



# Local 338

# RWDSU/UFCW

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## ***Local 338 RWDSU/UFCW Testimony Before New York State Senate Cannabis Subcommittee***

Good afternoon, my name is Saul Guerrero, and I am here on behalf of Local 338 RWDSU/UFCW, where I serve as the Director of Cannabis Services. Local 338 RWDSU/UFCW is a bona fide labor union that proudly represents over 13,000 working New Yorkers in a variety of different industries. Amongst this membership are hundreds of workers employed in New York's cannabis industry in both medical and adult-use, along the full supply chain. Having represented cannabis workers since 2015, we have a unique perspective of the great potential for both the industry and future workforce.

Prior to the formation of any legal cannabis industry, we worked closely with advocates and policy makers, to ensure that workers were seen as a valued stakeholder in the conversation. We had heard cautionary tales from states that had led the way in developing regulated cannabis industries, that workers were often an afterthought, if thought of at all. As a result, the very people helping grow the industry were encountering unsafe and unsavory practices, including in some cases being paid in product. The goal was to ensure that a new and emerging industry in New York would not only create but guarantee high road employment, through the inclusion of a statutory requirement that all applicants and licenses adhere to a labor peace agreement (LPA) as an ongoing material condition of licensure, signaling their commitment to the rights of their workforce. LPAs protect the state's proprietary interests by prohibiting strikes or work stoppages, while language in the document also guarantees that an employer remains neutral toward a unionization campaign in the workplace, provisions governing access to the workforce by the union to ensure free and open communication without disrupting workers on the shop floor and card check recognition agreements, which ensure workers' choice is respected. This document is not a union contract and includes no language that addresses wages, benefits or hiring practices – it solely addresses guaranteed employer neutrality and respect towards unionization.

In the time between the passage of the Compassionate Care Act, the Marijuana Regulation & Taxation Act and today, Local 338 has been successfully engaged in organizing efforts to ensure that the jobs in this new industry set a standard for what cannabis careers can and should be, by providing family sustaining wages and benefits. We have negotiated union contracts that provide our members in the cannabis industry with guaranteed wage increases, full-time guarantees, paid time off, premium healthcare benefits for workers and their families, access to retirement savings, and the institution of safety committees, amongst other invaluable workplace protections. In states that have legalized cannabis but have not taken steps to ensure workers have a voice in the industry, this is not the standard. A quick search on any job search website will show that most positions in this industry are part-time and well below New York's minimum wage of \$15 an hour. Even here in New York, many emerging businesses may offer wages above the minimum wage, but do not yet provide health benefits, significant paid time off, or other fringe benefits.

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Our role is not merely about supporting those who are members of Local 338 RWDSU/UFCW, we along with our cannabis membership, uplift the voices of the full membership in the industry. A key to building a career in this industry is through access to training and education – if union jobs exist but communities cannot move into them, they might as well not exist. As a result, we have partnered with the Cannabis Workforce Initiative to promote training and opportunities to prospective workers across New York State, even prior to their employment in the industry.

Furthermore, we recognize that not everyone is an expert in the nuances of the day-to-day work of someone employed in the cannabis industry or how guidance issued by the Office of Cannabis Management could impact the responsibilities and tasks of front-line cannabis staff. We have eagerly engaged with the OCM to ensure an open line of communication so that the workers feel as though they have a direct line to agency staff to provide feedback, but also highlight the unique safety concerns workers experience on the job, resulting in language in the regulations that mandate access to PPE and safety standards, which have an impact far beyond unionized worksites.

It is critical that the Office of Cannabis Management continue their work in ensuring the spirit and intention of the labor peace agreement is adhered to both at the time of application and licensing, but ongoing. In recent months, there have been several news stories highlighting unscrupulous organizations posing as bona fide unions in other states including California and New Jersey, resulting in cannabis licensees having to cure their labor peace agreements or risk their licenses. We must remain vigilant in New York to prevent these entities from signing LPAs that do not protect workers, but also so cannabis businesses do not unknowingly enter into agreements that could jeopardize their licenses or are encountering unethical behavior, like organizations charging fees to secure these documents.

Local 338 RWDSU/UFCW commends the New York State Senate Cannabis Subcommittee for taking the time to engage with stakeholders across the cannabis industry, including advocates for the industry's workforce.

Thank you for your time.

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