazquez representing Café Frida, and New York City Council member Gale Brewer.

for justice, despite threatening letters they received from Domino's Pizza Corp.'s attorneys to cease their involvement with the Domino's Boycott. The crowd cheered when Pastor Neumark read her defiant letter in response to the corporation's threats.



June 29th, 2012 @ Franciscan Community Center

Sweatshop Free: Making Huge Strides in One Year

It was over one year ago that we launched the Sweatshop Free Upper West Side campaign at a [March 26th rally](#) in front of Saigon Grill. Our community had long been supportive of local workers who have organized for years to improve working conditions. But instead of just supporting the struggle for workers' rights in our neighborhoods, we envisioned a more active campaign where we, the community, could unite with workers to transform the Upper West Side into a Sweatshop Free Zone!

How could we do this?

- By encouraging local employers to pledge to be sweatshop free and by promoting these responsible businesses.
- By engaging more residents and informing them about the problem of wage theft, labor law violations, and other sweatshop conditions in our community.
- By supporting more workers in their fight for better working conditions.

In every way the campaign has had a successful first year. We spoke with hundreds of neighborhood residents, attracted many new organizational sponsors to the campaign, and welcomed different faith based groups and local Democratic clubs to our coalition. We have supported dozens of workers to come forward and fight sweatshop conditions at several businesses. In the next year, we are looking forward to expanding our list of Sweatshop Free businesses. On a citywide level, the campaign will spread the Domino's Pizza boycott throughout the five boroughs, and ensure that all New Yorkers can participate. We'll continue to boycott the Saigon Grill Restaurant for promoting sweatshops in our community. We are especially interested in hearing your ideas on how to make this all possible, so join us and together we'll make our community Sweatshop Free!

Domino's Pizza Workers Organize for Justice

Since the November 2011 rally [to launch a city-wide boycott of Dominos Pizza](#), the Sweatshop Free Campaign has collected over 300 postcards to send to New York Attorney General Eric Schneiderman urging his office to take action. Several Sweatshop Free Upper West Side Coalition members also [sent a letter to Schneiderman](#), urging him to heed this concern by initiating a criminal investigation of David and Angelina Melton. The Meltons own and operate several of the popular pizza franchises, where over 60 workers are organizing against their sweatshop practices.

Now, even though they still operate 4 stores, making millions in profit, the Meltons filed for bankruptcy (Chapter 11) in order to put a halt on the lawsuit and stop workers from exposing these sweatshop abuses. Rather than rectify the problem of labor abuses, the Domino's Corporation has taken up defending the sweatshop boss Melton. Recently, when community supporters in the Upper West Side began spreading news of the boycott, the Domino's Corporation tried to silence them by threatening to sue two pastors leading efforts to eliminate sweatshops in the neighborhood. Enough! We say "No Justice, No Pizza!"

We Demand that Domino's Corporation:

1. **Rehire the workers who were fired for demanding better conditions.**
2. **Apologize to the Upper West Side community about the threatening letter.**
3. **Tell David and Angelina Melton to pay workers' stolen wages and backpay now.**
4. **Ensure labor law compliance and respect for workers at Domino's stores.**

Interview with Carlos, former Domino's worker & representative

"The boss fired me for demanding my rights. My coworkers and I, we decided to organize together and fight for better conditions. We want Domino's Corporation to take responsibility and change the bad conditions. They are not paying us the minimum wage, hours extra, reimbursing us for bikes and uniforms, giving us time off, and when we get into accidents on the job, they refuse to take responsibility. They should pay back the money and hours they robbed from us.

We deserve to be respected! We all have families and we deserve time to spend with our families and to take care of personal matters like anybody else. Instead, Domino's makes us work 11, 12, 13 hours a day. They think we're nothing but machines, that we have nothing else to do and all we do is work, work, work.

We want residents, students, people in the community, to be a part of our campaign and boycott Domino's Pizza. We need to work together to show everyone how Domino's treats its workers because they continue to exploit us. We need to encourage more workers to come forward and join us. We ask the community to support our boycott- working together is the only way we will be able to win justice."

Saigon Grill Must Go!

The goal of The Sweatshop Free Campaign is to create a sweatshop free zone in the UWS. As long as Saigon Grill, on 90th St. and Amsterdam Ave., remains open, unscrupulous business owners will think it is OK to operate sweatshops in our community!

In November 2010, workers at Saigon Grill rallied the community to launch a new boycott of the restaurant when the new owners decided to bring sweatshop conditions back. The community answered the call, coming to the picket line to stand with workers. Since then, Saigon Grill owners have shown us their true colors. Not only have they refused to resolve

the problem, they have taken many steps to mislead our community and promote sweatshops:

- Most recently, they have begun to use a different restaurant name, "SAGA," for delivery orders. Knowing many residents in the UWS support the ongoing boycott, this is a particularly disgusting move to trick its customers.
- They continue to violate labor laws, and they retaliated against workers who stood up for their rights.
- The National Labor Relations Board has filed a complaint against Saigon Grill for illegal firing.

