

**Testimony on the FY 2020-2021 Executive Budget Proposal
Workforce Development**

Presented before

Senate Finance Committee

Chair Liz Krueger

and

Assembly Ways and Means Committee

Chair Helene E. Weinstein

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Hearing Room B

Legislative Office Building

Testimony by Donna Liquori

Fight for Freelancers NY

Good morning. My name is Donna Liquori. I am a freelance journalist and writer based near Albany. I'd first like to thank the committee chairs Senator Krueger and Assemblywoman Weinstein for this opportunity. I'm here to represent myself as well as about 1,000 (and growing) members of an ad hoc grassroots organization called Fight for Freelancers NY. We are all New Yorkers, taxpayers and contributors to the state's economy. I'm here specifically to address the governor's budget proposal in section GGG to create a task force to make legislative recommendations to address the proper classification of workers.

Our group sprung up when word of measures resembling California's AB-5 were being considered for New York. AB5 was directed at the gig economy and independent contractors. It was supposed to target companies that were misclassifying and exploiting workers. It's been a disaster. Companies are simply dropping independent contractors rather than trying to understand the law. There have also been multiple lawsuits, including one by the American Society of Journalists and Authors.

Because AB5 was rushed into law, it has had dire consequences for many creative professionals and legitimate independent contractors. Whole arts organizations have been forced to close. Companies are blacklisting writers. Translators in communities where English is not the first language are being fired. Small theater companies are simply closing. New York has a chance here. A chance to do it right. We urge you to not repeat the mistakes that California has made. There is also federal legislation (HR 2474) in the US House of Representatives that will include an AB5-like component. There are no exceptions or carve outs and this federal bill would affect people like me, freelance writers, who wouldn't be able to meet the "B" prong.

Again, we believe New York has a chance to lead, to show both federal lawmakers and the country how to protect workers but also to not lose the vital participants in the creative economy, which makes up the vibrant fabric of New York. We know through a survey by the Freelancers Union that freelancers contribute \$31.4 billion in one year to just New York City's economy. And many freelancers report that they are happier than they were at traditional 9-5 jobs, which as a committee examining workplace development you may want to also look into.

Since we heard about New York's S6699A, introduced late last year, a very similar bill to AB5, we've been growing. We are writers, journalists, photographers, videographers, interpreters, musicians, artists, teachers, public relations professionals, political campaign workers, social media managers and more. We range from millennials to GenXers to Baby Boomers. We live all over the state. Many of us are women. Many of us have children or are quasi-retired and have chosen life as independent contractors or freelancers to have more flexibility and ownership in our careers, or to bolster retirement savings. Some of us are disabled and cannot work in a traditional job setting. I've been freelancing since I graduated college in 1988, including when I worked as a staffer for various employers. Freelancing helped me bring in extra money and to further my writing career. And when I needed to drive my daughter to a special school an hour

away, I decided to return to full-time freelancing so I could work in libraries or coffee shops while she attends school.

We've been meeting with our legislators and one of the striking things that we've all encountered is that many of them don't understand what freelancers and independent contractors do or how we work. We often get lumped into this term "gig economy," which for many of you means Lyft or Uber, maybe Amazon, maybe Postmates, which we believe you are targeting. Unfortunately, other companies are seeing the language for the ABC test and are simply cutting us off. We are becoming collateral damage.

While we recognize the need to prevent any worker from being exploited and we applaud efforts by both unions and lawmakers to prevent that, we know that there is confusion and misunderstanding about what freelancers do and how they conduct their businesses. We urge the governor to include actual freelancers in the discussions and on the task force as guidelines are created.

This is important because the work of freelancers is nuanced and difficult to understand if you haven't lived it. We need representation to ensure that this isn't another AB5.

Since November, we have taken the approach to reach out and build bridges, to educate everyone in power about who we are and our professions. In addition to our elected representatives, we have contacted and engaged labor unions, including the AFL-CIO, the Writers Union and our own Freelancers Union, as well as many organizations and associations.

Again, to recap, while we know the measures are directed at the so-called "gig economy," we fear many legitimate independent contractors will lose their livelihoods because businesses will not want to take risks. That fallout is already being felt with recent reports of businesses not hiring freelancers from the NY metro area due to these proposals. We ask that you include us in the process. Please reach out to our organization and other groups so that you completely understand who we are and what we do. And please give us a seat on this task force.

Thank you again for allowing me to submit testimony today.

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Freelancing in NY study:

https://www1.nyc.gov/site/mome/news/09102019-freelancing-in-ny-report.page?fbclid=IwAR10Vc_XEJMmYT9hHapmHyt-dPwfVldjwR9_72dGHfjaQXrZyqr4oCQAjA

ASJA statement:

<http://asja.org/ASJA-Statement-on-Freelancing-Legislation>