Is Domino's Pizza really too bankrupt to pay its workers? Let's look at the facts:

- In 2011, Domino's Pizza made over \$6.9 billion in sales! online.wsj.com/article/PR-CO-20120611-903543.html?mod=crnews
- The CEO of Domino's Pizza, J. Patrick Doyle, was compensated \$6,348,151 in 2011. www.forbes.com/profile/j-doyle/
- Dave Melton, Domino's Pizza franchise owner, states on his website that each of his NY stores exceeds \$1 million in sales every year. His 4 NY stores made the most sales of all stores around the world, with annual revenue of \$6 million! www.hiretheamericandream.com/MeetDaveMelton.html and www.franchising.com/articles/big-apple-pie-dominos-franchisee-makes-it-in-nations-toughest-pizza-market.html

Domino's Pizza Corporation and franchise owner Dave Melton continue to rake in millions... it's time they pay

- Even though they assumed the former boss's debt of one million dollars when they bought Saigon Grill in 2010, to this day, they refuse to pay the debt to the former workers.

We can't let Saigon Grill escape responsibility. We must make our message clear - if you want to run a

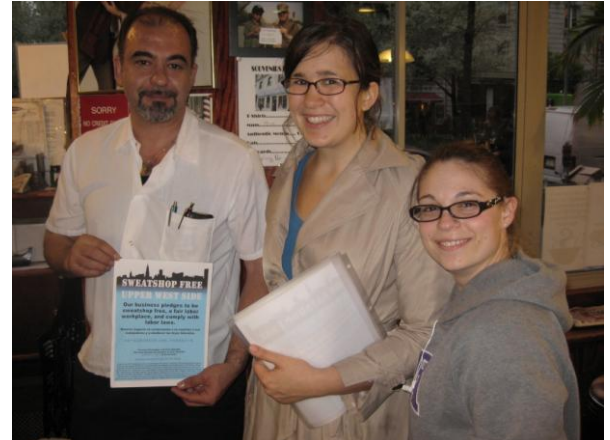
sweatshop, you have no business being in the UWS (or anywhere)! We call on all residents to help get this message out to everyone - Boycott Saigon Grill and join the picket line Wednesday-Sunday, 12:30-2pm and 6:30-8:30pm at 90th St. and Amsterdam Ave.

Café Frida, V&T Pizzeria, and Other Businesses

“Do the Right Thing” by Honoring their Pledge!

One year since the launch of the Sweatshop Free Campaign, over 60 businesses have pledged to follow labor laws and treat workers with respect. As recently as last summer, V&T Restaurant & Pizzeria, located on Amsterdam Avenue between 110th and 111th Streets, pledged to be a sweatshop free business. But delivery workers came forward to complain about sweatshop conditions at V&T and began to participate actively in the Saigon Grill picket and the Domino's Boycott. V&T eventually decided to do the right thing and stick to their pledge. We're happy to say that the conflict has been resolved and V&T now stands on our list of establishments setting a good example to other business owners.

Mr. Oscar Vazquez of Café Frida, another business who has joined the campaign, says “It is because of Café Frida's belief that we all affect the universe and that we can choose to affect it in a positive way that Café Frida chose to be part of the UWS Sweatshop Free Campaign. Our neighbors always make us feel part of their daily life through the favor of their preference and we consider it an obligation to give them something in return, not only through quality products, but also through creating friendly places, supporting local projects and institutions and treating our employees with respect and dignity, as every human being deserves.”



Delivering a Sweatshop Free Pledge.

The Sweatshop Free Campaign allows residents to make conscientious decisions about where we want to spend our money and get rid of sweatshops like Saigon Grill and Domino's Pizza while helping businesses like Café Frida thrive. In July, community members gathered together for another campaign Pledge Day, where we collected seven more pledges from local businesses promising to be sweatshop free. A current list can be found on sweatshopfreeny.tumblr.com. If your favorite local business is not on the list, ask them to sign! You can use the pledge form below and mail it in to get your favorite local business on our Wall of Fame. (You can also find a cover letter on the website).

Upper West Side Business Owners Pledge

This business pledges to maintain a sweatshop free business, be a fair labor workplace, and comply with labor laws.

Business Name _____

Owner or Manager Name _____

Business Address _____

Business Phone Number _____

Business E-Mail Address _____

Sponsor: Sweatshop Free Upper West Side Campaign

Please mail this pledge to:

Sweatshop Free UWS Campaign c/o 420 West 119 Street, #67 New York, NY 10027

By making this pledge, this business agrees to post notice about the Sweatshop Free UWS, and will be featured by the Sweatshop Free UWS as a sweatshop free business.